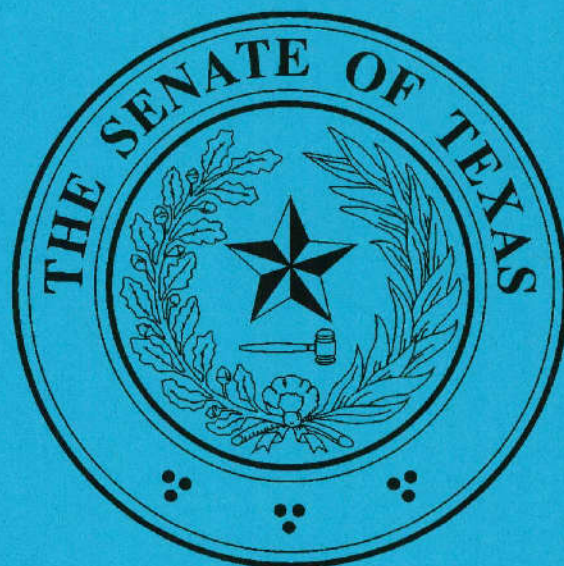


# **SENATE COMMITTEE ON CRIMINAL JUSTICE**

**Interim Report to the 86th Legislature**



**December 2018**

**Senator John Whitmire, Chair**



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SENATOR BRIAN BIRDWELL  
SENATOR KONNI BURTON  
SENATOR BRANDON CREIGHTON  
SENATOR SYLVIA R. GARCLA  
SENATOR BRYAN HUGHES  
SENATOR JOSE MENÉNDEZ  
SENATOR CHARLES PERRY



SENATOR JOHN WHITMIRE, CHAIR  
SENATOR JOAN HUFFMAN, VICE CHAIR

## SENATE CRIMINAL JUSTICE COMMITTEE

November 26, 2018

The Honorable Dan Patrick  
Lieutenant Governor of the State of Texas  
Capitol Building, 2nd floor

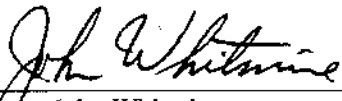
Dear Governor Patrick:


The Senate Committee on Criminal Justice submits its Interim Report in agreement with the Interim Charges that were issued following the 85th legislative session. The Criminal Justice Committee has thoroughly studied and gathered information on each charge and has compiled our findings and recommendations in the attached report. In compliance with your request, a copy of this report will be circulated to all senators and other interested parties.

The Committee was grateful to study such a broad and comprehensive range of issues affecting criminal justice in our great state. As you will see from the report, the Committee heard insightful testimony during the interim hearing from experts and stakeholders throughout the state. In response, we worked hard to make thoughtful recommendations that we are confident will facilitate fiscal and operational improvements in our criminal justice system.

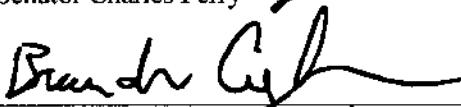
We are very appreciative of your leadership and support.

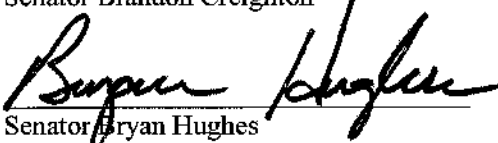
Respectfully submitted,

  
\_\_\_\_\_  
Senator John Whitmire  
Chair

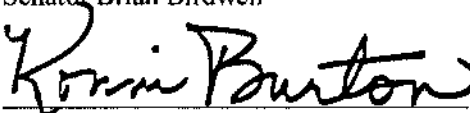
  
\_\_\_\_\_  
Senator Joan Huffman  
Vice Chair

  
\_\_\_\_\_  
Senator Charles Perry

  
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Senator Brandon Creighton

  
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Senator Bryan Hughes

  
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Senator Brian Birdwell

  
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Senator Konni Burton

  
\_\_\_\_\_  
Senator Jose Menéndez





**CHARLES PERRY**

TEXAS STATE SENATOR  
DISTRICT 28

November 27, 2018

The Honorable John Whitmire  
P.O. Box 12068  
Austin, TX 78701

Dear Chairman Whitmire,

Thank you for all your and your staff's hard work on the Criminal Justice Interim Report. I know that many hours of research, writing, and attention to detail went into this report.

I am pleased to sign the committee's report, however, I wanted to highlight two issues that are important to my district.

Rural counties often have limited resources as the result of smaller tax bases to implement legislation passed by the Texas Legislature. As the Sandra Bland Act and other criminal justice reforms are considered, it is my hope we look at funding streams for local communities to implement passed legislation.

In addition, I wanted to reiterate that it should be a continued priority for the state to expand civil and forensic beds space for individuals with mental health issues in rural areas.

Again, thank you for your hard work on this report and dedication to improving the criminal justice system in the State of Texas.

Sincerely,

Charles Perry  
Texas State Senator  
Senate District 28

COMMITTEES: AGRICULTURE, WATER & RURAL AFFAIRS, CHAIR  
CRIMINAL JUSTICE • HEALTH & HUMAN SERVICES • TRANSPORTATION

P.O. Box 12068 • AUSTIN, TEXAS 78711







**KONNI BURTON**  
STATE SENATOR • DISTRICT 10

November 28, 2018

Dear Chairman Whitmire,

Thank you for your leadership and work on this report. While I intend to sign this report, as I am in agreement with most of the recommendations presented, I would like to highlight some key issues of concern I have relating to certain recommendations.

Under Charge 4, recommendation 1 reads, "Continue efforts to increase public awareness on human trafficking and how to properly identify someone who is being trafficked."

While I am adamant that the state eliminate the horrific scourge of human trafficking, I would like to emphasize that increasing awareness of the problem must not take primacy over what should be the primary state activity in fighting human trafficking. The primary role of the state should be the aggressive policing, prosecution, and punishment of this criminal activity. While awareness can be a part of this aim, it should not be the focus of it.

Under Charge 4, recommendation 4 reads, "Expand access to housing by working with all stakeholders to develop additional opportunities for shelters and safe living spaces for victims of human trafficking."

I would urge the body not to expand state activity in this effort to the point at which it displaces the important work of the private sector in this arena. The private, religious, and non-profit sectors must lead in this regard. While I take no issue with the state encouraging these efforts, I do not believe it should be the state's role to develop or manage them.

Thank you again for your work on this report and for providing me the opportunity to voice my concern.

In Liberty,

A handwritten signature in cursive script that reads "Konni Burton".

Senator Konni Burton



## **Executive Summary**

### **Recommendations Interim Charge One**

*Study current reentry programs and procedures across Texas' adult criminal justice system and identify which are most effective. Review best practices and make recommendations to ensure that incarcerated individuals who are released from a county or city jail, state jail, or the Texas Department of Criminal Justice have adequate supervision and access to employment, housing, treatment, and other support programs to allow for successful reentry and integration into the community and to prevent recidivism.*

1. Encourage probation departments across the state to implement a similar standing program to that of Bexar County's Job Resource Fair, providing services and assistance in employment, housing, enabling access to technology, and other related reentry support.
2. Evaluate funding provided to Windham School District in order to provide continued education to individuals through the summer months and possibly into later evening hours.
3. Continue reentry programming efforts by TDCJ and maintain funding.

### **Recommendations Interim Charge Two**

*Perform a comprehensive analysis and study of the Texas state jail system. Examine the access to and use of rehabilitation, vocation, and education programs. Determine whether current programs are effective and if there are efficiencies that can be found to reduce recidivism and improve outcomes.*

It was apparent from the research of the Committee and the testimony received at the public hearing that the original goal of the state jail system at its inception in the 1990's has not reached fruition. Too little of this population of offenders are receiving quality treatment for their underlying substance abuse and mental health issues - either on the front end as part of services received through probation or while being incarcerated at our state jail facilities.

Therefore, through the insightful testimony of the witnesses and the research gained during the interim, the following recommendations are made:

1. Consider funding Community Supervision & Corrections Departments more robustly so that more resources can be focused on treatment and services for individuals.
2. Evaluate and explore means to incentivize probation so that more individuals are receiving treatment and services for substance abuse and mental health issues to address the high recidivism and re-arrest rates in this population.

3. Consider the elimination of 12.44(a) of the Texas Penal Code. This statutory sentencing option has become a means for an individual to serve time in county jail, while accepting a plea for a felony conviction and foregoing any kind of treatment or supervision to address treatment needs.
4. Examine Chapter 42A of the Texas Code of Criminal Procedure to identify if there are certain statutory fines and costs that can be eliminated from statute to allow for more flexibility and productivity for individuals being supervised on probation, thereby increasing the likelihood of successful completion of probation supervision.

### **Recommendations Interim Charge Three**

*Review current availability and best practices in the state regarding the use of telemedicine for inmates in city or county jail, state jail, or the Texas Department of Criminal Justice. Examine and make recommendations on whether access to care and outcomes can be improved through the expanded use of telemedicine for medical and mental health services, and whether expansion would create efficiencies. Examine barriers to implementation and expansion of telemedicine in correctional facilities.*

1. Monitor implementation of telemedicine on the state jail level via mandates in SB 1849 of the 85th Legislature.
2. Maintain funding to support the partnership of Texas Tech Health Services and University of Texas Medical Branch with TDCJ in their efforts to provide up-to-date telemedicine services.

### **Recommendations Interim Charge Four**

*Study opportunities to increase awareness of human trafficking through public awareness campaigns, among local officials, and within public school districts including the identification of potential human trafficking and stash houses as well as how and where to report. Examine the Human Trafficking Prevention Business Partnership Program at the Office of the Secretary of State and provide recommendations for increasing participation of Texas businesses in the fight against human trafficking.*

1. Continue efforts to increase public awareness on human trafficking and how to properly identify someone who is being trafficked.
2. Identify what barriers exist to business participation in the Secretary of State's Human Trafficking Prevention Business Partnership Program and make appropriate changes in order to increase participation.
3. Be inclusive of *all* Texans when raising awareness and increasing prevention of this state-wide epidemic.

4. Expand access to housing by working with all stakeholders to develop additional opportunities for shelters and safe living spaces for victims of human trafficking.

### **Recommendation Interim Charge Five**

*Monitor the implementation of legislation addressed by the Senate Criminal Justice Committee during the 85th Legislature and make recommendations for any legislation needed to improve, enhance, and/or complete implementation of the following:*

- *Senate Bill 12, Relating to the creation of a grant program to assist law enforcement agencies with the purchase of bulletproof vests and body armor;*
- *Senate Bill 30, Relating to the inclusion of instruction regarding interaction with peace officers in the required curriculum for certain public school students and in driver education courses and to civilian interaction training for peace officers;*
- *Senate Bill 1326, Relating to procedures regarding criminal defendants who are or may be persons with a mental illness or an intellectual disability and to certain duties of the Office of Court Administration of the Texas Judicial System related to persons with mental illness.*

1. Continue monitoring the progress of SB 12, SB 30, and SB 1326.

## **Interim Charge One**

**Identify Successful Re-Entry Programs:** Study current reentry programs and procedures across Texas' adult criminal justice system and identify which are most effective. Review best practices and make recommendations to ensure that incarcerated individuals who are released from a county or city jail, state jail, or the Texas Department of Criminal Justice have adequate supervision and access to employment, housing, treatment, and other support programs to allow for successful reentry and integration into the community and to prevent recidivism.

### **Introduction**

Yearly, the Texas Department of Criminal Justice (TDCJ) releases over 65,000 individuals, over half of which are subject to no supervision upon release. In the FY 2017, there were 67,335 individuals served by TDCJ reentry programs. For those individuals who require supervision, TDCJ operates a three-phased reentry program which is designed for the preparation of reintegration into communities. The three phases are delineated as: Phase I: Identification of Documents; Phase II: Assessment and Case Planning; Phase III: Community Case Management. TDCJ's Parole Division works closely with the Board of Pardons and Paroles (BPP) to ensure that individuals have the appropriate special conditions in place prior to release. Parole works in conjunction with the Windham School District and the Rehabilitations Programs Division to ensure individuals have completed necessary pre-release programming required by the BPP. Additionally, Parole coordinates with the Reentry and Integration Division in identifying individuals requiring special needs placement. These coordinated efforts have strengthened services and individualized care provided those releasing to communities.

Identification processing occurs once parole eligibility has been established. Reentry case managers assist in ordering identification documents for eligible individuals. For individuals coming from state jail or subject to Substance Abuse Felony Punishment (SAFP), this process happens upon arrival into TDCJ. Obtaining proper identification cards is the first step in securing housing and employment (among other services), which is a crucial building block for successful reentry. The Division's Verification and Identification Processing (VIP) unit is responsible for verifying, processing, and managing all identification documents as well as any vocational and training certificates received through the Windham School District. VIP also initiates weekly and monthly status eligibility reports through risk assessments which assist in identifying individuals who meet document ordering criteria, initiating Phase I for the Reentry process. In 2017, the Reentry and Reintegration Division provided 38,563 birth certificates and 43,378 social security cards, and as a result of these efforts, they submitted applications for 28,442 ID cards at point of release.

Assessment and reentry planning evaluate the criminogenic need and risk of reoffending for individuals to be released to parole. Individuals identified as moderate or high risk receive

individualized case plans that identify appropriate programming and determine goals and action steps towards success for each individual respectively.

Community reentry services are provided as Phase III and are available to those enrolled in Phase II pre-release, those referred by a parole officer, or those who refer themselves. Services are provided to assist with basic-needs resources such as clothing, food, education, employment, nutrition and health, housing, etc. As of 2017, 8,278 individuals were enrolled in Phase III programming.

The Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) provides a Continuity of Care program for the reintegration of individuals with special needs. Services include referrals to TCOOMMI vendors for case management and continuity of care services for medical and/or mental health related needs. For FY 2017 through TCOOMMI, 31,876 individuals received referrals for mental health services and 10,816 individuals received continuity of care referrals for medical needs.

In 2013, the State Legislature enacted HB 2719, relating to the collecting and reporting of information concerning parole, reentry, and integration. HB 2719 also mandated the jointly prepared annual report of TDCJ's reentry and integration division and parole division. This annual report is submitted to the Offices of the Governor, Lieutenant Governor, Speaker of the House of Representatives, the standing committees of the House and Senate primarily responsible for criminal justice legislation, and the Reentry Task Force. This report includes information and statistics about parole for the year in which it is issued and made available to the public. According to this report, the recidivism rate for offenders released to supervision in 2016 was 20.6%.

#### Invited Testimony

Senator Whitmire called the following three invited witnesses:

- April Zamora, Director, Reentry & Integration Division, Texas Department of Criminal Justice
- Dr. Clint Carpenter, Superintendent, Windham School District
- Melissa Portugal, Coordinator, Job & Resource Fair, Bexar County Community Supervision & Corrections Department

**April Zamora**, Director of the Reentry and Integration Division of the Texas Department of Criminal Justice, opened the invited testimony by presenting a current synopsis of the division. She stated that reentry starts at the beginning of the sentence by assessing individuals' needs such as education and determining how to prepare individuals to think forward to their release. Ms. Zamora noted that an integral part of the division's success is maintaining relationships with their partners, such as Windham School, Manufacturing and Agribusiness and Logistics, and Parole. Relationships are maintained, for example, by assessing what Windham School is doing for an individual and discerning how to incorporate that with an end result of reintegration.

Website For Work, which launched in January of 2018, currently lists 135 employers on their website. This program gives participating employers the opportunity to view candidates who are either coming onto parole or flat discharging and to potentially hire them on as clients. Currently, there are over 560 clients who have obtained employment. Job Fairs are another avenue in which the division and its partners come together to provide opportunities to connect individuals with future job prospects, with a current number of 1,000 employers participating at hiring events and job fairs. In addition, the reentry hotline (a toll-free 1-800 number) is available to those having difficulty in the reentry process: they are able to connect those individuals to employers. In terms of barriers to securing employment after release, Ms. Zamora stated that because of the aforementioned efforts and portals, employers are very willing to hire those with criminal records and the barrier to entry is very low.

In addressing the Chairman's concerns regarding the identification of areas needing improvement or attention, Ms. Zamora stated that reentry is a "system perfecting process, everyday" and that a main area of focus and adjustment should be determining individuals' needs for rehabilitation while they are in the system and before they release to parole. Ms. Zamora identified the main challenge of reentry as housing. When asked whether or not the funds available to the department are sufficient, Ms. Zamora pointed towards aid received from several federal grants, and that the division actively seeks obtaining future grants.

**Dr. Clint Carpenter**, Superintendent from Windham School District, addressed the overall state of their department, leading with the notion that job-ready skills are Windham's first priority, as skill-acquisition is the top indicator for successful reentry. Windham has turned their focus away from service oriented, low wage jobs because the opportunity for individuals to excel beyond limited paygrades has significantly increased. Upon seeing the need for higher level vocational-skill level training in the STEM areas [define STEM?] and the vacancies in higher paying jobs, Windham began focusing efforts on training and certifying individuals for such positions. In consideration of an individual's ability to obtain employment with a criminal record, Windham School has selected four major certification areas that have a high employment rate for justice-involved individuals, which include plumbing, HVAC, truck driving, and electrical. Between 82%-88% of individuals who hold certificates in one of these four areas are able to obtain employment soon after release. Dr. Carpenter noted that partnering with employers who align with Windham's training and education criteria, which are designed to suit the needs for prospective employers, led to an increase in certifications and high paying job placements. In the year 2017, over 20,000 individuals completed some form of industry certification, with a combined total of over 30,000 certifications acquired.

Individuals with the highest likelihood of recidivism are intentionally targeted for programming by Windham School, as are individuals with no job skills and the lowest academic gains. Windham School programming is available to all offenders with appropriate custody levels. Dr. Carpenter mentioned that individuals who participate in Windham School and obtain training certificates are



employed much faster than those who do not. Additionally, participants are paid 30% higher wages (per quarter) and 70% keep their jobs longer than those who do not participate in programming. Recidivism numbers at this point are difficult to calculate, as these changes have begun implementation three years prior.

For those with the lowest levels of education, Windham School offers four levels of basic education classes with the lowest being an introductory reading class. The three main programs' (Literacy 1,2,3) goals are that no one leaves prison without the basic ability to read and write. On average, there are approximately 35,000 students enrolled in academic programming, with 25,000 enrolled in Literacy 1 and Literacy 2. In addition, approximately 10,000 individuals are in GED classes, with 5,000 GED's obtained yearly (making Windham School the largest GED granting entity in the state of Texas). The remaining are either in vocational or life skills classes.

At this time, some of the certifications and classes are only offered on male units because of the equipment needed to facilitate instruction. When asked how many of those who received certifications were women, Dr. Carpenter stated 5,799. Windham School increased female industrial certifications by 580% within the last five years. Programs offered to females have increased 109%. Currently there are twenty-two types of programs offered to females and forty-two offered to males, but Windham School is attempting to change this. They have expanded programs for truck driving, HVAC, and welding. Automotive certifications are not available to females, although Windham is trying to change this as well.

In regard to improving the educational skills for the majority of individuals incarcerated in TDCJ, the Chair pointed out that on average a majority of individuals released come out of Windham with an education one grade level above where they entered. Dr. Carpenter added that the average student for Windham has a fifth grade, sixth month reading level and a fifth grade, fourth month math level, and he confirmed that the majority of individuals coming out of TDCJ leave at most one grade level higher than when they arrived.

A major challenge addressed by Dr. Carpenter is the struggle to get services quickly to individuals with very short sentences in the state jail system. Due to the limited amount of time coupled with the average low baseline levels of education, progress is difficult. Summer school is provided, which targets all individuals on the unit (reaching 6,000 - 9,000 more students a year), including those with learning disabilities and those with the highest needs. A concern for Dr. Carpenter is the lack of funding for summer courses, which he noted is one of their requested exceptional items in their Legislative Appropriations Request, along with more funding in order to expand female programming.

Next, **Melissa Portugal**, Coordinator for the Job & Resource Fair and Program Analyst of Bexar County Community Supervision and Corrections Department, spoke on reentry efforts. Upon identifying barriers to entry in 2015, the county began conducting in-house job fairs, which

alleviated stress from individuals seeking to gain employment and provided a space for employers looking to fill vacancies.

Currently, job fairs are held on an annual basis, and due to their success, the department is looking to increase the frequency to semi-annually. Initially, there were 19 vendors participating in their job fair, and in March of 2018 there were 54 individual participation requests from vendors. The program's efforts are focused on anyone with reentry needs, and are utilized by those on probation, parole, those coming from the Federal system, and justice-involved veterans and civilians. There is no cost for participation to vendors, and it is emphasized that participation in such events is done so by employers who are willing and actively seeking to hire justice involved individuals.

In addition to resources such as vocational skills and adult basic education for those unable to get their GED, participants can collaborate with partners who help place individuals into vocational training and assist them in finding funding to pay for their training. Laptops are also present at the job fair and assistance is provided for those needing to fill out job applications via the web.

Unemployment has decreased by 1% in what Ms. Portugal calls a 'significant population,' and full-time employment has increased by 2%. A majority of participating vendors are repeat participants who frequently request that individual recruitment events be set up. These typically take place once a month. The job fair, which aims to employ individuals in high-paying jobs with promise of vertical movement, primarily offers non-service industry positions. Currently, the highest salaries start at \$50,000, whereas the lowest are closer to \$12/hr. Several employers participating in the program offer wrap around services, meaning they find funding to provide supplies, a rideshare program, and/or apparel needed for employment. Offering these services indicates that the employers truly understand the needs of the population with which they are working.

When asked if the division had the ability to instruct other counties on how to set up their own model, Ms. Portugal noted that she would be able to construct those materials if necessary, and the committee encouraged Ms. Portugal's participation in events around the country that shed light on the success of the program.

#### Public Testimony

Public Testimony was given by Tiffany Sauls, who asked general questions on rehabilitative services offered to individuals who are in Administrative Segregation in order to manage any mental health issues that may arise due to that housing. The committee agreed that this is an issue that needs attention. Next Lauren Johnson with the ACLU of Texas spoke on her experience of reentry and on being pregnant while incarcerated. She mentioned how an opportunity at probation would have positively impacted her recovery. She mentioned barriers to reentry, stating it was easier for her to buy a home than rent one, which made reentry extremely difficult. She discussed how TDCJ had made improvements on obtaining identification documents for those releasing, but that there is much work to be done in this area. In addition, she told the committee how small

tweaks like managing appropriate medications while incarcerated in TDCJ and giving an appropriate amount of medication upon release aids in the stabilization of an individual and assists them in their recovery. Dr. Charles Jones spoke on his reentry efforts volunteering in the faith-based dorm in Huntsville and best practices that should be utilized in dealing with reducing recidivism.

#### Recommendations

1. Encourage probation departments across the state to implement a similar standing program to that of Bexar County's Job Resource Fair, providing services and assistance in employment, housing, enabling access to technology, and other related reentry support.
2. Evaluate funding provided to Windham School District in order to provide continued education to individuals through the summer months and possibly into later evening hours.
3. Continue reentry programming efforts by TDCJ and maintain funding.

## **Interim Charge Two**

**State Jail Review to Improve Outcomes:** Perform a comprehensive analysis and study of the Texas state jail system. Examine the access to and use of rehabilitation, vocation, and education programs. Determine whether current programs are effective and if there are efficiencies that can be found to reduce recidivism and improve outcomes.

### **Introduction**

The state jail felony category of offense in our Penal Code was born out of the 73rd legislative session and became effective in September 1994. It created a new category of felony offense in Texas, primarily focusing on property crimes and lower-level drug offenses by reclassifying certain Class A misdemeanors and third degree felonies with the goal of focusing on treatment efforts for this population. An individual charged with a state jail felony faces between six months and two years confinement in a state jail facility. Unlike higher categories of felonies, there is no parole supervision for this category of individual. However, after the 82nd legislative session, some individuals in state jail may be awarded diligent participation credit by their sentencing judge. Those convicted of a state jail felony after September 1, 2011 may be eligible for time credit based on diligent participation in work, vocation, education and/or treatment programs.

Currently, there are 17 state jail facilities - 14 operated by the state and 3 operated privately. In addition to permitting housing for traditional state jail felony offenders, the law also allows for offenders sentenced to an institutional division within the Texas Department of Criminal Justice to spend time in transfer status in state jail facilities. Currently, there are approximately 7,000 individuals in state jail with felony offenses and 14,000 transfer individuals housed in facilities.

### **Invited Testimony**

Senator Whitmire called the following four invited witnesses:

- The Honorable Margaret Moore, Travis County District Attorney
- Bryan Collier, Executive Director, Texas Department of Criminal Justice
- Dr. Teresa May, Director, Harris County Community Supervision & Corrections Department
- Roxane Marek, Director, Wharton County Community Supervision & Corrections Department

**Bryan Collier** testified first, providing an overall review of the state jail system. There are currently 17 state jail units within the Texas Department of Criminal Justice (TDCJ) that house approximately 7,000 individuals. Of that population, 43% had never previously been incarcerated in a TDCJ facility. He further stated that the average length of stay for an individual at a state jail facility was 5.5 months, with the total amount of time in custody being 10 months. Mr. Collier explained that most individuals in state jail discharge completely from TDCJ's custody since there

is no parole mechanism for that population. Of the state jail population, on average 47% earn diligent participation credits for participation in vocational and educational programming, which can reduce the length of an individual's sentence up to 20%.

Mr. Collier further stated that over the last 10 years there has been a significant decline (39%) in the overall number of individuals in state jail. The committee contributed this was likely the result of many individuals choosing to be punished under 12.44(a) of the Texas Penal Code, which allows for a defendant to take a felony conviction on a state jail felony level offense but serve their time in the county jail just as they would on a misdemeanor level offense. Mr. Collier also provided information regarding the demographics of the current state jail population, stating that 24% of the total population were females, compared to 8% of the general prison population, and that the racial/ethnic breakdown was as follows: 45% Caucasian, 26% African American, and 28% Hispanic. Mr. Collier stated that 22% of incoming state jail individuals identify as having some mental health issue and are handled with that focus in mind. In concluding his testimony, when asked what recommendation Mr. Collier had for better serving the state jail population, Mr. Collier said due to the fact that 65% of the population are assessed as chemically dependent, he would recommend the legislature focus on the treatment needs of those individuals.

**Travis County District Attorney Margaret Moore** was next to testify. Ms. Moore stated that as an incoming elected District Attorney, she was surprised to find that the largest amount of felony criminal cases filed in Travis County in the year prior to her taking office were Possession of Controlled Substance less than one gram, which are classified as state jail felonies. Ms. Moore found from her prosecutors that often times defendants were opting to plead guilty and accept 12.44(a) time rather than probation, meaning they were not getting treatment for the underlying substance abuse issues. She also relayed that lower level drug cases are consistently lower priority on a court's docket as compared to more serious, violent felonies.

In response to these observations, Ms. Moore created a State Jail Court on June 1, 2018. The focus of this specialized docket is Possession of Controlled Substance less than a gram cases and Theft Third Offender cases - both State Jail felony level offenses. As of the date of the hearing, 364 cases had been transferred to the newly formed State Jail Court. One of the goals of this new initiative is to have these cases centralized on one docket to help ensure consistency amongst dispositions and also to incentivize probation. She reported that after three months of operation, 95% of cases had been disposed as misdemeanors with most of the defendants opting for county jail time. She ensured they are still working on options to better incentivize probation for this population. Ms. Moore suggested the legislature focus budget resources for probation departments so more treatment can be provided up front.

**Roxane Marek** was then called upon to testify on her state jail perspective as the Director of the Community Supervision & Correction Department for Wharton and Matagorda Counties. Her jurisdiction covers approximately 2,200 square miles with an estimated population of 78,000. Her department is currently supervising approximately 1,200 cases, over 700 of which are felony-level

offenses. She stated that 25% of her caseload is state jail felony-level offenses, which ends up amounting to approximately 90 cases per year. Ms. Marek noted the size and demographics of Wharton and Matagorda Counties being similar to half of the jurisdictions in Texas.

When asked about what challenges she faces in managing her probation population, Ms. Marek responded that a lack of resources due to budgetary constraints and a lack of treatment providers in her geographical area are her greatest barrier. In addition, she said it is often hard for probationers to travel far distances to available providers because there is no public transportation or alternative means of transportation in her rural communities. She stated that as a result her department is exploring the use of technology to aide them in this area.

When discussing supervision with the committee members, she stated that monthly supervision fees tend to be \$60 per month, which is standard for most departments in the state. When asked whether judges in her jurisdiction were revoking individuals for failure to pay fines and fees, Ms. Marek stated it was very rare, but she agreed that supervision fees were often difficult for probationers to pay. When questioned about probation departments financially depending on the supervision fees they receive for overhead of running their departments, Ms. Marek stated that she knows some departments may be relying too heavily on supervision fees as a funding source and suggested it is unreliable and that the state should consider funding probation departments more robustly in the future.

**Dr. Teresa May**, Director of Community Supervision & Corrections in Harris County and also representing the Texas Probation Association, testified next. Senator Whitmire opened the discussion by raising the issue of individuals commonly pleading to jail time on misdemeanors and prison time on felonies instead of probation due to the high costs of probation and the difficulties in satisfying all of the requirements of typical probation sentences.

Dr. May noted the extremely large size of her Department and the correlated costs with running such a large organization. She stated that at any given time an estimated 45,000 individuals are being supervised on misdemeanor and felony probations in Harris County, with a staff of just under 700 total employees. Dr. May agreed that fees assessed are a challenge to the average probationer but stated the reality is that they do contribute to helping fund their department. In the absence of fees, the department would hire fewer staff resulting in larger caseloads per probation officer. Dr. May encouraged looking more closely at the fees in statutes because the monthly fee is only one of many in statute and they can be overwhelming for probationers. Later in Dr. May's testimony, she testified that her Department collects approximately 40% of the fees assessed but reiterated to the committee that Judges are not revoking defendants for failure to pay fees, fines, and court costs.

In evaluating the state jail population, Dr. May focused on re-arrest rates. She stated jail cases linger on court dockets because often times more serious cases take priority. This leads to defendants accruing back-time credit in jail and pleading out under 12.44(a) in exchange for short amounts of jail time. Because of their accrued back time, these individuals often end up releasing

from custody with little to no additional time spent in jail, leading this population to having higher re-arrest rates. To help address this issue they have started a new project in Harris County spurred by the MacArthur Foundation grant that the county applied for three years prior. In the planning phases of that grant, Harris County criminal justice stakeholders studied the Harris County jail population and evaluated how the daily jail population could be reduced. At that time, 29% of the daily jail population was there on state jail felonies, with over half of them being drug cases. In addition, they found that 64% of individuals were sitting in jail at the time of disposition. Their data also showed that racial disparity and mental illness were significant in the state jail population.

With an aim to address these issues, Harris County created a centralized docket called the Responsive Intervention for Change (RIC) Docket. The RIC Docket is presided over by Judge Brock Thomas for all lower level drug cases (Possession of Controlled Substance less than one gram and Possession of Controlled Substance between one and four grams), as well as all felony prostitution cases. She stated that one key element of the RIC court is that a good number of defendants are released presumptively on PR bonds, meaning less are sitting in jail at the time of disposition. Dr. May referred to the data in her written testimony regarding the 70% re-arrest rates of the higher risk state jail and county jail population, stating that the use of 12.44(a) is a significant problem. The committee commented that the statute's intent was to reduce prison population when it was implemented in the 1990's and the idea of repealing the 12.44(a) statute was suggested since it doesn't appear to be addressing its original intended goal. Dr. May stated that in RIC court, neither the Judge nor the prosecutors offer 12.44(a), and instead offer pretrial interventions or deferred adjudications with the aim of getting treatment for the offenders. However, she pointed out there is still a portion of the defendants opting out of the program, so they can plead to 12.44(a). Dr. May said that before RIC court started, their research showed that 79% of state jail offenders were opting for county jail time or state jail time: Harris County accounted for 26% of all state jail commitments in 2014. She reported there has been a drastic change in those numbers since the inception of RIC court. Now approximately 85% of court participants are taking pretrial interventions or deferred adjudications, as opposed to approximately 21% before the project. She stated that Harris County is projected to account for only 14% of state jail commitments in 2018.

When inquired about services the probationers are receiving through this program, Dr. May emphasized the need for treatment based on the TRAS validated risk assessment. She said the keys for successful treatment are getting defendants assessed quickly and placed into treatment as soon as possible. Dr. May recognized Senator Huffman for her help in obtaining some additional diversion funding last session which her department relies on for diversion. However, due to the large number of probationers awaiting treatment, she stated she has to utilize wait lists but is overall very encouraged by the quality treatment they are receiving.

Dr. May also pointed out the increase in the number of probationers participating in their pretrial intervention program, which allows for a dismissal upon successful completion of the one-year

program. There have been approximately 2,000 participants since its inception in 2016, with a 91% successful completion rate.

At the conclusion of Dr. May's testimony, concerns were raised about a recent trend in Harris County of outsourcing and housing individuals in the Harris County Jail system in contract facilities in Louisiana. Often times this happens without notice to the individual's family or lawyer and comments were made on the injustice that results from such a practice.

#### Public Testimony

Terra Tucker provided public testimony. Ms. Tucker is the Texas Policy Director for the national organization Alliance for Safety and Justice. Ms. Tucker testified that through her work with her organization she had the opportunity to visit multiple state jail facilities over the summer. Her conversations with the offenders highlighted many of the problems within the state jail system. She stated many complained about probation being too burdensome in cost and the difficulty in satisfying all of the requirements of probation, leading many to accept state jail time as an alternative.

Ms. Tucker recommended several suggestions to foster positive change for the state jail system, including eliminating 12.44(a) as an option for sentencing, evaluating the term lengths of probation sentences and developing ways to incentivize probation so that more individuals can receive treatment.

#### Recommendations

1. Consider funding Community Supervision & Corrections Departments more robustly so that more resources can be focused on treatment and services for individuals.
2. Evaluate and explore means to incentivize probation so that more individuals are receiving treatment and services for substance abuse and mental health issues to address the high recidivism and re-arrest rates in this population.
3. Consider the elimination of 12.44(a) of the Texas Penal Code. This statutory sentencing option has become a means for an individual to serve time in county jail, while accepting a plea for a felony conviction and foregoing any kind of treatment or supervision to address treatment needs.
4. Examine Chapter 42A of the Texas Code of Criminal Procedure to identify if there are certain statutory fines and costs that can be eliminated from statute to allow for more flexibility and productivity for individuals being supervised on probation, thereby increasing the likelihood of successful completion of probation supervision.



## Interim Charge Three

**Charge Three: Telemedicine in Correctional Facilities:** Review current availability and best practices in the state regarding the use of telemedicine for inmates in city or county jail, state jail, or the Texas Department of Criminal Justice. Examine and make recommendations on whether access to care and outcomes can be improved through the expanded use of telemedicine for medical and mental health services, and whether expansion would create efficiencies. Examine barriers to implementation and expansion of telemedicine in correctional facilities.

### Introduction

Telemedicine is the practice of teleconferencing between a patient and healthcare professional in order to provide care. Telemedicine makes the provision of healthcare possible over long distances and to areas in which specified care may not otherwise be provided. Many advancements in telemedicine have been made over the last decades; enabling immediate visual and audio access to specialists and healthcare professionals at the touch of a button.

In 1994, in response to the increasing costs and challenges of providing healthcare within TDCJ, the 73rd Legislature established The Correctional Managed Health Care Committee (CMHCC) to oversee the development and policies of correctional healthcare. Texas Tech University Health Sciences Center (TTUHSC) and Texas Medical Branch at Galveston (UTMB) are partners with TDCJ as the agency's healthcare providers: UTMB oversees this partnership. In 1994, both universities implemented the utilization of telemedicine to individuals within TDCJ facilities. Each university is responsible for their respective telemedicine services and the management of their Electronic Health Records (EHR). In 2017, this partnership proved to be the largest non-military telemedicine network in the United States, with over 120,000 telehealth encounters. According to information provided by TDCJ, UTMB is responsible for approximately 80% of services provided to individuals, with Texas Tech University providing the remainder. Telemedicine is utilized for primary care, mental health, and specialty care by both universities. Prior to the implementation of telemedicine in TDCJ, transportation of individuals from TDCJ facilities to receive medical attention cost the taxpayers anywhere from \$200-\$800/individual. From 1994-2008, the estimated cost-savings of the use of telemedicine was approximately \$780 million.

UTMB staffs 53 employee providers, 34 mid-level practitioners, and 19 physicians. In the FY 2017, UTMB conducted 156,040 telemedicine encounters, with the greatest of those classified as Primary Care (60,396), and the second most frequent encounter being Mental Health related (53,230). The estimated cost saving attributed to UTMB's telemedicine capabilities is \$5 million annually. Over the next 5 years, UTMB's expected expansion of telemedicine use is 5%-8%.

Texas Tech University services are provided by a network of over 25 telemedicine providers. In the FY 2017, TTUHSC's network conducted 10,860 telemedicine encounters, with the greatest of those being classified as Mental Health related (10,257), and the second most frequent being

Primary Care (331). TTUHSC's telemedicine estimated cost saving is reported as \$1.28 million annually. From FY 2017-2018, TTUHSC expanded its use of telemedicine by 50% and seeks to continue its expansion.

There are several general advantages of the use of telemedicine, especially within correctional settings. Human and facility resources previously utilized for assisting with the health care process of individuals are redirected toward their original intent of maintaining a safe and secure environment, thus increasing safety while also increasing medical care. Access has increased to highly trained and skilled physicians that may otherwise be less willing to offer their services inside a correctional facility, allowing for increased individual attention during sessions as well as higher quality of care. Crucial access to mental health professionals is accessible via telemedicine, even in remote areas where the county or region has little to no psychiatric clinics/physicians.

Upon the closure of the 85<sup>th</sup> Legislature, Governor Greg Abbott signed into law SB 1849, also known as The Sandra Bland Act. One of the requirements of the legislation mandated that county jails:

1. give prisoners the ability to access a mental health professional at the jail through a telemental health service 24 hours a day; and
2. give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day, or if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional.

By September 1<sup>st</sup>, 2020, all counties in the state must comply with the above requirements. Kendall County Sheriff Al Auxier attended as invited testimony to speak on behalf of this implementation on the part of county jails and Kendall County specifically.

#### Invited Testimony

Senator Whitmire called the following two invited witnesses:

- Dr. Lanette Linthicum, Director, Health Services Division, Texas Department of Criminal Justice
- Al Auxier, Sheriff, Kendall County

**Sheriff Al Auxier** is in the 6<sup>th</sup> year and second term of Sheriff of the Kendall County. The county's jail's capacity is 60 but is currently housing individuals outside of the county and has been doing so for several years, bringing the total occupancy to 86. Construction for a larger facility is under way. A nurse provided by TDCJ is on staff and handles all health-related issues that arise, triaging any cases that need to be addressed either by an outside hospital or emergency room.

Sheriff Auxier stated that the mental health system is broken not only in Texas but in the country. Dealing with mental health issues of individuals in his jail on a daily basis, he realized quickly into his term of first being Sheriff that a majority of people seeking help for mental health issues cannot

receive it unless they are first arrested, adding that even after arrest a majority are not receiving the help that they need once incarcerated. Upon recognizing this issue and after being unable to identify any network of mental health resources available to local county jails, he reached out to the local mental health authority to establish a relationship which he deemed crucial for the welfare of the individuals within his care.

In 2016, a program was brought to his attention by the local mental health authority which could provide telepsychiatry at no cost to the county or the Sheriff's office. They began using the system which is provided by an out of state company that aids in identifying individuals in need of mental health services upon entry to the county jail. Sheriff Auxier began utilizing the system in order to secure needed prescriptions (a majority for anxiety and depression) for individuals who needed them. When concerns were voiced as to the out-of-state partnership and potential lack of oversight, Sheriff Auxier noted that his nurse on staff verifies and checks on medications and prescriptions prescribed to individuals. In a region of 19 counties, Kendall County is 1 of 9 utilizing this system.

The service has minimized tensions for those who are incarcerated and experiencing a mental health crisis, therefore improving jail environments for everyone. Sheriff Auxier commented that the funding provided by the grant (which is the catalyst for this service) will no longer be available by the end of December. The chair commented on the importance of the continuation of this program and of the necessity for the Legislature's involvement in making sure that this cost-effective system stays active.

**Dr. Lanette Linthicum**, Director of the Health Services Division for TDCJ, spoke on the differences regarding telehealth and telepsychiatry, noting the latter being a possible component of telehealth. Upon the implementation of telemedicine in the early 90's, Dr. Linthicum described a technology with a slow frame and poor visual and audio components, making proper diagnosis difficult. Higher costs made funding challenging. In contrast, equipment today ranges from \$1,500-\$8,000 per unit, improvement with internet speeds, higher picture quality and better audio have vastly increased the quality of care.

In 2004, the Electronic Health Record (EHR) was initiated, enabling access to health records across all 104 units, 2 Intermediate Sanction Facilities, and Dell Hospital in Galveston, which allows for a seamless continuance of care. Dr. Linthicum highlighted different aspects of TDCJ's healthcare system, mentioning the relationship between UTMB and TTUHS, the 110-bed prison hospital located at the UTMB (the only of its kind in the country). TDCJ has 1,550 in-patient mental health beds and 1,208 out-patient, special mental health beds dispersed in several facilities throughout the state. Specialty programs for deaf, blind, and geriatric offenders also exist and specific care is provided for those individuals needing those services.

All units, including Intermediate Sanction Facilities, are equipped with telemedicine capabilities. Texas Tech provides a mobile telehealth technology that travels to their respective areas. All mental health practitioners are located in one of several hubs: Conroe, Sanford, Austin, and Clear

Lake. When asked about its effectiveness in TDCJ, Dr. Linthicum referred to the wide utilization of the practice of telemedicine throughout the country and is a proponent of its use and expansion.

Recommendation

1. Monitor implementation of telemedicine at the county jail level arising from mandates of the Sandra Bland Act from the 85th Legislature.
2. Maintain funding to support the partnership of Texas Tech Health Services and University of Texas Medical Branch with TDCJ in their efforts to provide up-to-date telemedicine services.

## Interim Charge Four

**Charge 4: Human Trafficking Awareness and Prevention:** Study opportunities to increase awareness of human trafficking through public awareness campaigns, among local officials, and within public school districts including the identification of potential human trafficking and stash houses as well as how and where to report. Examine the Human Trafficking Prevention Business Partnership Program at the Office of the Secretary of State and provide recommendations for increasing participation of Texas businesses in the fight against human trafficking.

### Background

Human Trafficking is modern-day slavery and is the exploitation of individuals through coercion or force for the use of labor, solicitation of services, or the engagement in sexual acts against their will. Neither coercion nor force is necessary to be present to qualify as cases of human trafficking when the individual is under 18 years of age. There is a common misconception in the visual appearance of someone who is being trafficked - human trafficking has many different faces throughout the United States and Texas and exists in our communities, schools, and neighborhoods. A trafficking victim is not always easily identifiable, which makes awareness and understanding an important tool to have as a citizen. Changes in a youth's behavior such as truancy from school, unexplained injuries, withdrawn behavior from social circles, an increased appearance in luxury items, etc., are signs to be aware of when identifying trafficking that may be easily overlooked. Awareness is a key component to decreasing instances of trafficking.

US agencies such as Homeland Security, the US Department of Justice, and many others have focused efforts to combat and address the national issue. According to the Texas Attorney General's office, there are an estimated 234,000 victims of human trafficking at any given time in Texas alone. Of those, an estimated 79,000 are youth or minors. According to the International Labour Organization 2017 report, there are an estimated 25 million people enslaved worldwide. The National Human Trafficking Hotline is available to anyone in the US and is a non-profit Non-Governmental Organization (NGO) whose aim is to provide services to victims and survivors of human trafficking. The number is toll-free and is operated every hour, every day of the year, providing services to individuals in over 200 languages. Funding for The National Human Trafficking Hotline is through the US Department of Health and Human Services and other private donors. Their number is: 1-888-373-7888.

Some of Texas' statewide efforts to combat human trafficking include The Governor's Child Sex Trafficking Team, Attorney General Human Trafficking Prevention Task Force, Central Texas Coalition Against Human Trafficking (Austin), North Texas Anti-Trafficking Prevention Task Force, Houston Area Council to Combat Human Trafficking, Human Trafficking Rescue Alliance, Heart of human Trafficking Human Trafficking Council, as well as many other victim service agencies.

Invited Testimony

Senator Whitmire called the following three invited witnesses:

- Andrea Sparks, Director, Child Sex Trafficking Team, Office of the Governor
- Briana Godbey, Manager, Legal Department, Business & Public Filings Division, Office of the Secretary of State
- Kathy Griffin, Founder, Our Roadway to Freedom Program

**Andrea Sparks**, Director of the Child Sex Trafficking Team (Office of the Governor), was called first and provided an overview of her department, created in 2015, and current efforts made by state agencies, non-profit advocacy groups, and the 24 local anti-trafficking coalitions and task forces which seek to prevent the trafficking of children and youth throughout Texas. Ms. Sparks' department partners with these agencies in order to enhance their efforts and effectiveness and continue to raise awareness.

In spite of these organizations' successful attempts at prevention, Ms. Sparks acknowledged that other issues still need further discussion. Educating Texans on how to properly identify victims of trafficking is of high priority. A study done by the University of Texas estimated approximately 79,000 adult trafficking victims in the state. Currently, a screening tool to identify victims of trafficking is being rolled out to the Child Probation Office, Texas Juvenile Justice Division, Special Investigators, and the Department of Family and Protective Services (DFPS). Specialized training is being provided in tandem to these agencies via Ms. Sparks' department. Upon identification of these victims, a plan of coordinated care will be provided. These efforts have already launched in Houston in the end of June 2018.

The chair acknowledged and appreciated the perspective and language used by Ms. Sparks in identifying trafficked individuals as victims, stating that this shift in perspective is a positive and important one. Also noting that the criminal justice system commonly approaches these victims as criminals, highlighting the fact that today there are over 300 women incarcerated in Texas for prostitution [is this a fragmented sentence?]. The chair acknowledged that it is time for the legislature and law enforcement to decide whether these trafficked individuals are victims or criminals, and to adjust perspectives and legislation accordingly.

Next **Briana Godbey**, Manager of the Legal Division for the Office of the Secretary of State, continued the discussion on human trafficking prevention. Ms. Godbey primarily discussed the current status of the Human Trafficking Prevention Business Partnership Program. The Program was established in 2015 via HB 2511, under §405.023 of the Texas Government Code and 1 Texas Administrative Code Chapter 90. The program's intent was to establish a partnership with corporations and private entities that were actively taking steps to fight against human trafficking. As required by the program, participants establish a zero-tolerance approach to human trafficking and ensure that employees comply with this approach by engaging in public awareness campaigns

and through education. The program provides guidelines which assist participants in understanding how to comply with a zero-tolerance policy.

Currently, there are six businesses participating in this program. When asked how to increase participation, Ms. Godbey noted roundtables were recently held in order to address this issue. Through these roundtables, it was identified that specific language used in the program's rules may be disincentivizing participation of businesses, noting additionally that mandatory training of employees on human trafficking may be too burdensome to potential participants. Ms. Godbey stated that the program has been working closely with Ms. Sparks' department in order to raise awareness of its existence and identify tactics to increasing the reach of the program to industries identified as being catalysts to trafficking. In the near future, the program will be reconsidering additional administrative rules that may need improvement in order to increase desirability of participation while maintaining the integrity of the program. A tiered approach to participation is also under consideration; making the option available to businesses and corporations who are able to participate in different capacities. The committee thanked Ms. Godbey for their efforts and asked to be informed on any additional help the legislature may provide in order to increase program participation.

The committee continued the discussion of sex trafficking by hearing from **Kathryn Griffin**, Human Trafficking Director for Harris County, Precinct 1 (Self; Survivors of Sex Trafficking, Founder of Programs: Roadway to Freedom, and We've Been There Done That). Ms. Griffin outlined several problems with Texas' current approach to assisting and providing services for human trafficking victims. She also provided several recommendations that the legislature could proactively develop and implement.

Ms. Griffin stated that current victim-recognition assessments within the criminal justice system are not adequate. This is partially because victims are not charged with crimes directly pertaining to sex trafficking. Many other crimes camouflage sex trafficking, especially drug-related offenses. Victims out of fear very often take charges and take the blame for their traffickers' crimes. Ms. Griffin also explained to the committee that in her experience with this population, 90% of women criminalized for prostitution have experienced sexual trauma at some point in their lives, but because of stigmas related to sexual assault, they feel as if they cannot disclose this and do not seek necessary assistance. Many times, these individuals are not identified as victims of human trafficking and it is not identified until digging deeper into an individual's story.

Ms. Griffin shared with the committee some of her experiences as a victim of the commercial sex trafficking industry. She commented that her experiences during this time of her life enabled her to positively impact the lives and stories of those whom she helps through her programs. She stated that trafficking victims today do not necessarily receive the physical punishment and do not exhibit the outward signs that she experienced via broken bones and other physical abuse; making education in identifying trafficking victims an important step in addressing this issue.

Ms. Griffin commented to the committee that recidivism will continue if women don't have a safe space to go. Upon being released for parole, women fear going back to counties/hometowns where their traffickers live. In Ms. Griffin's experience, 72% of the women she advocates on behalf of are homeless. Not all women came from "projects"; many come from affluent homes but are subsequently turned away because of addiction problems.

When asked how to prevent trafficking on the front end, Ms. Griffin stated that if individuals were initially court ordered to come to programs like the ones that she runs, then the state would be taking proactive steps to prevent future recidivism. In reference to housing vouchers, it is a requirement that an individual have all appropriate documentation in order to qualify for housing. If an individual releasing from custody could acquire the proper documentation at the unit and time of release, this process would likely be more frequently utilized. The chair and Ms. Griffin discussed the benefit to an individual releasing from TDCJ into her programming for the continuum of peer-to-peer care.

Ms. Griffin discussed juveniles charged with prostitution, asking how the juvenile system is filled with young female "prostitutes," but why this is not considered sexual assault of a minor? She added that minors should not ever receive prostitution charges because they are unable to consent. Developing legislation that would "flip" who is a felon is an approach that Ms. Griffin strongly supports; rather than criminalizing the prostitute, criminalize the user. She also advocates for the removal of prostitution as a felony after four offenses. The chair identified the necessity for Ms. Griffin to train a team of people who can continue her practices. The chair also commented that stakeholders need to access her services, TDCJ needs to allow more access and continue Ms. Griffin's hands-on approach to rehabilitation.

#### Public Testimony

James Caruthers of Children At Risk spoke on their efforts to detail where illicit trafficking is occurring, in places such as massage parlors, and how close those locations are to schools and areas highly populated by youth. He mentioned their concerns of youth and students at public schools being exposed to sex trafficking and encouraged the training of school administrators on human trafficking and how to identify it. He recommended making property owners and landlords more accountable to the types of activities that go on in their establishments. Next, Allison Franklin spoke, representing herself as a survivor and the Texas Criminal Justice Coalition. She spoke on her experiences of being trafficked and reiterated the sentiment that continuum of care and individualized services are a key component to lowering recidivism and that barriers like housing are a serious issue. She also commented that transgender individuals tend to be left out of this conversation - having not been mentioned in other testimony - stating that this population is also affected by human trafficking and it is important that they are not overlooked. Ms. Franklin also spoke on the efforts that her programs via Sally's House (Salvation Army) are making.



Recommendations

1. Continue efforts to increase public awareness on human trafficking and how to properly identify someone who is being trafficked.
2. Identify what barriers exist to business participation in the Secretary of State's Human Trafficking Prevention Business Partnership Program and make appropriate changes in order to increase participation.
3. Be inclusive of *all* Texans when raising awareness and increasing prevention of this state-wide epidemic.
4. Expand access to housing by working with all stakeholders to develop additional opportunities for shelters and safe living spaces for victims of human trafficking.

## **Interim Charge Five**

**Monitoring:** Monitor the implementation of legislation addressed by the Senate Criminal Justice Committee during the 85th Legislature and make recommendations for any legislation needed to improve, enhance, and/or complete implementation of the following:

- Senate Bill 12, Relating to the creation of a grant program to assist law enforcement agencies with the purchase of bulletproof vests and body armor;
- Senate Bill 30, Relating to the inclusion of instruction regarding interaction with peace officers in the required curriculum for certain public school students and in driver education courses and to civilian interaction training for peace officers; and
- Senate Bill 1326, Relating to procedures regarding criminal defendants who are or may be persons with a mental illness or an intellectual disability and to certain duties of the Office of Court Administration of the Texas Judicial System related to persons with mental illness.

### **Invited Testimony**

**Reilly Webb**, Executive Director of the Criminal Justice Division of the Governor's Office, provided an update on the implementation of SB 12. Mr. Webb reiterated that SB 12 created a grant program within the Criminal Justice Division of the Governor's Office to allow local law enforcement agencies and DPS to purchase bullet resistant vests (Levels 3 and 4). The program was initiated in January of 2018 and his office released requests for applications on July 7 of that year. In response to their request, 452 applications were received. The Governor's Office funded all 452 applications, which will ultimately lead to the purchase of approximately 32,000 vests. Mr. Webb stated that to date, the program had issued \$22.9 million of the \$25 million appropriated for SB 12. The program will be releasing a second round of solicitations in December 2018 with the goal of expending the remaining amount of appropriated funds.

The committee asked what percentage of the applications thus far were coming from smaller/rural jurisdictions as opposed to larger, more urban jurisdictions. Mr. Webb referred to slide four of his written testimony that gives a geographical breakdown of the distributions and represented that the distribution has been well spread out throughout the state. Mr. Webb also verified that the purchased vests are the property of the law enforcement agency and not the individual officers. There have not been any Federal funds needed to supplement the program; all demand has been satisfied with the state funds appropriated from the original grant.

**Michael Antu**, Director of Special Services & Enforcement with the Texas Commission on Law Enforcement (TCOLE), testified next with an update regarding SB 30. Mr. Antu stated that TCOLE started working with Senator West's office in 2016 on this project and they formed a committee of various stakeholders to develop the curriculum specified by SB 30. The curriculum was released for public comment in June and the official curriculum was released August 27, 2018,

in advance of the September 1, 2018 deadline. Mr. Antu stated as of the time of the hearing, 349 peace officers had received the training as part of 21 separate classes, and there has been very good response to the training thus far.

**Shelly Ramos** with the Texas Education Agency (TEA) also testified on TEA's implementation of SB 30. Ms. Ramos noted that the video developed as part of the curriculum is being provided to all school districts in Texas and the agency is in the final stages of completing closed captioning for the video. She added that instructional resources will also be provided to the districts. Ms. Ramos relayed that the State Board of Education adopted rules in June requiring all districts to provide this instruction to students and that there has been good reception by the districts. Ms. Ramos informed the committee that school districts have flexibility with incorporating the curriculum where it fits best for individual schools, and that students will have a designation on their transcript for completing the curriculum.

Finally, **David Slayton**, Administrative Director of the Office of Court Administration and Executive Director of the Texas Judicial Council, provided an update on SB 1326. Mr. Slayton reminded the Committee that SB 1326 addressed two primary issues - mental health screenings at county jails, and competency restorations with the goal to reduce wait lists for state hospitals.

Mr. Slayton guided the Committee through the two flow charts offered with his written testimony. The first provided guidance on the mental health jail screenings. He explained that a jailer first fills out a jail screening form and checks with the local mental health authority to determine if the individual has prior documented mental health involvement. The screening form is then provided to a magistrate who determines if there is reasonable cause to believe the individual has a mental health issue. If that determination is yes, the magistrate orders an assessment be done so that appropriate action can be taken based on the assessment. If the mental health treatment can take place in the community, the magistrate is to release the individual from jail and order them into treatment if it can be done safely.

Regarding competency restoration, Mr. Slayton explained that while jail-based competency restoration was already in place for some counties, SB 1326 provides added options of jail-based competency. He stated that many counties have applied for funding for this option through various sources. In addition, he said there is added focus on outpatient restoration for Class B misdemeanor defendants. Finally, Mr. Slayton provided a report that shows the number of mental health assessments reported to OCA thus far. Based on the numbers, he relayed OCA believes there has been vast underreporting occurring and possibly under-assessing. He committed to working with counties to make sure they are in compliance with reporting requirements.

Recommendation

1. Continue monitoring the progress of SB 12, SB 30, and SB 1326.

**MINUTES**

**SENATE COMMITTEE ON CRIMINAL JUSTICE**

Wednesday, September 12, 2018 10:00

AM

Capitol Extension, Room E1.016

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Pursuant to a notice posted in accordance with Senate Rule 11.10 and 11.18, a public hearing of the Senate Committee on Criminal Justice was held on Wednesday, September 12, 2018, in the Capitol Extension, Room E1.016, at Austin, Texas.

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**MEMBERS PRESENT:**

Senator John Whitmire, Chair  
Senator Joan Huffman, Vice Chair  
Senator Brian Birdwell  
Senator Konni Burton  
Senator Brandon Creighton  
Senator Sylvia Garcia  
Senator José Menéndez  
Senator Charles Perry

**MEMBERS ABSENT:**

Senator Bryan Hughes

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The Chair called the meeting to order at 10:00 AM. There being a quorum present, the following business was transacted:

The Chair laid out and Senator West made opening remarks on the following interim charge:

***Vb. Monitoring***

Monitor the implementation of legislation addressed by the Senate Criminal Justice Committee during the 85th Legislature and make recommendations for any legislation needed to improve, enhance, and/or complete implementation of the following: **Senate Bill 30**, Relating to the inclusion of instruction regarding interaction with peace officers in the required curriculum for certain public school students and in driver education courses and to civilian interaction training for peace officers.

The Chair laid out the following interim charge:

***I. Identify Successful Re-Entry Programs***

Study current reentry programs and procedures across Texas' adult criminal justice system and identify which are most effective. Review best practices and make recommendations to ensure that incarcerated individuals who are released from a county or city jail, state jail, or the Texas Department of Criminal Justice have adequate supervision and access to employment, housing, treatment, and other support programs to allow for successful reentry and integration into the community and to prevent recidivism.

The Chair then called invited testimony (see attached witness list).

The Chair laid out and made remarks on the following interim charge:

***II. State Jail Review to Improve Outcomes***

Perform a comprehensive analysis and study of the Texas state jail system. Examine the access to and use of rehabilitation, vocation, and education programs. Determine whether current programs are effective and if there are efficiencies that can be found to reduce recidivism and improve outcomes.

The Chair then called invited testimony (see attached witness list).

The Chair laid out and made remarks on the following interim charge:

***III. Telemedicine in Correctional Facilities***

Review current availability and best practices in the state regarding the use of telemedicine for individuals in city or county jail, state jail, or the Texas Department of Criminal Justice. Examine and make recommendations on whether access to care and outcomes can be improved through the expanded use of telemedicine for medical and mental health services, and whether expansion would create efficiencies. Examine barriers to implementation and expansion of telemedicine in correctional facilities.

The Chair then called invited testimony (see attached witness list).

The Chair laid out and made remarks on the following interim charge:

***IV. Human Trafficking Awareness and Prevention***

Study opportunities to increase awareness of human trafficking through public awareness campaigns, among local officials, and within public school districts including the identification of potential human trafficking and stash houses as well as how and where to report. Examine the Human Trafficking Prevention Business Partnership Program at the Office of the Secretary of State and provide recommendations for increasing participation of Texas businesses in the fight against human trafficking.

The Chair then called invited testimony (see attached witness list).

The Chair laid out and made remarks on the following interim charge:

***Va. Monitoring***

**Senate Bill 12**, Relating to the creation of a grant program to assist law enforcement agencies with the purchase of bulletproof vests and body armor.

The Chair then called invited testimony (see attached witness list).

The Chair then called invited testimony on the following interim charge:

***Vb. Monitoring***

**Senate Bill 30**, Relating to the inclusion of instruction regarding interaction with peace officers in the required curriculum for certain public school students and in driver education courses and to civilian interaction training for peace officers.

The Chair laid out and made remarks on the following interim charge:

***Vb. Monitoring***

**Senate Bill 1326**, Relating to procedures regarding criminal defendants who are or may be persons with a mental illness or an intellectual disability and to certain duties of the Office of Court Administration of the Texas Judicial System related to persons with mental illness.

The Chair then called invited testimony (see attached witness list).

The Chair then opened public testimony on Charges II, I, III, IV, and Va., Vb., and Vc, respectfully (see attached witness lists).

The Chair moved that the public testimony be closed; without objection, it was so ordered.

There being no further business, at 4:32 PM Senator Whitmire moved that the Committee stand recessed subject to the call of the Chair. Without objection, it was so ordered.

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Senator John Whitmire, Chair

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Amanda Salazar, Clerk

***I. WITNESS LIST***

Criminal Justice

September 12, 2018 10:00 AM

Charge Five - SB 12

ON:

Webb, Reilly Executive Director (also providing written testimony) (Office of the governor, Criminal Justice Division), Austin, TX

Charge Five - SB 1326

ON:

Purilson, Columbia (Self), San Antonio, TX

Slayton, David Administrative Director (Office of Court Administration), Austin, TX

Charge Five - SB 30

ON:

Michael, Antu Austin (also providing written testimony) (Texas Commission on Law Enforcement), Director of Special Services & Enforcement, TX

Ramos, Shelly Curriculum Division Director (also providing written testimony) (Texas Education Agency), Austin, TX

Charge Four

ON:

Godbey, Briana Manager, Legal Division (also providing written testimony) (Secretary of State), Austin, TX

Griffin, Kathryn Human Trafficking Director (Self; Survivors of Sex Trafficking), Houston, TX

Sparks, Andrea Director, Child Sex Trafficking Team (also providing written testimony) (Office of the Governor, Child Sex Trafficking Team), Austin, TX

Charge One

ON:

Carpenter, Clint Superintendent (Windham School District), Huntsville, TX

Johnson, Lauren Criminal Justice Outreach Coordinator (also providing written testimony) (American Civil Liberties Union), Austin, TX

Jones, Charles (also providing written testimony) (Self), Huntsville, TX



Portugal, Melissa Program Analyst (also providing written testimony) (Bexar County Community Supervision & Corrections Department), San Antonio, TX

Sauls, Tiffani (also providing written testimony) (Self), Austin, TX

Zamora, April Division Director, Texas Department of Criminal Justice (also providing written testimony) (Texas Department of Criminal Justice), Austin, TX Registering, but not testifying:

ON:

Guzman, Bridget Assistant Chief (Bexar County Community Supervision and Corrections Department), San Antonio, TX

Levin, Marc (Texas Public Policy Foundation Center for Effective Justice), Austin, TX  
Smith, Reginald (Texas Criminal Justice Coalition), Austin, TX  
Smith, Reginald (Texas Criminal Justice Coalition), Austin, TX  
Justice Coalition), Austin, TX

### Charge Three

ON:

Auxier, Al Sheriff (also providing written testimony) (Kendall County Sheriff's Office), Boerne, TX

Caruthers, James Senior Staff Attorney (also providing written testimony) (Children at Risk), Houston, TX

Franklin, Allison (Self), Houston, TX

Linthicum, Lannette Director of Health Services Division (also providing written testimony) (Texas Department of Criminal Justice), Huntsville, TX Registering, but not testifying:

ON:

James, Carla Deputy Executive Director (Texas Department of Licensing and Regulation), Austin, TX

### Charge Two

ON:

Collier, Bryan Deputy Executive Director (also providing written testimony) (Texas Department of Criminal Justice), Huntsville, TX

Marek, Roxanne Director (Wharton/Matagorda County/ Texas Probation Association),  
Wharton, TX

May, Teresa (also providing written testimony) (Harris County CSCD), Houston, TX

Moore, Margaret Travis Co. District Attorney (also providing written testimony) (Travis  
County District Attorney), Austin, TX

Tucker, Terra Texas State Director (Alliance for Safety and Justice), Austin, TX

Registering, but not testifying:

ON:

Levin, Marc (Texas Public Policy Foundation Center for Effective Justice), Austin, TX

Providing written testimony:

ON:

Smith, Douglas Policy Analyst (Texas Criminal Justice Coalition), Austin, TX

## **The TDCJ Reentry System**

The Texas Department of Criminal Justice strives to ensure reentry efforts are implemented agency-wide with divisions working collaboratively to deliver programs and services aimed at assisting offenders upon release to the community. An extensive diagnostic and assessment process begins immediately upon receipt of an offender, to include obtaining personal and family history through interviews with the offender, completing a full physical and mental health assessment protocol, an automated inquiry conducted in cooperation with the Department of State Health Services to identify offenders who have been part of the public mental health system, criminal history checks and educational assessments conducted by the Windham School District. In addition to measuring educational achievement level, the Windham School District identifies offenders who must be educationally served through the special education program based on the Individuals with Disabilities Education Act and also verifies and documents offender accomplishments, including high school diplomas, general education diplomas or college credit and degrees.

During the intake process, the offender is also screened and assessed via the TRAS. This intake tool identifies criminogenic risk levels and this information can be used for programmatic placement throughout the remainder of the incarceration period. Information gained through various evaluations and assessments is used to develop an Individualized Treatment Plan (ITP) for each offender. The ITP helps guide program enrollment practices by displaying a need and priority indicator that is available for review by individuals making decisions regarding offender program placement. Programs available to offenders during their incarceration include: academic, career and technical education, post-secondary education, life skills, cognitive intervention, substance abuse treatment, sex offender treatment and faith-based programming. In addition, thousands of volunteers supplement the programming provided by TDCJ, Windham School District and contract staff.

## **Reentry and Integration Division and Parole Division**

Each year, over 65,000 offenders are released from the TDCJ with nearly half of that number not subject to any supervision requirements. All offenders are provided with a resource referral pamphlet at the time of release which lists organizations that assist with health care, social services, substance abuse, veteran specific needs, employment and support systems. During FY2017, 146 Reentry and Integration Division case managers provided pre-release, special need and releasing services; an additional 53 case managers provided post-release services to offenders across the state. Services are provided through a three phased program designed to assist offenders in preparation for successful return to the community upon release from the TDCJ. In addition to the three-phased program outlined below, offenders are provided a toll-free reentry hot line number upon release which allows them to contact the Reentry and Integration Division for additional assistance and referrals. This hotline is answered by dedicated reentry staff trained to address the variety of needs that may arise post-release.

**\*Phase I – Identification Document Services:** During Phase I of the Reentry Program a reentry case manager assists eligible offenders in ordering identification documents. For prison sentenced offenders, at time of initial parole eligibility a replacement social security card, certified birth certificate and military service record (DD-214), if applicable, are ordered. For state jail and Substance Abuse Felony Punishment (SAFP) offenders, this process occurs upon arrival to the TDCJ. Obtaining the social security card and certified birth certificate early in

incarceration is critical in that those documents must be on file with the TDCJ in order for the case manager to process an offender for a Department of Public Safety Identification Card (DPS ID). At time of parole approval or within six months of discharge for prison sentenced offenders, the social security card and birth certificate are used as supporting documentation when the DPS ID application is submitted. For state jail and SAFP offenders that process occurs immediately upon receipt of the social security card and birth certificate. Identification documents are received, processed and verified by the Division's Verification and Identification Processing unit. In FY 2017, the Reentry and Integration Division provided 38,563 birth certificates and 43,378 social security cards to releasing offenders.

As a result of those efforts, application was made for 28,442 ID cards for incarcerated offenders at the point of release. Phase I services for identification documents are essential for all releasing offenders as it is the primary starting point for the offender to be able to obtain housing and employment as well as other services upon return to the community.

**\*Phase II – Assessment and Case Planning:** At time of parole approval a unit-based reentry case manager conducts a risk assessment to determine risk level as it relates to criminogenic need and risk of re-offending. Those that score moderate or high risk on the assessment are enrolled in individualized case planning to address needs, goals, action steps and resources targeted toward equipping the offender for successful return to the community. The case plan is developed as a cooperative effort between the case manager and the offender. A copy of the case plan is provided to the offender at time of release and the case plan is available to the supervising parole officer and community case manager post-release.

**Fiscal Year Statistics: FY 2017**

- Phase I document processing
  - ✓ Total processed for Social Security card 43,378
  - ✓ Total processed for Birth certificate 38,563
  - ✓ Total processed for Identification certificate 28,442
- Total Assessed for Phase II Reentry Planning 23,957

**Fiscal Year to date (September 2017 – June 2018)**

- Phase I document processing
  - ✓ Total processed for Social Security card 30,873
  - ✓ Total processed for Birth certificate 27,601
  - ✓ Total processed for Identification certificate 28,734
- Total Assessed for Phase II Reentry Planning 17,866

**\*Phase III – Community Case Management:** The third phase of the Reentry Program is available to clients enrolled in Phase II pre-release or those who are self-referred or referred by a parole officer. Clients receive case management services to assist with resources in areas such as

employment, food, clothing, education, finances and budgeting, nutrition and health, life skills, parenting and relationships, medical and mental health, transportation support and cognitive skills. To further enhance employment opportunities, job fairs are organized by case managers across the state which provide not only job leads but exposure to training and resources available through local services in the area.

Community Case Management has fifty three (53) case managers located in District Parole Offices statewide, nine (9) case managers at Halfway House Facilities.

**Fiscal Year Statistics: 2016**

✓ Enrollment:	5,551
✓ Refusals:	29
✓ Documents delivered:	5,669

**Fiscal Year 2017**

✓ Enrollment:	8,278
✓ Refusals:	4
✓ Documents delivered:	7,784

**Fiscal Year 2018 YTD**

✓ Enrollment:	5,086
✓ Employment Services (non-enrolled):	10,044
✓ Refusals:	14
✓ Documents delivered:	6,430

**Verification Identification Processing**

The Verification Identification Processing (VIP) sector manages and maintains all offender incoming documents to include social security card, certified birth certificate, DPS identification card (ID card), Commercial Driver License and Military Discharge Record (DD-214). The majority of these documents have been ordered through the reentry unit case manager during phase I of the program. The VIP Sector additionally maintains vocational and training certificates received through the Windham School District. Other vital statistic documents that are mailed from family members, intake departments, records and classification are received and maintained through the VIP. Other responsibilities include weekly and monthly status eligibility reports that assists identifying offenders that are appropriate for document ordering and risk assessments. These reports are circulated to the unit case managers and initiates the beginning of phase I for the Reentry process.

For all documents received, the VIP staff conduct cross reference checks that must verify the identity and authenticity of all documents received for the reentry program. All documents that have been verified are then imaged and uploaded to the EDMS OnBase system which is accessible by all authorized TDCJ staff to view. All original documents are secured in the offender's reentry folder until release.

All verified documents on file are forwarded to a releasing unit and issued to the offender when upon their release from custody. Reentry's goal is to ensure that every offender has essential documents and identification required to obtain gainful employment, apply for housing and other needed services.

Each releasing offender is provided with the reentry hotline phone number that can be called when assistance is needed with locating available resources in the county they reside by linking them with a community case manager. The hotline is operated by VIP staff 9 hours daily during the normal business week.

**VIP Document Processing Fiscal Year Statistics:**

**FY17 Ending Total:**

✓ Documents Received	126,600
✓ Documents Verified	125,774
✓ Documents Imaged	123,693
✓ Documents Mailed	102,043
✓ Hotline Calls Received	5,548

**FY18 YTD as of July 1, 2018:**

✓ Documents Received	103,989
✓ Documents Verified	99,747
✓ Documents Imaged	102,314
✓ Documents Mailed	83,901
✓ Hotline Calls Received	6,423

Coordinated efforts between the Reentry and Integration Division, the Manufacturing and Logistics Division, and the Parole Division as well as the Windham School District have resulted in not only an improved exchange of information but increased strategies for employment and vocational certification opportunities for offenders. To further the goal of ensuring a successful transition into the community, representatives from each division and Windham School District participate in on-going meetings which focus on current and proposed employment initiatives.

The Reentry and Integration Division includes the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI). TCOOMMI has developed and employs a Continuity of Care program for special needs offenders returning to the community from a correctional facility. Reentry services for special needs offenders include referrals for case management and continuity of care services through TCOOMMI vendors for offenders with medical and/or mental health related needs. During FY 2017, a total of 10,816 offenders were provided a continuity of care referral for medical needs while 31,876 offenders received referrals for mental health services.

## **Veterans**

As of June 2018, the TDCJ housed 8,470 veterans (verified using the Veteran Reentry Search Service administered by the Department of Veterans Affairs), with an additional 8,057 veterans identified as under the supervision of the Parole Division. Research has revealed that veterans involved in the criminal justice system have an increased likelihood of history of alcohol dependence, frequently live with a mental illness, suffer from posttraumatic stress disorder, have difficulty finding employment and are at risk for post confinement suicide. Reentry initiatives such as unit programming and housing dedicated to veterans, assistance with veterans benefit applications and continuity of care coordination with veterans peer groups for post-release assistance address the specific needs of this offender population.

Additionally, the TDCJ operates a 24 bed Veteran Reentry Dorm at the Travis Co. State Jail which provides a three (3) month veteran specific reentry program delivered by veteran peers and other professionals designed to prepare Veterans for a successful return to the community following incarceration.

### **Veterans Identified through VRSS Matching (as of 6/30/2018)**

- ✓ Active Incarcerated: 8,470
- ✓ Active Paroled: 8,057

### **Benefit and compensation applications statistics**

- ✓ FY17: 409
- ✓ FY18 YTD: 326

### **Veteran dorm statistics:**

#### **FY17**

- ✓ Enrollment: 39
- ✓ Graduated: 35
- ✓ Avg. monthly enrollment: 16

#### **FY18 YTD**

- ✓ Enrollment to date: 46
- ✓ Graduated to date: 28
- ✓ Currently enrolled: 21

## **Parole**

The Parole Division supervises offenders approved for release to serve the remainder of their sentence in the community. The division strives to enhance successful offender reintegration through services impacting factors that contribute to recidivism. Services provided through parole supervision include employment, housing, education and substance abuse treatment. The collaborative efforts of the Parole Division, community partnership assistants, volunteers, offenders and their families provide a positive vehicle to the reintegration process. The division, in conjunction with the Windham School District and the Rehabilitation Programs Division, is responsible for ensuring offenders have completed required programming before release and coordinates with the Reentry and Integration Division throughout the releasing process to ensure that placement of special needs offenders is completed. As a result of this collaborative effort, services are enhanced and continuity of care is ensured. Additionally, the Parole Division works closely with the Board of Pardons and Paroles to ensure offenders have the necessary special conditions in place prior to release from incarceration to assist them in successful reintegration into society. The division also completes placements for aftercare programs, as well as placement of offenders into residential reentry centers when no other home plan options are available. Throughout offender supervision, the Parole Division utilizes available resources to ensure offender compliance with imposed special conditions and to address any identified issue that arises. Resource include such programs as:

### **District Reentry Center Programs**

The District Reentry Center (DRC) is a comprehensive approach to reentry services promoting client personal growth, accountability and responsibility. DRCs target high risk clients unable to complete prior supervision periods. Clients reporting as new arrivals may be placed on a DRC caseload. After assessing a client's needs, referrals are made for appropriate programming found at the DRCs.

The District Reentry Center provides five core program areas:

- Cognitive Intervention
- Anger Management/Domestic Violence
- Substance Abuse Education
- Victim Impact Panels
- Pre-Employment Skills

Program	# Clients on DRC Caseload
District Reentry Center	1,424

### **Special Needs Offender Program**

The Special Needs Offender Program (SNOP) caseload supervises clients who are mentally impaired, intellectually disabled, terminally ill, or physically handicapped. The goals of SNOP is to provide a continuity of care for clients with special needs. Clients are assessed while in TDCJ-Correctional Institutions Division (CID) and are referred to appropriate community resources upon release. SNOP officers identify, coordinate, and develop support systems that provide the



client with educational, vocational, financial, residential, and counseling support services in the community.

Program	# Clients on a SNOP Caseload
Special Needs Offender Program	5,774

**Substance Abuse Programs**

Therapeutic Community (TC) Phase I Residential and Therapeutic Community (TC) Phase I-B Outpatient clients are placed in an In-prison Therapeutic Community program for long term intensive chemical dependency treatment and rehabilitation for six to nine months. Successful participants are subsequently released to a continuum of care while under parole supervision and placed at a residential Transitional Treatment Center or Phase I-B outpatient aftercare for 90 days followed by up to nine months of supportive outpatient care.

Program	# Clients on TC Caseload
Therapeutic Community	7,574

The Substance Abuse Counseling Program (SACP) Level I is a four (4) hour substance abuse education and relapse prevention planning class provided to all newly released clients with the appropriate special condition imposed.

Program	# Completions in thru May 2018
Substance Abuse Counseling Program Level I	14,674

Additional programming provided within district parole offices may include.

- Adult Education
- Battering Intervention Prevention Program (BIPP)
- Employment Classes
- Faith Based/Chaplaincy Services
- Financial Planning/Education
- Veterans Program Assistance
- Parenting Classes
- Psychological Counseling

**Reentry Barriers and Referrals**

Should an offender have an identified need which would hinder successful transition and reintegration to the community, TDCJ staff coordinate with a contracted vendor or another state agency for provision of services specific to that need or, in some cases, to local self-help organizations. Types of referrals and barriers are noted below with a chart summarizing the total number of referrals and barriers following.

**Housing:** Offenders are not released to supervision without an approved residence. Currently, there are eight privately operated residential reentry centers (halfway houses) for use in placement of offenders without an approved residence. Offenders under parole supervision are placed in a residential reentry

center either immediately upon release or upon referral from field parole staff in the event an offender no longer has an approved residence. Also available for use are alternative housing resources, which are community residential resources where two or more unrelated offenders reside, owned by an individual, a private entity, non-profit or faith-based organization with which the TDCJ has no contracted agreement. These facilities must complete an application process to be approved to accept offenders on parole supervision. These facilities receive no compensation from the TDCJ and any payment they require must be paid by the offender.

A Temporary Housing Assistance Program (THAP) facility is also a community residential resource where two or more unrelated offenders reside, owned by an individual, a private entity, non-profit or faith-based organization with which the TDCJ has no contracted agreement; however, these facilities do receive compensation from the TDCJ in an amount not to exceed the established cost to house an offender incarcerated in a correctional institution or housed in a residential reentry center. These facilities must complete an application process to be approved to accept offenders under parole supervision. Consistent with Texas Government Code 508.157, THAP sites cannot be located in a county that has a state contracted residential reentry center. While housing options are available for the paroling population, housing barriers might include limitations of public housing assistance programs or entitlements for offenders with felony convictions, lack of housing in the county of conviction, or a restriction that prohibits an offender from returning to the county of conviction. The agency's contract residential services are not available to offenders who release after having served their entire sentence.

**Substance Abuse:** The In-Prison Therapeutic Community (IPTC) and Substance Abuse Felony Punishment (SAFP) programs are six to nine month programs in the prison setting, with an aftercare component that lasts approximately 12-15 months, ensuring a seamless continuum of care. The exact length of the program is based on the offender's progress and needs. Other programs addressing chemical dependency during incarceration include the Pre-Release Substance Abuse Program, Driving While Intoxicated Recovery Program and State Jail Substance Abuse Program. The Therapeutic Community Substance Abuse Aftercare Treatment Program administers a range of therapeutic outpatient and resource programs to released offenders who completed certain programs. It oversees and coordinates these interrelated programs for the substance abuse treatment of offenders and makes use of case management and drug and alcohol testing to assist in supervising offenders.

The Substance Abuse Counseling Program is an education, intervention and treatment program serving offenders on parole supervision. The Substance Abuse Counseling Program is designed to reduce the recidivism rate of offenders who use alcohol or drugs while on parole supervision, have a history of drug or alcohol use or who request assistance with drug and/or alcohol related issues during their parole supervision. Parole Division Counselors licensed by the Texas Department of State Health Services provide these relapse services. Outpatient and in-patient treatment services are provided by contracted treatment vendors for those eligible offenders who submit positive urinalysis specimens. Peer support programs, such as Narcotics or Alcoholics Anonymous or Winner's Circle (a non-secular support program), are also available for offender post treatment or education programming. Barriers regarding substance abuse treatment primarily affect the discharging population as the Parole Division has dedicated funding for these services, but transportation or waiting lists could be issues for supervised offenders.

**Employment:** For those paroled offenders who are unemployed or under employed, a referral is made to the Texas Workforce Commission, as well as job fairs coordinated by TDCJ staff, which provide linkage to those employers willing to hire offenders. Reentry and Integration Division community case managers

work directly with individual employers to increase the number of employers actively hiring offenders. Collaboration between the Reentry and Integration Division, the Windham School District and the TDCJ Manufacturing and Agribusiness and Logistics Division connects pre-release job training and skills with employers, working to increase sustainable employment opportunities. Additionally, job search kiosks are available at the residential reentry centers (halfway houses). The kiosks give offenders at the residential reentry centers opportunities to utilize employment databases to seek and apply for available jobs. Barriers for employment for the offender population vary dependent on many variables. The barriers can vary based on geographical locations as well as offender job skills. There are barriers related to licensing restrictions as well as overall job markets in the offender's surrounding area.

**Medical:** Medical barriers exist when the paroled offender is not eligible for disability on a federal or state level and the ability to access medical care is limited due to financial constraints. Referrals are coordinated through the TCOOMMI office in conjunction with local hospital districts for available care. The paroled offender population is able to access local indigent health care programs available to all indigent individuals. Barriers could include access to clinics, transportation and cost of care even with assisted funding.

**Mental Health:** Mental health barriers are similar to medical barriers in the lack of resources available while pending application for disability or in the event of denial of benefits. Again, TCOOMMI provides assistance by coordinating care with local mental health authorities and providing funding for services for this segment of the population. The barriers for this population would include access to care for paroled offenders who do not have severe or persistent mental health disorders that qualify for treatment by the public mental health system. These offenders are given resource information for general medical care and public assistance.

**Basic Needs:** Basic needs encompass identification, clothing, food, social and support services. Paroled offenders lacking resources to meet the basic needs for clothing and food can be provided assistance through referrals to local charities, food banks, churches and nonprofit organizations. Support services can range from budget management, assistance with utilities and parenting and life skills programs. An offender may have several referrals within this category.

## **Referrals**

Referral resources include the utilization of TDCJ resources such as residential reentry centers; state agencies such as the Texas Veterans Commission, Texas Education Agency or the Texas Workforce commission; local mental health authorities for psychiatric issues to include intensive case management, transitional case management or continuity of care services through a TCOOMMI contracted vendor; residential and outpatient substance abuse treatment or psychiatric services; community resources such as churches or food pantries and support services such as Alcoholics Anonymous, Winner's Circle or the Military Veterans Peer Network. These resources may be state paid or subsidized, private pay or private insurance or services provided by peer support networks at no charge.

### **Enrolled in case management & identified with one of more barriers**

- ✓ Substance abuse: 5,760
- ✓ Medical: 12,630
- ✓ Education: 5,138
- ✓ Employment: 8,595
- ✓ Housing: 2,201
- ✓ Basic needs: 31,762

### **Reentry and Integration Resource Referrals FY 2017**

- ✓ Substance abuse: 6,493
- ✓ Medical: 8,476
- ✓ Education: 2,986
- ✓ Employment: 15,859
- ✓ Housing: 2,016
- ✓ Basic needs: 39,807

### **Referral Outcomes**

The Reentry and Integration Division maintains a resource directory that is shared with the Rehabilitation Programs Division and the Windham School District for use in determining pre-release referrals during case planning. In addition, the TDCJ has partnered with Texas Connector, an online, interactive resource guide which allows case managers and parole officers the ability to access numerous non-profits and agencies in the offender's area that can further assist with the offender's reentry needs. Texas Connector allows staff to produce reports that contain requested information for referrals. These requests may be for a multitude of programs or services to include substance abuse, education, batterer's intervention, anger management, housing, employment or mental health while at the same time a specific request may be for any program or service needed for an individual offender. Texas Connector provides the ability to search for resources statewide by a specific address or region such as city, county or zip code. Staff may also produce a report containing the requested search information for a radius ranging from one to one hundred miles.

As previously noted, parole officers provide referrals to offenders to comply with conditions imposed by the Board of Pardons and Paroles and to meet other offender needs as identified by the officer during the course of supervision. The Parole Division utilizes an electronic case management system to track offender information, which also contains a resource directory for officer use. The resource directory affords parole officers the ability to search for available resources by type, city, zip code and/or county with supervisory staff having the ability to edit, add or update provider information. If a resource was identified as no longer available, that resource would be removed from the directory by Parole Division staff. In areas lacking resources, offenders are referred to the nearest available resource. Outcomes of referrals are not based upon offender compliance or noncompliance but are measured based upon availability of services, as a referral should not be made unless the officer believes the service is available. If a referral was made and the service was not available or a waiting list existed, then the outcome of the referral was considered unsuccessful.

Of the 2,262,792 referrals made in FY2017, offenders were able to receive access to the services, with less than one half of one percent of the referral resources (7,665) not being readily available or wait lists

existing. The following provides a breakdown of those 7,665 referrals, by type: substance abuse – 1,766, medical and mental health – 493, education – 2,488, employment – 1,632, basic needs – 1,275, veteran services – 11. Housing did not have any areas where services were unavailable or a waiting list existed.

In addition to identifying the outcome of referrals, parole officers have identified those counties where additional resources or providers to meet offender reentry needs would be beneficial. Parole officers address referrals and monitor effectiveness on a monthly basis and provide additional referrals or modifications, as needed.

## **Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI)**

TCOOMMI programs provide pre-release screening and referral to aftercare treatment services for special needs offenders referred from prisons, state jails, substance abuse felony punishment facilities, local jails and other referral sources. TCOOMMI monitors, coordinates, and implements a continuity of care system for the targeted population through collaborative efforts with 39 local mental health authorities throughout the state. Levels of service include Intensive Case Management, Transitional Case Management and Continuity of Care. Components of case management include case management services, rehabilitation/psychological services, substance abuse treatment, psychiatric services, medication monitoring and linkage to hospice and medical services.

**Intensive Case Management (ICM)** services focuses on high risk/high clinical needs of clients. This level of service utilizes the Texas Resiliency and Recovery (TRR) measure as well as the parole or probation risk measures. This level of service includes 3.5 hours of comprehensive team oriented services and monthly contact with supervising officer.

**Transitional Case Management (TCM)** focuses on moderate risk/ moderate clinical need clients and utilizes the TRR measure as well as the parole or probation risk measures. This level of service includes 1.5 hours of transition/stepdown oriented services and monthly contact with supervising officer.

**Continuity of Care Programs (COC)** are designed to provide a responsive system for local referrals from parole, probation, jail, family and other related agencies.

**Special Needs Diversionary Program (SNDP)** provides case management services to identified juvenile offenders within the Texas Juvenile Justice Department.

### **Fiscal Year Statistics: 2017**

- ✓ Number Served in ICM – 4,541
- ✓ Number Served in TCM – 1,254
- ✓ Number Served in COC - 25,412
- ✓ Number Served in Residential – 505
- ✓ Number Served in Mental Health Diversion – 1,400
- ✓ Number Served in TJJ Case Management – 907

**Fiscal Year Statistics: 2018 (as of June 30, 2018)**

- ✓ Number Served in ICM – 7,746
- ✓ Number Served in TCM – 2,395
- ✓ Number Served in COC - 29,273
- ✓ Number Served in Residential – 486
- ✓ Number Served in Mental Health Diversion – 1,747
- ✓ Number Served in TJJD Case Management – 644

**Rehabilitation Programs Division (RPD)**

The Rehabilitation Programs Division (RPD) serves as the centralized administration and management of activities related to offender programs within the TDCJ. The RPD is responsible for ensuring that all TDCJ programs operate with consistency and quality with respect to planning, implementation, and the integration of the delivery of treatment programs across divisional lines. As the coordinating entity, the RPD facilitates offender programs inter-divisionally, cooperating with other TDCJ divisions, the Windham School District, the Board of Pardons and Parole, and Faith-Based and Community-Based Organizations and volunteers to provide effective, evidence-based treatment services for individual offenders throughout the incarceration and supervision period.

Below are the pre-release treatment programs offered through the RPD:

<b>Pre-Release Program</b>	<b>FY17 Enrollments</b>	<b>FY17 Completions</b>
Baby and Mother Bonding Initiative	26	25
Corrective Intervention Pre-Release Program	632	620
Female Cognitive Pre-Release Program	227	109
Innerchange Freedom Initiative: Faith Based Pre-Release Program	122	140
In-Prison DWI Recovery Program	2,358	1,447
In-Prison Therapeutic Community	3,794	3,515
Our Roadway to Freedom Program - Prostitution Program	336	200
Pre-Release Substance Abuse Program	2,056	1,836
Pre-Release Therapeutic Community	955	843
Serious and Violent Offender Reentry Program	92	96
Sex Offender Education Program	692	671
Sex Offender Treatment Program - 18 Month Program	43	42
Sex Offender Treatment Program - 9 Month Program	1,001	852
State Jail Substance Abuse Program	3,841	2,396
Substance Abuse Felony Punishment	6,129	5,517

**Note:** The numbers include enrollments and completions that occurred within the year. The completions are not a subset of the enrollments.

# Texas Department of Criminal Justice

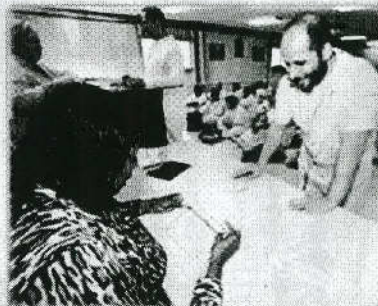
## Reentry Programs

Senate Criminal Justice Committee  
September 12, 2018

## Reentry Case Managers

2

- The TDCJ has a reentry program focused on assisting offenders in preparing for a successful return to the community.
- TDCJ has 197 reentry case managers responsible for:
  - Document ordering;
  - Reentry planning;
  - Special needs planning;
  - Providing resource information upon release; and,
  - Providing post-release reentry services with an emphasis on employment.
- Reentry case managers use the Texas Risk Assessment System to assess an offender's risk of reoffending.
- Individualized reentry plans are developed in collaboration with the offender, community providers and family support systems. Plans are designed to address offender needs for successful reentry.



# Document Ordering

3

- Document processing minimizes the delays and barriers experienced by offenders being released from TDCJ therefore closing reentry gaps by allowing for proper identification required to secure:

- Employment;
- Housing;
- Education;
- Social services; and,
- Benefits

## Documents Ordered Include:

- ✓ Texas Identification Cards
- ✓ Birth Certificates
- ✓ Social Security Cards
- ✓ Certification Certificates
- ✓ OJT Certificates



# Employment Initiatives

4

- Community case management includes a strong focus on employment.

Reentry case managers facilitate client employment by:

- Providing employment preparation classes for clients;
- Coordinating felony friendly job fairs;
- Organizing special hiring events; and,
- Building partnerships with employers.



In FY18, case managers have made 25,987 employment referrals.



# Job Fairs

5

- Benefits for clients
  - Felony friendly employers & local resources
  - Onsite applications, interviews & job offers
  - Onsite case manager & parole support
  - Follow-up case management for attendees



- ✓ 55 Job fairs since July 2014
- ✓ 15 Job fairs in FY18
- ✓ 885 clients attended
- ✓ 43% of clients obtained job offers the day of the fair
- ✓ 59% of those attending obtained employment
- ✓ 15 Hiring events in FY18
- ✓ 59% of clients obtained job offers the day of the event
- ✓ 90% of those attending hiring events obtained employment

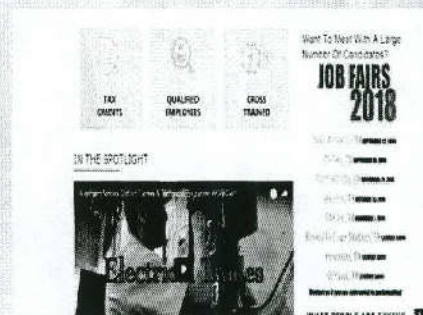
- Benefits for Employers
  - Access to skilled & non-skilled workforce
  - Ability to fill positions quickly
  - Support from case managers & parole both onsite & though out the employment process
  - Follow-up from case managers to support employer growth & employee retention

# Website for Work

6

- This is an innovative initiative that provides a link between employers and qualified offenders with skills and experience obtained while incarcerated.

- Launched in January 2018.
- Registered employers can search for qualified clients state wide by city, county, or zip code and by job code.
- Client profiles include work history, skills, certifications and education.
- Continued support is provided to employers and clients throughout the hiring process and future hiring opportunities.
- Contains helpful links and resources for employers such as Fidelity Bonding Programs and Work Opportunity Tax Credits.



<http://reentry.tdcj.texas.gov>



## **Bexar County Community Supervision and Corrections Department**

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Jarvis Anderson  
Director

### Job & Resource Fair

#### Idea/Concept:

- Population facing employment barriers.
- Population that could not attend job fairs due to the location of the event.
- Population that did not feel comfortable attending job fairs.
- Bring employers to the table and host a job fair at our building.
- Officers can have a direct relationship with employers.
- Collaboration with Texas Veterans Commission (TVC).
- Focus is on individuals with criminal justice background.

#### Events:

- Three sections to the Job & Resource Fair:
  1. Employment
  2. Resource
  3. Veterans
- October 2015 - 19 employers/resources/veteran services.
- October 2016 - 25 employers/resources/veteran services.
- October 2017 - 39 employers/resources/veteran services.
- April 2018 - 54 employers/resources/veteran services. (Held at Barbara Jordan Center)
- Everyone with criminal justice involvement is welcome to attend.
- Share information with Pre-Trial Services, Parole, Federal Probation, Bexar County Re-Entry Services, and other community partners.
- Justice involved veterans are welcome to attend and invited.
- Provide breakfast, refreshments, and snacks for all vendors in attendance.
- Probationers must check-in at arrival and are issued a "Passport". The "passport" is a paper they fill out and obtain at least 5 signatures from various vendors that they speak with.
- Probation staff wears bright orange shirts.

#### Partners:

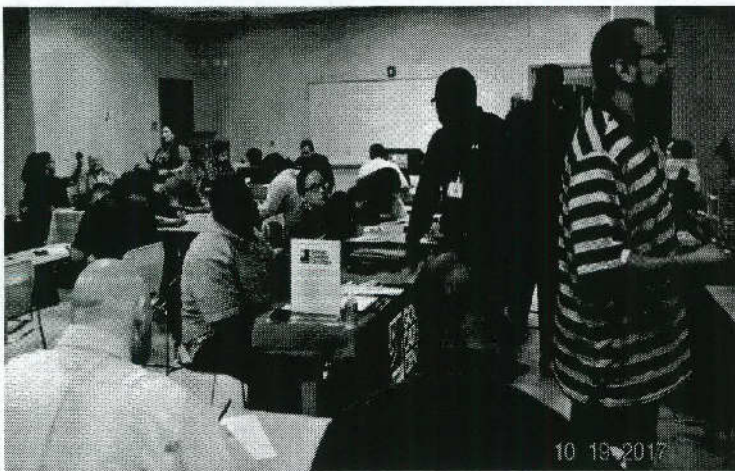
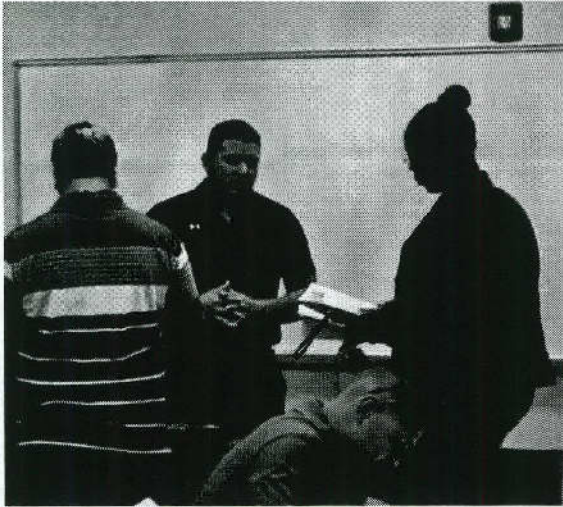
- Takumi - Toyota Supplier - Hires on the spot
- Beldon Roofing - Hires roofers and office jobs
- Chrysalis Ministries - Re-Entry Services
- Bexar County Re-Entry Center - Laptops and Services
- Southwest Tattoo Removal - Tattoo removal at minimal cost or free if referred from probation.
- U.S. Army - Recruitment pending completion of probation
- Beat AIDS - Free screenings
- SA Metro Health - Assistance with various vaccines

#### Advertisement:

- Create a flyer with information.
- Share with Probation Officers.

- Post flyer in all probation lobbies.
- Have flyer in flyer racks.
- Share flyer with all partners.

- ❖ Tommy Calvert's 2nd Chance Job Fair
  - Open to everyone in the community.
  - A larger scale event.
  - Coming up on October 17, 2018.



## State Jails

In 1993, the Texas Legislature reconfigured the Penal Code to create a new class of offense, state jail felonies. In doing so, certain non-violent offenders (class A misdemeanors and 3<sup>rd</sup>-degree felonies) were reclassified to state jail offenses. The reclassification primarily impacted property crimes and the manufacture, delivery, and possession of small quantities of drugs.

State jail sentences cannot exceed two years for one offense, but a repeat offender may receive overlapping state jail sentences not to exceed three years. Offenders serving a state jail felony do not earn good conduct time for time served and are not eligible for parole supervision. However, some state jail offenders may be awarded diligent participation credit by their sentencing judge. Any offender convicted of a state jail felony offense committed on or after September 1, 2011, may be eligible for time credit based on diligent participation in programs such as work, education, and/or treatment.

The 1993 law became effective in September 1994. There are currently 17 state jails (14 state operated and 3 private operated). In addition to housing lower-level drug and property crimes, the law also allows for offenders sentenced to an institutional division to spend time in transfer status in state jails. State Jails house approximately 7,000 state jail felons and 14,000 transfer offenders with the average sentenced served being 10.2 months. Below is additional information on the state jail population.

Profile of State Jail Facilities			
Number of Facilities		17	(14 State Operated; 3 Private Operated)
Number of Beds		23,469	(19,389 State Operated; 4,080 Private Operated)
Number of Offenders		21,752	
	State Jail	7,237	33.3%
	Transfer	14,264	65.6%
	SAFP	251	1.2%

<b>Historical State Jail Populations</b>								
	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
On Hand	12,133	11,919	11,729	10,951	10,524	9,411	8,705	7,867
Receives	23,537	23,231	23,226	22,371	22,272	20,965	19,692	18,069
Releases	23,124	22,705	22,784	22,601	22,192	21,676	19,985	18,442

Profile of State Jail Offenders							
Offense of Record			Age Group	Female	Male	Total	
Homicide	10	17	0	7	7		
Kidnapping	7	18	1	46	47		
Other Violent Sexual Offenses	3	19-20	24	193	217		
Assault/Terroristic Threat/Trafficking	84	21-22	39	295	334		
Arson	2	23-24	81	353	434		
Burglary	545	25-29	310	1,019	1,329		
Larceny	1,743	30-34	389	978	1,367		
Stolen Vehicle	445	35-39	357	901	1,258		
Forgery	276	40-44	201	565	766		
Fraud	376	45-49	148	452	600		
Stolen/Damaged Property	83	50-54	98	394	492		
Drug-Delivery	145	55-59	53	255	308		
Drug-Possession	2,891	60-64	36	111	147		
Drug-Other	1	65+	3	43	46		
Failure to Register as a Sex Offender	54	<b>Total</b>	<b>1,740</b>	<b>5,612</b>	<b>7,352</b>		
Family Offense	111						
Commercialized/Sex Offense	61	<b>Race</b>	<b>Female</b>	<b>Male</b>	<b>Total</b>		
Obstruction/Public Order	95	Black	364	1,563	1,927		
Escape	242	Hispanic	404	1,679	2,083		
Weapons Offenses	26	White	968	2,345	3,313		
DWI	141	Other and Unkn	4	25	29		
Other	11	<b>Total</b>	<b>1,740</b>	<b>5,612</b>	<b>7,352</b>		
<b>Total</b>	<b>7,352</b>						
					Average Sentence Length for On Hand	1.1 Years	
<p>Note: An offender's offense of record is the offense which incarcerates the offender for the longest period of time. State Jail offenders incarcerated for homicide are convicted of criminally negligent homicide, those incarcerated for kidnapping are family members, and those incarcerated for indecency with a child are convicted of exposure.</p> <p>Of the 7,352 state jail offenders incarcerated, 4,435 (60%) have no prior prison incarcerations; <u>3,178 (43%) have no prior TDCJ incarcerations.</u></p>					FY2017 Receives	18,069	
					FY2017 Releases	18,442	
					Discharges	18,366	99.59%
					Community Supv	76	0.41%
					Average Sentence Length for Releases	10.2 months	
					Average Time Served for Releases	10.2 months	
					Served in County	4.7 months	
					Served in TDCJ	5.5 months	

The Legislative Budget Board calculates the recidivism rates of various populations. Here is a link to their latest report

[http://www.lbb.state.tx.us/Documents/Publications/Policy\\_Report/3138 Stwide Crim Just Recid Revoc.pdf](http://www.lbb.state.tx.us/Documents/Publications/Policy_Report/3138_Stwide_Crim_Just_Recid_Revoc.pdf)

Recidivism		
State	Cohort Release Year	Three Year Recidivism Rate
Texas - Prison	2013	21.0%
Texas - State Jail	2013	32.2%

According to the LBB study, property offenders have the highest reincarceration rates, and violent offenders had the lowest reincarceration rates. 47.2% of the state jail offenders on hand are serving time for property offenses. Only 1.4% of the state jail offenders are serving time for violent offenses.

Cost			
Facility Type	Cost Per day	Average Time Served	Cost of Incarceration
State Operated Prisons	\$61.63	4.3 Years	\$96,795
State Operated State Jails	\$52.88	0.8 Years	\$15,452

Diligent Participation	
State Jail offenders who who diligently participate in work or treatment programs may, with the sentencing judge's approval, be released after 80% of their sentence is served.	
Based of FY2017 Data:	
Percentage of State Jail Discharges with Diligent Participation Credits Reducing their Stay	47.7%
Average number of days credited per release	38

## **State Jail Programs**

- Our Roadway to Freedom – Prostitution Program
- State Jail Substance Abuse Program
- Voyager Faith-Based Pre-Release
- Veterans Dorm
- Baby and Mother Bonding Initiative
- COURAGE Program for Youthful Offenders
- Numerous volunteer programs

## **State Jail Educational Programs**

- Literacy
- Lead and Achieve Academy
- English as a Second Language
- CHANGES
- Cognitive Intervention
- Parenting & Family Wellness

## **State Jail Vocational Programs**

- Business Computer Information Systems - Access and Outlook
- Business Computer Information Systems - Word and Excel
- CNC/CAD
- Construction Carpentry
- Construction Fundamentals
- Culinary Arts
- Electrical Trades
- Electronic Systems Technician
- Heating, Ventilation, Air Conditioning and Refrigeration – Maintenance Technician
- Heating, Ventilation, Air Conditioning and Refrigeration – Service Technician
- Painting & Decorating
- Specialized Skills – Hospitality Industry
- Telecomm Connectivity
- Warehouse Equipment Operations



# Texas Department of Criminal Justice

## Overview of State Jails

### Senate Criminal Justice Committee

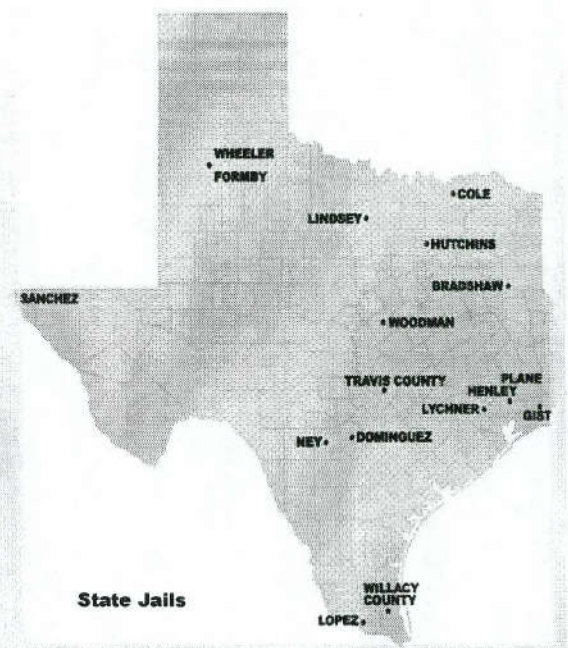
Executive Director, Bryan Collier

September 12, 2018

2

## Overview

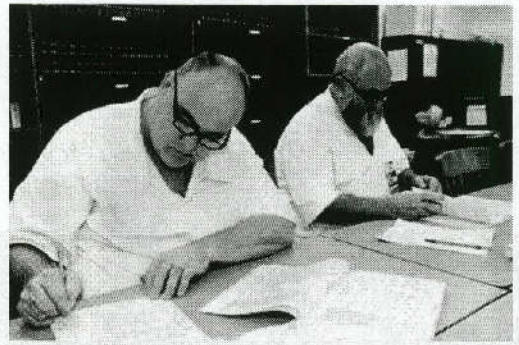
- In 1993, the Texas Legislature reconfigured the penal code and created state jail offenses
- Primarily property crimes and low-level controlled substance offenses
- 17 state jails (14 state & 3 privately operated)
- As of June 30, 2018, there were 7,352 state jail offenders



3

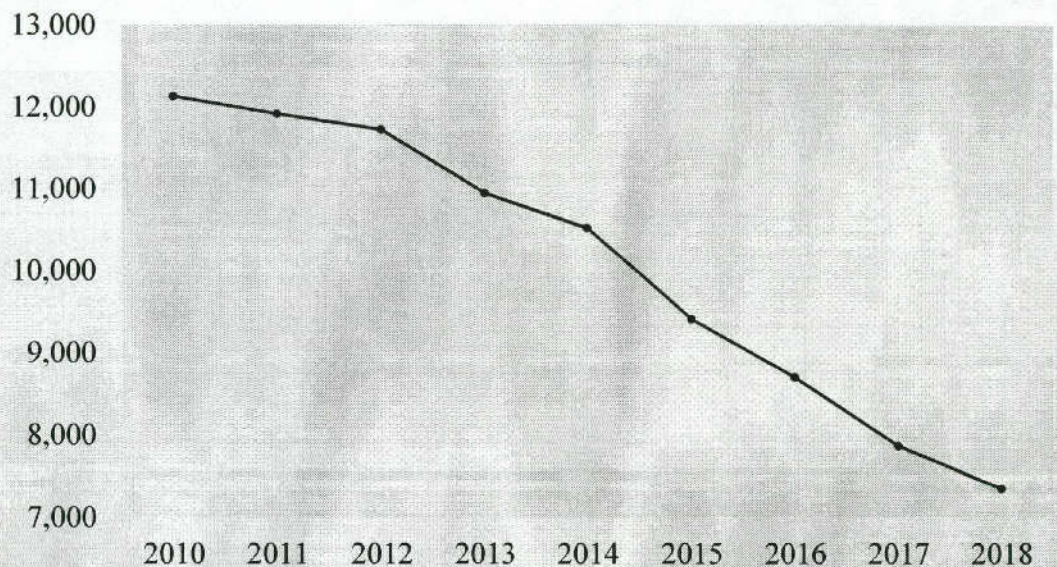
### State Jails

- Sentences cannot exceed two years in length
- Average sentence length is 1 year
- Offenders are not released on parole supervision; however 47% of discharging state jail offenders had diligent participation credits reducing their stay by an average of 38 days



4

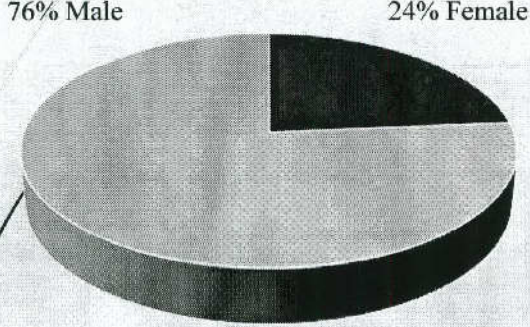
### Historical State Jail Populations



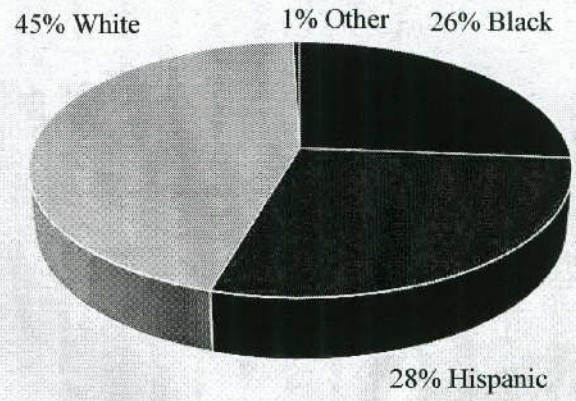
# Profile of State Jail Offenders

5

### Gender



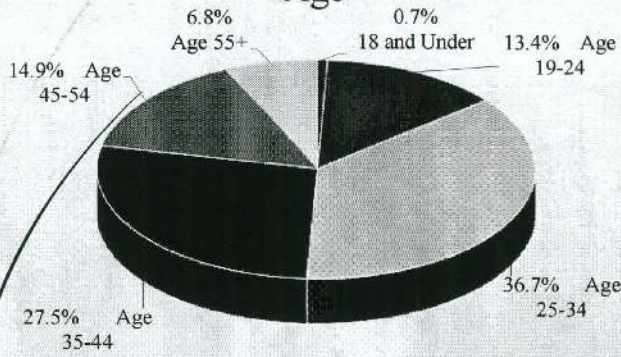
### Race



# Profile of State Jail Offenders

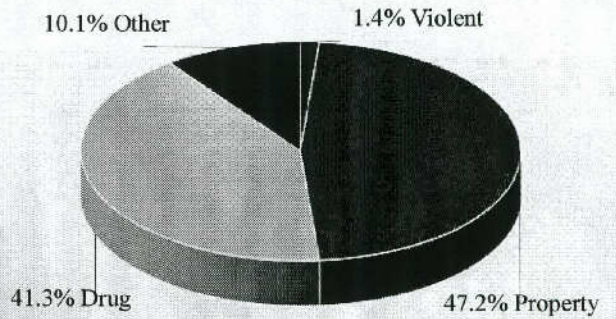
6

### Age



Average Age - 36

### Offense of Record

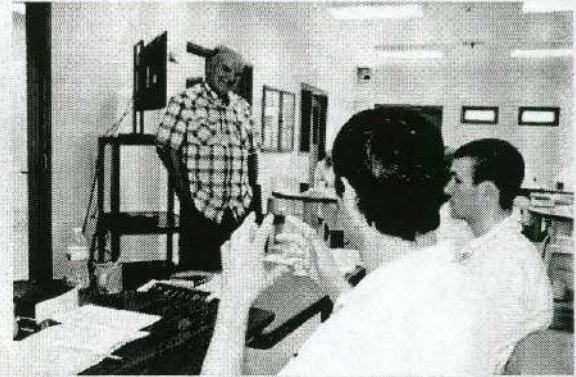


89% Property and Drug

## Recidivism Rates

Three year reincarceration rates:

➤ Prison	21.0%
➤ State Jail	32.2%

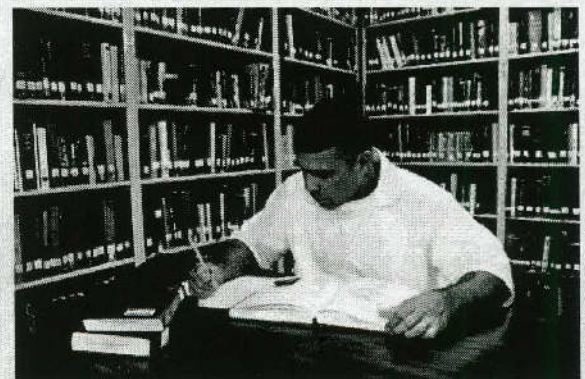
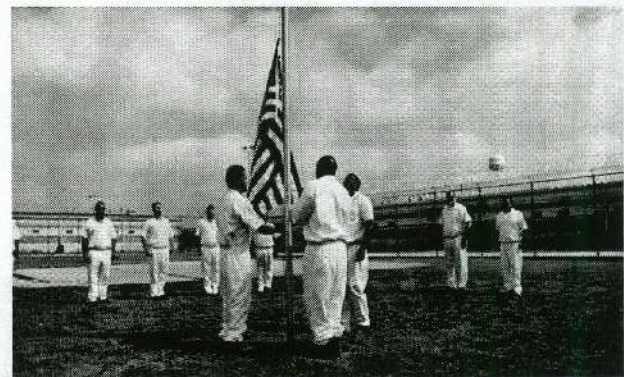


## Programs

- Our Roadway to Freedom – Prostitution Program
- State Jail Substance Abuse Program
- Voyager Faith-Based Pre-Release
- Veterans Dorm
- Baby and Mother Bonding Initiative
- COURAGE Program for Youthful Offenders

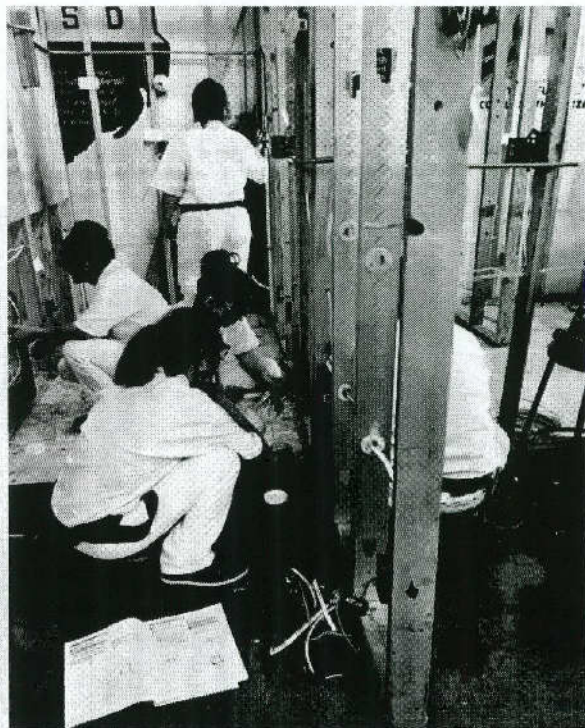
### Educational Programs

- Literacy
- English as a Second Language
- CHANGES
- Cognitive Intervention
- Parenting & Family Wellness



## Vocational Programs

- Business Computer Information Systems
- Computer Aided Design/Computer Numerical Control
- Construction Carpentry
- Construction Fundamentals
- Culinary Arts
- Electrical Trades
- Electronic Systems Technician
- Heating, Ventilation, Air Conditioning and Refrigeration – Maintenance Technician
- Heating, Ventilation, Air Conditioning and Refrigeration – Service Technician
- Painting & Decorating
- Specialized Skills – Hospitality Industry
- Telecomm Connectivity
- Warehouse Equipment Operations



## Reentry

### Identification Document Ordering

- Social Security Card
- Birth Certificate
- DPS Identification Card

Identification Card Processing minimizes the delays and barriers experienced by offenders being released from TDCJ, therefore closing reentry gaps by providing proper identification required to secure:

- Employment
- Housing
- Education
- Social services
- Benefits



*Target State Jail Offenders Most at Risk to Recidivate*

Texas Risk Assessment System (TRAS) Risk Distribution

<b>Men</b>		Low	Moderate	High
TRAS State Jail Felony Risk Profile				
Probability of a New Arrest or Revocation		11%	23%	50%
Sample Distribution		11%	32%	23%

<b>Women</b>		Low	Moderate	High
TRAS State Jail Felony Risk Profile				
Probability of a New Arrest or Revocation		9%	20%	42%
Sample Distribution		25%	25%	10%

*Target at Least 4 or More Risk Factors*

<b>TRAS-Top Criminogenic Risk Factors Texas State Jail Felony Offenders</b>	
<b>Men</b>	<b>Women</b>
Criminal Friends	Criminal Friends
Criminal History	Family/Relationships
Substance Abuse	Education/Employment
Family/Relationships	Criminal History
Pro-Criminal Attitude	Pro-Criminal Attitude
Education/Employment	Substance Abuse
Neighborhood/Unstable Housing	Neighborhood/Unstable Housing

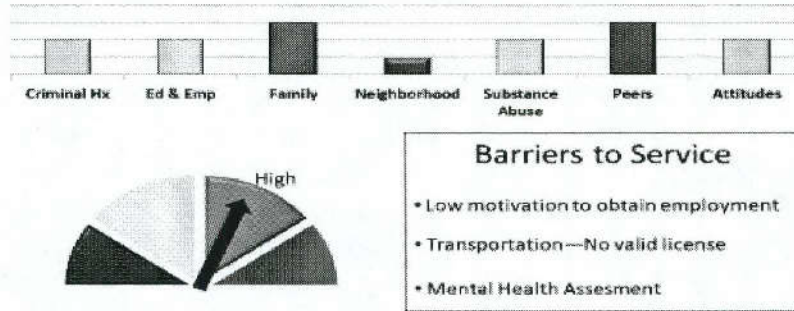
*Use Treatment Programs that Work and Right Dosage*

- Cognitive Behavioral Programs Substance Abuse and Criminal Risk Factors
- Minimum of 300 Hours Treatment with Aftercare for Higher Risk Offenders

*Remove Barriers to Change*

- Motivation
- Mental Health Problems
- Transportation

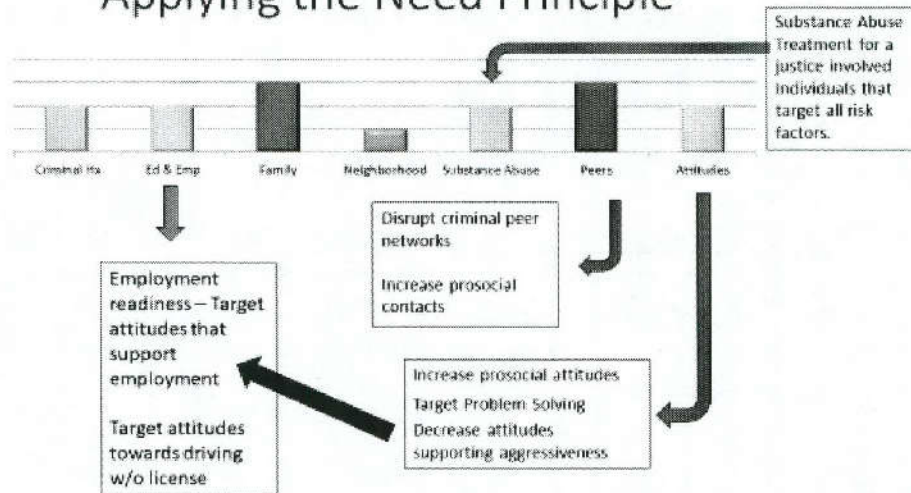
## Finalized Report-Possession of a Controlled Substance 1 to 4g & Theft



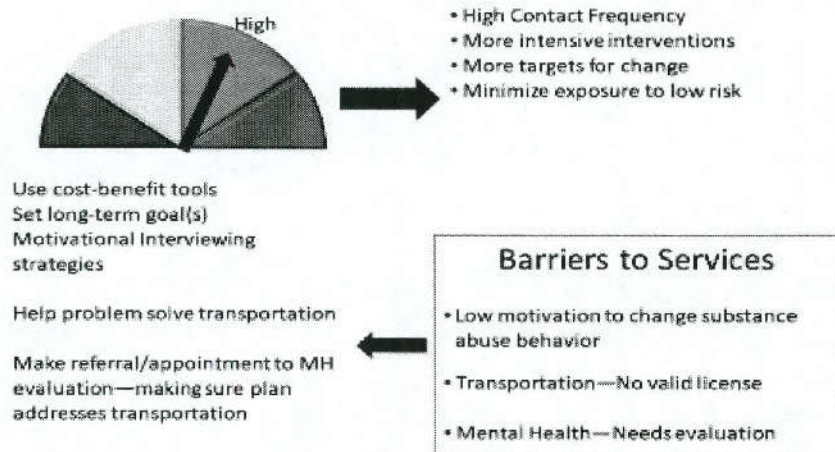
### Barriers to Service

- Low motivation to obtain employment
- Transportation—No valid license
- Mental Health Assessment

## Applying the Need Principle



## Applying the Risk and Responsivity Principles



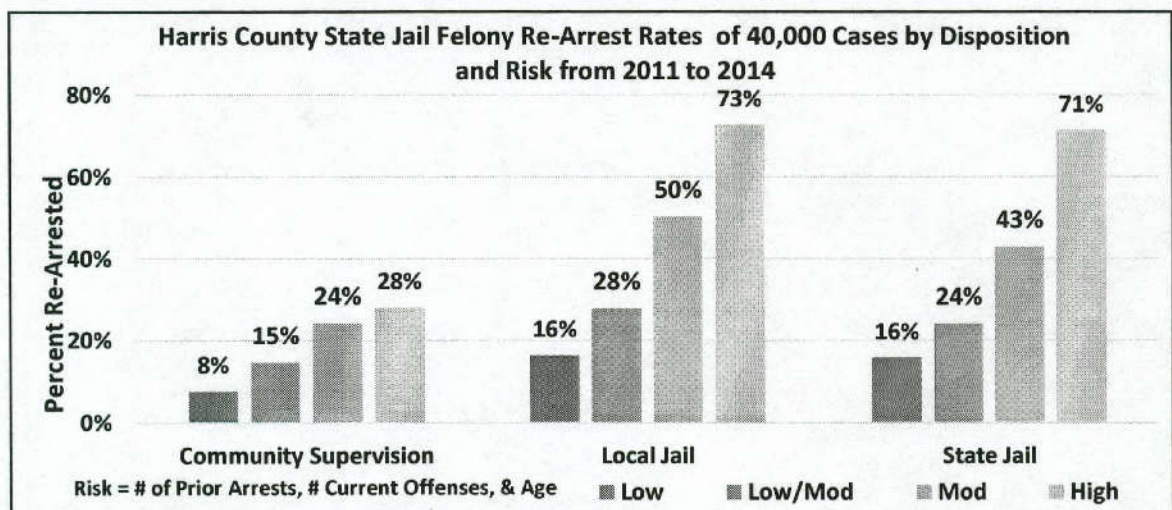
## Harris County Criminal Justice Coordinating Council (CJCC) Safety & Justice Challenge Responsive Interventions for Change Docket Strategy for Drug Offenders & Prostitution 4<sup>th</sup>

Why did Harris County create the Responsive Interventions for Change (RIC) Docket?

The RIC Docket was designed to reduce over-reliance on Local and State Jails, high recidivism rates, and racial and ethnic disparity among low-level Felony drug offenders through diversion to community supervision (Deferred Adjudication & Pretrial Intervention). The docket has allowed Harris County to consolidate over 5,000 low-level Felony drug (PCS < 1g & PCS 1 to 4g) and Prostitution 4<sup>th</sup> offenses, typically distributed across the 22 District Courts each year, into one docket. Ultimately, the RIC Docket has provided an opportunity for non-violent drug offenders to receive treatment in lieu of cycling in and out of jail for years to come.

What did the data tell us about State Jail Felons and Low Level Felony Drug Cases?

- Harris County pre-trial jail detainee population: State Jail Felony (SJF) offenses comprised 29% of the felony pretrial detainee population. Drug Possession accounted for 40% of SJF detainees.
- Held until disposition: In 64% of SJF cases, defendants were in jail at disposition. Defendants in jail at disposition were significantly more likely to accept a conviction and serve County or State Jail time over diversion to supervision and treatment.
- Racial and Ethnic Disparity: People of color accounted for 72 percent (51% African American, 21% Hispanic, and 26% White) of jail detainees charged with SJF drug possession.
- In FY2014, Harris County accounted for 26% of Commitments to State Jail: In FY2014, Harris County committed 5,715 non-violent offenders to State Jail and 44% of the (2,511) commitments were for drug offenses. Of those committed, 62.6% were African American; 14.8% Hispanic, and 21.8% White. In 2014, 79% of Harris County State Jail Felony cases received a conviction and were sentenced to County or State Jail time and 21% were placed on Community Supervision.
- State Jail Offenders sentenced to time over diversion have Very High Re-Arrest Rates: 50% to 70% of Moderate to High Risk State Jail Offenders sentenced to time are re-arrested compared to 24% to 28% of Moderate to High Risk State Jail Offenders sentenced to community supervision within 12 to 18 months post disposition. The median time to re-arrest for those serving time was 9 months post disposition.





### Treatment and Supervision Referrals

- 80% of the PTI cases and 96% of the deferred adjudication cases scored Moderate to High Risk on the TRAS.
- Most of the Low to Low Moderate Risk cases are referred to some form of community treatment if needed.
- Most of the Moderate to High Risk cases are referred to more intensive CSCD programs (Intensive Outpatient Treatment or Residential Treatment).
  - 15% were referred to a CSCD residential program
  - 59% are supervised on a regular caseload
  - 26% are supervised on specialized caseloads

### RIC Opiate Cases

- 8% of RIC cases are identified with misuse, abuse or dependence on opiates.
- Opiate Users referred to CSCD residential and intensive outpatient programs are screened by an addiction psychiatrist for Medication Assisted Treatment (MAT).
- CSCD officers and staff supervising Opiate users receive specialized training regarding opiates misuse, abuse, and dependence, indicators of relapse, Medication Assisted Treatment, and risk and antidote for overdose.
- An Addiction Psychiatrist is available via tele-psychiatry on demand for CSCD opiate users in high risk situations.

### Pre-Trial Intervention (PTI) for 1<sup>st</sup> time low-level Felony Drug Offenses and Prostitution 4<sup>th</sup>.

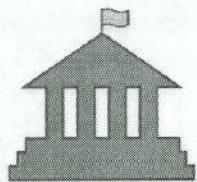
- DA/CSCD Memorandum of Understanding (MOU)
  - 1<sup>st</sup> time State Jail Felony Arrest for PCS < 1g & PCS 1 to 4g.
  - PTI cases complete a Comprehensive Assessment through the CSCD CAST unit and are required to participate in treatment programs as recommended.
  - Cases are dismissed by the DA upon completion.
  - PTI has an 89% successful completion rate.

### Interventions Delivered for RIC Population

- Individualized interventions designed to specifically address the needs of the offender
  - Staff are trained in risk assessment, developing individualized case plans, and delivering effective interventions.
  - Officers are equipped with techniques and strategies to reduce barriers to services and engage offenders in meaningful discussions.
  - Treatment programs are designed to address a combination of substance abuse, mental health, and broader criminogenic needs.
  - Officers continue to monitor and tweak plans to help offender be successful.
  - Interventions are designed to be sequential, giving offenders opportunities to be successful.
- Responsive interventions
  - A behavioral response matrix is utilized allowing staff to work directly with the offender to acknowledge positive growth as well as intervene quickly when the offender has difficulties.
  - Allows for adjustments up and down the treatment continuum efficiently and effectively.

Arrested for  
PCS < 1G or  
PCS 1 to 4G  
Prostitution 4th

Assigned to RIC Docket



Presumptive  
Release on  
PR Bond or  
Surety Bond

Initial Hearings

- Access to attorney (appointed if indigent/hire if financially capable)
- Set bond conditions as appropriate
- Continuously review jail pop for ability to adjust bail/PR
- Provide time to consult attorney
- Access to Recovery Coaches
- Assessment scheduled for disposition

Arrest to Disposition

- Disposition
- Results of the assessment to the court w/ recommendations
  - Pretrial diversion or deferred adjudication
  - Length of supervision and individualized conditions

Pretrial Intervention Program (Diversion)



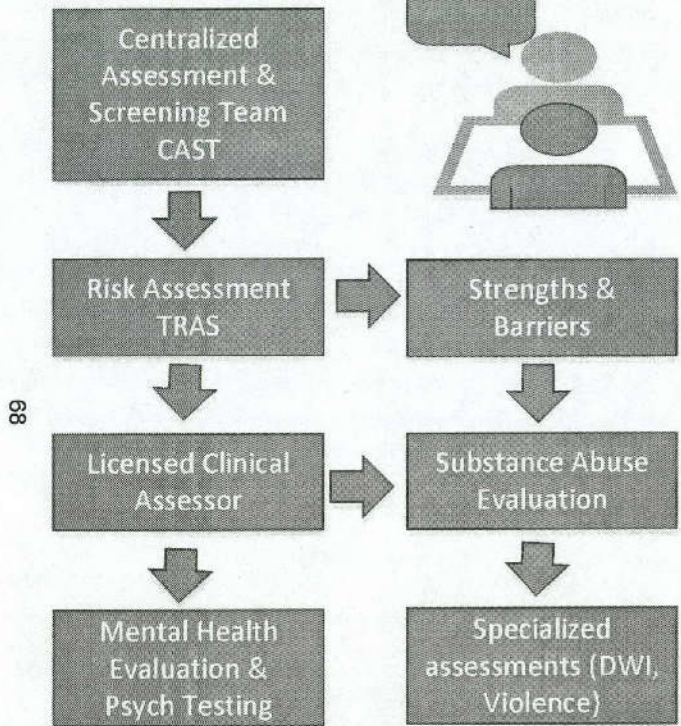
No Felony  
History

Deferred Adjudication



Prior Felony History  
Current PCS < 1g  
PCS 1 to 4G or  
Prost 4th

\*3 other outcomes that can occur in RIC: 1) Dismissed;  
2) Transfer out to District Court; 3) Incarceration



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Risk, Need, and Responsivity

Assessment Driven  
Interventions

- Criminogenic Targets
- Employment
- Criminal Attitudes
- Peers
- Education
- Substance Abuse
- Family

Low and Regular Risk Caseloads

Specialized Caseload  
(Mental health, substance abuse)

Supportive and Intensive Outpatient Treatment

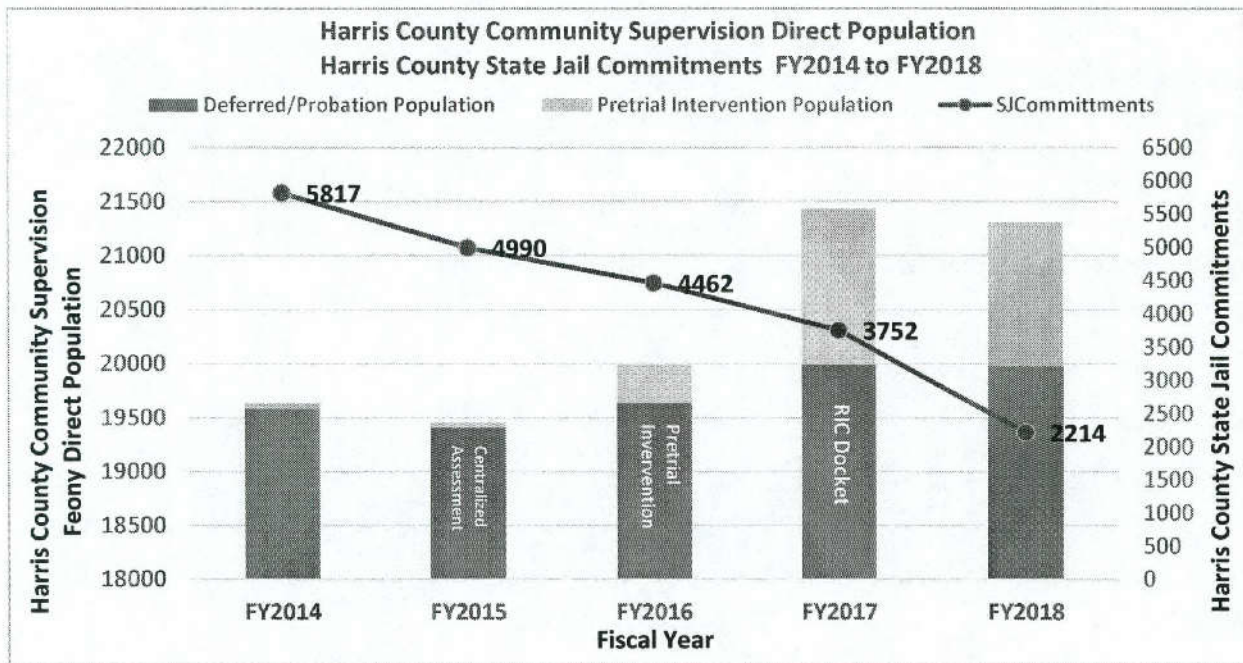
Community Residential Treatment

Specialty Courts

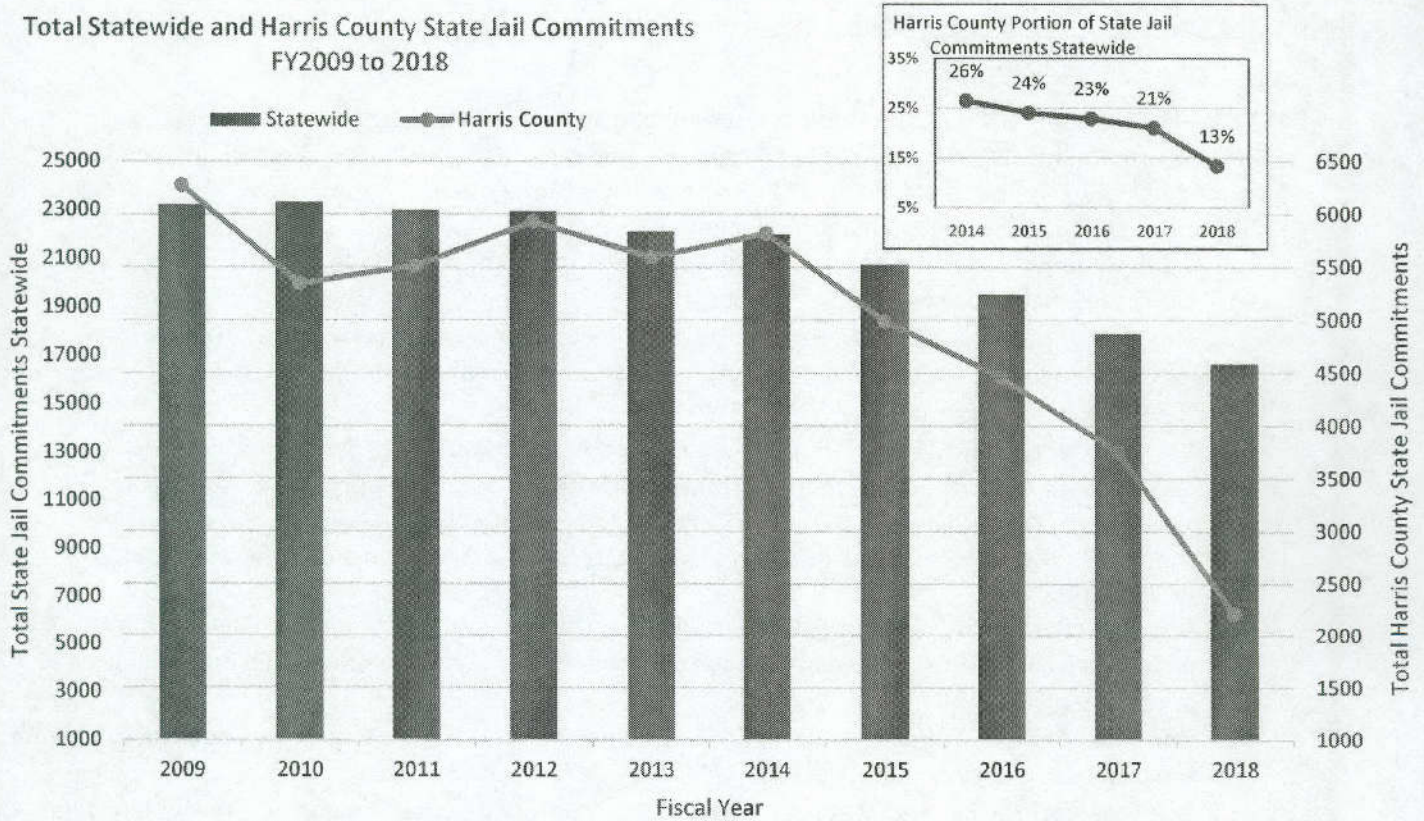
Residential Treatment—SATF, CCF, DDRP, SAFPF, ISF

Impacts of the Responsive Interventions for Change Docket and Larger HCCSCD Initiatives

- FY2015—Harris County CSCD’s Centralized Assessment and Screening Team (CAST) was implemented
- FY2016—Harris County CSCD and the District Attorney’s office established the Felony Pretrial Intervention program for 1<sup>st</sup> time offenders charged with PCS < 1g and PCS 1 to 4g offenses.
- FY2017—The RIC Docket was created and implemented
  - 8,899 cases were filed and assigned to the RIC Docket from October 2016 to July 2018.
  - 6,068 cases have been disposed
  - The number of low-level felony drug and prostitution cases receiving a conviction and sentence to incarceration over diversion to Community Supervision reversed from the years prior to the creation of the RIC Docket.
    - Prior to the RIC Docket 79% of the cases received a conviction and were sentenced to incarceration and 21% of the cases were diverted to community supervision and treatment.
  - Since the RIC Docket began in October of 2016, 85% of the cases were diverted to community supervision (PTI or Deferred Adjudication) and 15% received a conviction and were sentenced to incarceration.
  - One year after the RIC Docket began, the number of jail days occupied by low-level felony drug and prostitution cases were reduced by 100,000 days compared to similarly situated defendants from the prior year.
  - One year after the RIC Docket started, the median number of jail days occupied by people of color were reduced from 40 days to 5 days or less.
  - One year after the RIC Docket started, the number of African American’s charged with low-level felony drug cases or prostitution 4th receiving a Pre-trial Intervention Program doubled from the previous year, providing an opportunity to receive treatment and avoid a felony conviction.



**Total Statewide and Harris County State Jail Commitments  
FY2009 to 2018**



Prepared by:

Judge Brock Thomas  
 Presiding Judge, Responsive Intervention for Change Docket  
[Brock\\_Thomas@Justex.net](mailto:Brock_Thomas@Justex.net)

Dr. Teresa May  
 Director, Harris County Community Supervision and Corrections Department  
[Teresa.May@csc.hctx.net](mailto:Teresa.May@csc.hctx.net)

Provided by TDCJ to Senate Committee on Criminal Justice for Interim Hearing

## Telemedicine in Correctional Facilities

The TDCJ provides healthcare to offenders through contracts with two local universities; the University of Texas Medical Branch (UTMB), which provides services to approximately 80% of the TDCJ offender population, and the Texas Tech University Health Sciences Center (TTUHSC), which covers the remaining 20%. Both medical contractors utilize telemedicine for primary care, specialty care, and mental health services.

### Number of contracted physicians designated to participate in Telemedicine

UTMB – Telemedicine services are provided by 53 employee providers. There are 34 mid-level practitioners and 19 physicians.

TTUHSC - Telemedicine services are provided by internal employee providers and a network of contracted providers, as well as various campuses and departments within the TTUHSC system. Through these provider relationships, they have access to over 25 telemedicine providers.

### Annual frequency of use

UTMB – In Fiscal Year 2017, the UTMB providers conducted 156,040 encounters using telemedicine.

TTUHSC – In Fiscal Year 2017, the TTUHSC providers and contractors conducted 10,860 encounters using telemedicine.

### Classification and frequency of use

Classification of Care	UTMB	TTUHSC
HIV / Hepatitis C	17,623	
Wound Care	1,163	
Pharmacy	3,518	
Primary Care	60,396	331
Mental Health	53,230	10,257
After Hours Urgent Care	15,494	
Specialty Care	4,616	272
Total	156,040	10,860

### Cost Savings

UTMB - Estimated Cost Saving = \$5M annually

TTUHSC - Estimated Cost Saving = \$1.28M annually

### Projection to expand or reduce use of Telemedicine

UTMB expects to expand the use of telemedicine by 5% to 8% over the next 5 years.

TTUHSC has expanded use by over 50% from FY2017 to FY2018 and continues to look for expansion opportunities in the areas of tele-optometry, tele-dentistry, oncology and palliative care.

### Year of implementation

Both universities began using telemedicine in 1994.

# *Texas Department of Criminal Justice*

## **Telehealth in Correctional Managed Care: Pioneering New Models for Care**

*Lannette Linthicum, MD, CCHP-A, FACP  
Director, TDCJ Health Services Division*

**Senate Committee on Criminal Justice  
September 12, 2018**

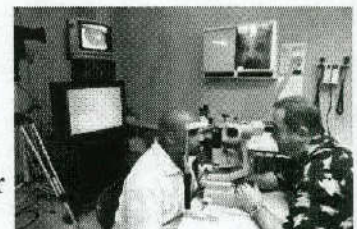
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*Correctional Managed  
Health Care*



## ***Correctional Managed Care History of Telehealth***

- Texas started using Telehealth/Telemedicine in correctional facilities in the early 1990s.
- Telehealth started with full range of diagnostic capabilities.
- The audiovisual equipment and slow frame speeds produced poor visuals that doctors found insufficient for diagnosis and treatment.
- Higher costs in the beginning made funding more challenging. Today, equipment ranges from \$1,500-\$8,000 per unit depending on peripherals.
- Improvement in internet speed and capabilities as well as nanotechnology and higher resolutions has drastically improved telehealth capabilities.
- Evolution of Electronic Health Record (EHR) in 2004 has further enhanced capabilities due to readily available history being widely accessible.
- CMHC was one of the first correctional health systems to implement EHR, which is available at all TDCJ units and Hospital Galveston.

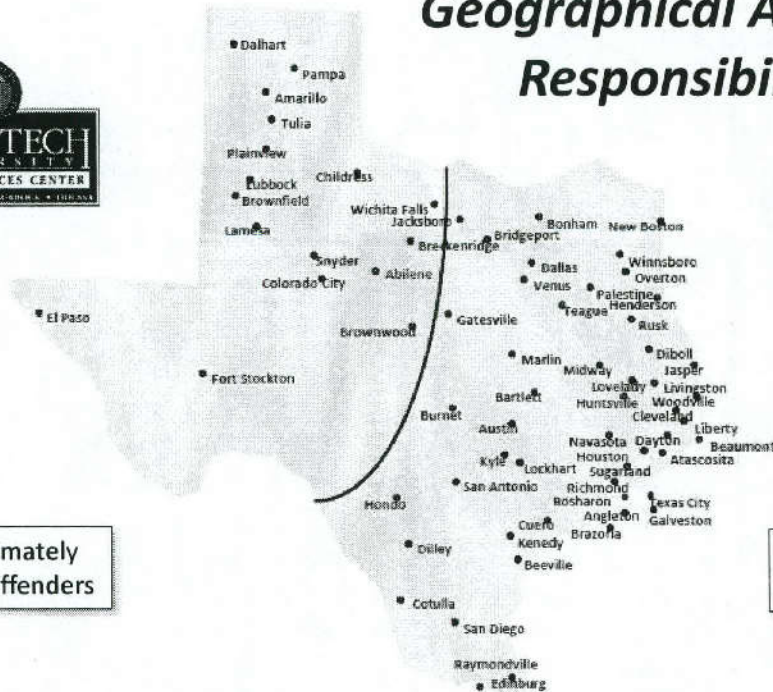


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*Correctional Managed  
Health Care*



## Geographical Areas of Responsibility



Approximately  
29,500 Offenders

Approximately  
119,000 Offenders

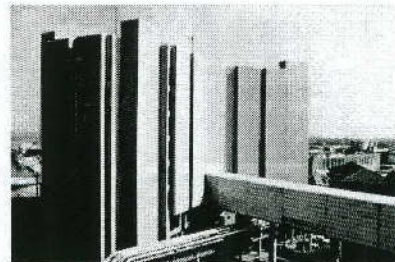
*Correctional Managed  
Health Care*



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## Correctional Managed Care Overview

- Employees: 3,960
- Covered lives: Approximately 145,000
- 110 bed prison hospital – only one in the country
- 223 Hospital and Profession Services Contracts
- All unit based medical, mental health, nursing and dental care
- Inpatient care, Specialty care
- 1,550 Inpatient Mental Health beds
- 1,308 Special Outpatient Mental Health Beds
- Specialty programs for physically disabled, deaf, blind, mentally ill and geriatric offenders
- 674 infirmary beds - fixed
- 270 Dialysis slots
- Extensive telemedicine network
- 340B drug pricing in UTMB facilities – saves taxpayers over \$90 million per year



*Correctional Managed  
Health Care*



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## *Telehealth Overview:*

- Each unit is equipped with the appropriate telehealth equipment, including peripherals, required to utilize telehealth services. Larger units are equipped with multiple telehealth stations that enable simultaneous visits.
- Mobile telehealth technology can be deployed to add services as needed.
- UTMB employs 53 providers: 34 are mid-level practitioners and 19 are physicians. These positions cover telehealth services for primary care, mental health, wound care, HIV and Hepatitis C.
- Texas Tech services are provided by internal employee providers and a network of contracted providers, as well as various campuses and departments within the TTUHSC system. Through these provider relationships, they have access to over 25 telemedicine providers.
- Telehealth patient presenters complete a certified tele-presenter training course that is eligible for continuing education unit (CEU) credits, provided by the F. Marie Hall Institute for Rural and Community Health in a Frontiers in Telemedicine (FIT) laboratory.

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*Correctional Managed  
Health Care*



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## *Services Offered Through Telehealth:*



- Dermatology
- Endocrinology
- Nephrology
- Urology
- Pharmacy
- Pulmonology
- Internal Medicine
- Rheumatology
- Optometry
- Gastroenterology
- Hematology
- Neurosurgery
- Oncology
- Pain Medicine
- Radiation Therapy
- Mental Health

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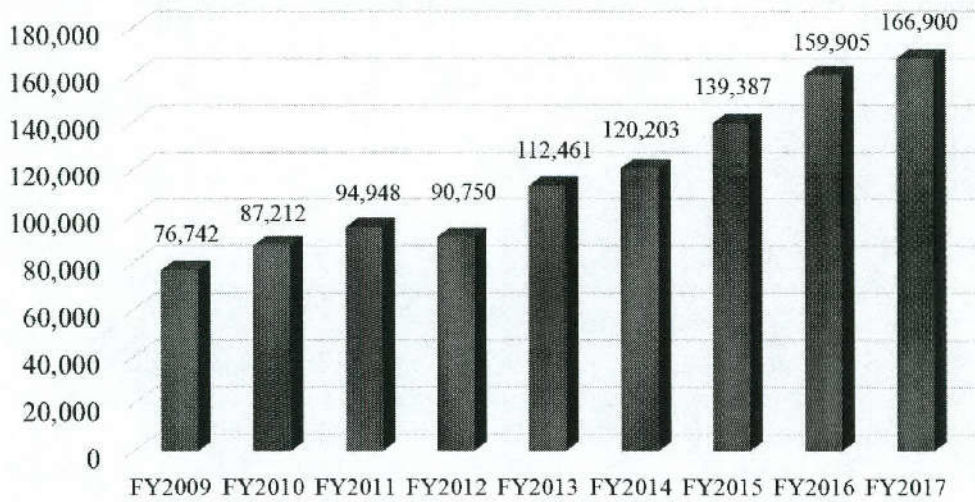
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## Historical Encounters:



Of the 166,900 encounters in FY2017, 36% were for primary care and 38% were for mental health.

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Health Care*

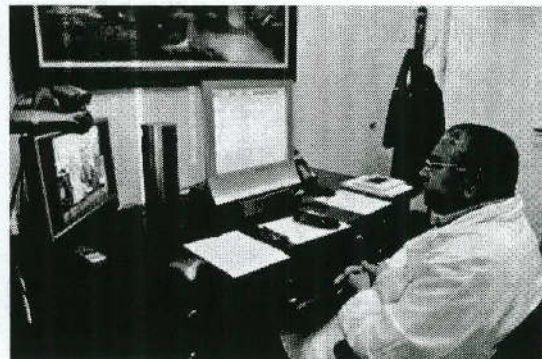


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## Provider Care

**Primary Care Provider**

**Telepsychiatry and  
Telepsychology**



*Correctional Managed  
Health Care*



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# *Telehealth Cost Savings and Expansion Opportunities:*

## **Cost Savings:**

- Estimated Cost Avoidance = \$6.3M annually

## **Expansion Opportunities:**

- The correctional managed health care partners continue to look for opportunities to expand utilization of telehealth services.
- One example is a current pilot program for tele-optometry which includes all components of a comprehensive eye exam, including refraction, through the use of fundus and anterior segments cameras and store-and-forward technology.
- In addition CMHC is investigating the availability of tele-dentistry technology with the intent to pilot and implement in the TDCJ as appropriate.
- The provider network is continuously being expanded and additional telehealth disciplines are also being considered.

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*Correctional Managed  
Health Care*



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*Questions?*

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*Correctional Managed  
Health Care*



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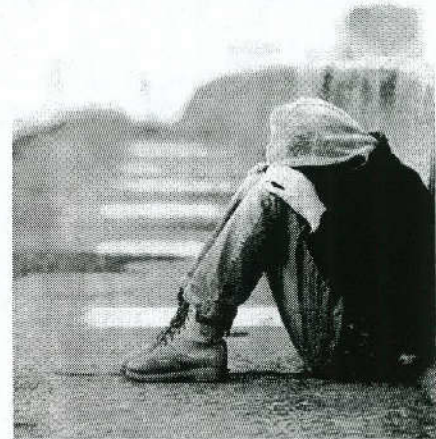
# Governor's Child Sex Trafficking Team

Senate Committee on Criminal Justice:  
Human Trafficking Awareness and Prevention

## Challenges and Progress in Preventing, Recognizing, and Reporting Child Sex Trafficking

Andrea Sparks  
Director  
Child Sex Trafficking Team  
Office of Governor Greg Abbott

September 12, 2018



## Child Sex Trafficking Team Vision and Mission

### Vision

A state where children are free from sexual exploitation.

### Mission

To prevent victimization, help identify and recover survivors, provide coordinated services to help them heal and thrive, and bring them justice.

# The Charge

Texas Government Code §§ 772.0062 – 772.0063

**PROTECT:** Assist agencies in leveraging and coordinating state resources to prevent child sex trafficking

**RECOGNIZE:** Coordinate with state and local law enforcement, state agencies, and service providers to identify child sex trafficking victims

**RECOVER:** Facilitate collaborative efforts to recover victims

**RESTORE:** Coordinate with local service providers to create a customized package of services to fit the immediate and long-term rehabilitation and treatment needs, including medical, psychiatric, psychological, safety and housing needs

**BRING JUSTICE:** Provide support for prosecutions

**RESEARCH and SHARE INFORMATION:** Collect and analyze research and information and share with stakeholders



Child Sex Trafficking Team

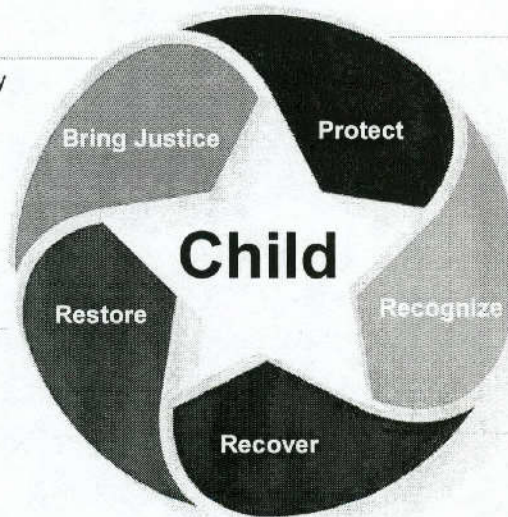
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## Child Sex Trafficking Team

### Goals and High Level Strategies

**Bring justice** for survivors by holding traffickers, buyers, and those who profit from trafficking accountable.

**Restore** survivors through trauma-informed and responsive services and supports they need to heal and thrive.



**Protect** children by building their awareness of and resilience to child exploitation and by curbing demand for child sex trafficking.

**Recognize** child sexual exploitation in all its forms by raising public awareness and implementing screening tools for victims.

**Recover** victims with protective and empowering – not punitive - collaborative and coordinated responses spanning multiple systems.



Child Sex Trafficking Team

# Challenges

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We Don't Yet Know Exactly How Big the Problem Is  
But we are seeing more cases than ever before.

University of Texas estimates that there are 79,000 young adult (under 25) survivors of sexual exploitation.

Texas has the second most reports to the National Human Trafficking Hotline, behind California.

Signals to the Hotline (2017):

- All of Texas: 2,459
- 1. Houston 829
- 2. San Antonio 431
- 3. Dallas 397
- 4. Austin 372
- 5. Fort Worth 91

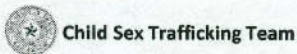
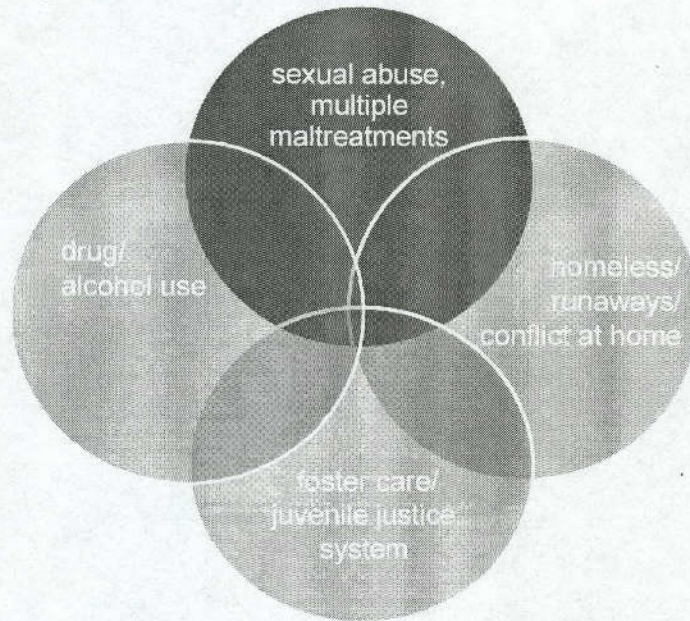


Map depicts hotspots for human trafficking reports to the National Human Trafficking Hotline in 2017.

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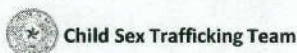
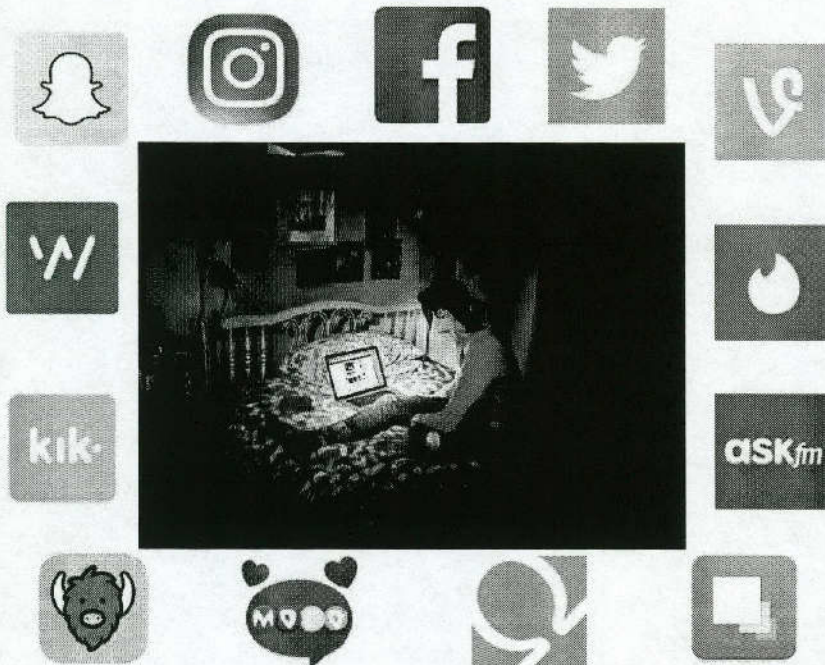
# Children at Highest Risk are Those Most Traumatized.

Multiple adverse childhood experiences and complex trauma make healing especially difficult.



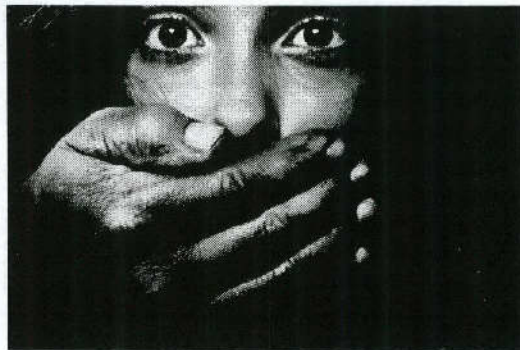
## But With Technology, Every Child is at Risk.

*"Predators spend entire days trolling Facebook, looking for girls who post about fighting with their parents or feeling left out of school." Trafficking detective*



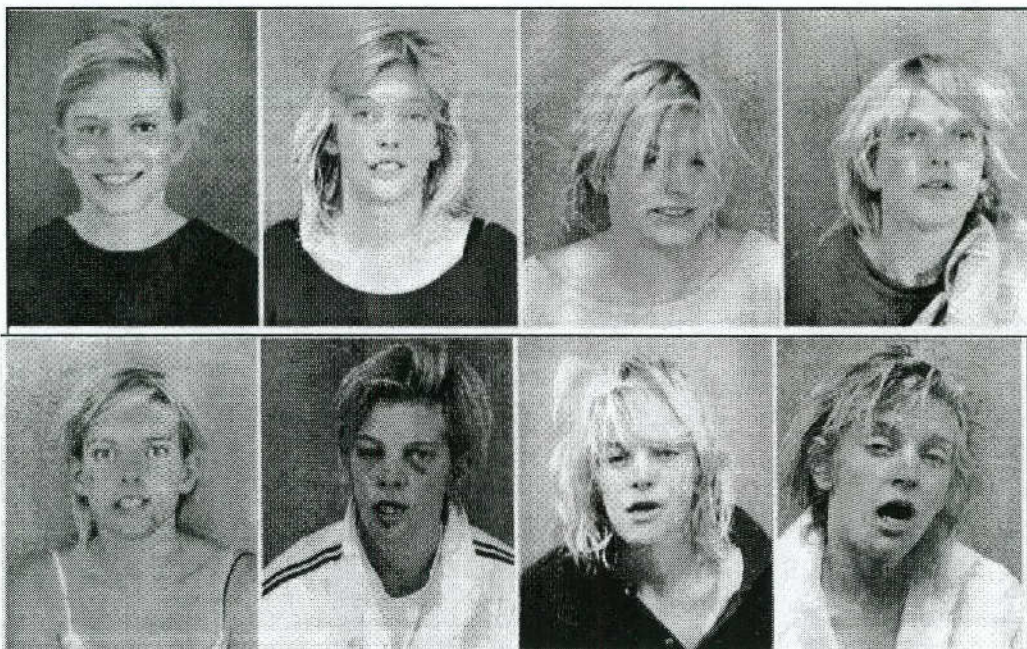
# Popular Conceptions of Trafficking are Misleading

*"The hardest thing is that you are in plain sight. We are not going to walk up and say 'please help me'." CST survivor*



## In Reality, Most Victims are Hidden in Plain Sight

And, by the time we recognize them, the effects of the abuse is severe. The road to wellbeing is long.



Prism Magazine, Portrait of Exploitation, 2007.

# Progress

## Great Work Happening in Texas

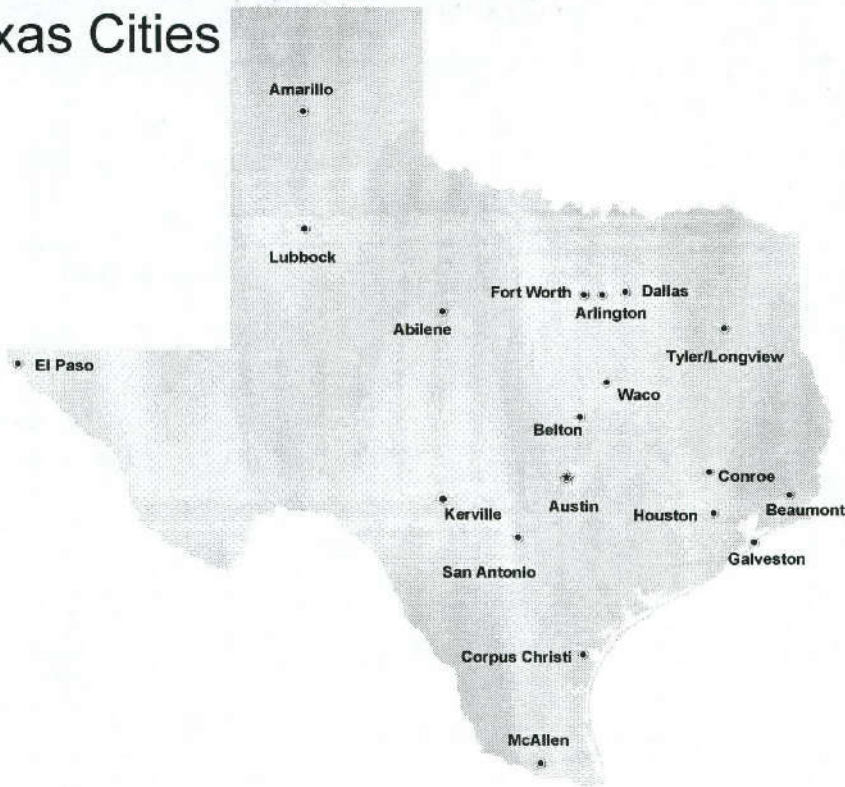
CSTT working with State Agencies and Other Public and Private Partner to Raise Awareness and Prevent Victimization

- Texas Department of Public Safety - providing Interdiction for the Protection of Children training to help law enforcement across Texas recognize signs of trafficking and exploitation
- Texas Juvenile Justice Department - identifying victims and providing trauma informed treatment
- Texas Department of Family and Protective Services - partnering with law enforcement to focus on finding missing children and identifying victimization, implementing screening tool
- Texas Health and Human Services - developing an online resource center and delivering training to health care providers to empower to recognize and respond to trafficking
- Texas Department of State Health Services – conducting training to health care providers and the public on child sex trafficking
- Texas Attorney General - developed the *Be the One* training video and is conducting trainings for law enforcement and others across Texas
- Texas Alcoholic Beverage Commission - training agents and beer distributors to recognize and report trafficking
- Texas Department of Licensing and Regulation - implemented posters raising awareness of trafficking in regulated businesses
- Texas Education Agency - providing updated and enhanced prevention and awareness resources to schools
- Texas Railroad Commission - co-hosted summit to encourage energy industry to get involved in anti-trafficking work
- Other agencies we routinely collaborate with include nonprofit organizations, faith communities, private foundations and corporations.





# 24 Local Anti-Trafficking Task Forces & Coalitions in 19 Texas Cities



## CSTT Strategies to Protect Children



### Providing prevention education for all youth, educators, and caregivers

- Working with TEA, TASB, and Texas HT Prevention Task Force at OAG and private school stakeholders to make research-based, age-appropriate curricula available and accessible in all Texas schools for youth, and for educators, counselors, and school administrators.

### Supporting targeted interventions to reduce vulnerability of high risk youth

- Funding prevention program for youth in DFPS custody and in juvenile probation programs (grants pending).
- Funding enhanced CASA (Court Appointed Special Advocates) advocacy and collaborative family engagement for youth in permanent managing conservatorship of DFPS.
- Funding targeted prevention programs at Boys and Girls Clubs.
- Planning mentoring campaign with First Lady Cecelia Abbott, Governor's Commission for Women, and DFPS to promote mentoring of at risk youth.
- Partnering with Texas Christian University to provide Trust Based Relational Intervention to treat and reduce trauma of at risk youth.

# CSTT Strategies to Protect Children



## **Providing training and technical assistance on prevention and identification of victims**

- Regularly train at various conferences, local task force and coalition meetings.
- Partnering with Meadows Mental Health Policy Institute to develop toolkit for community leaders on how to prevent, recognize and address child sexual exploitation in their communities. (expected completion January 2019)

## **Disrupting the market by deterring potential buyers and decreasing demand**

- Working with energy industry leaders to promote anti-trafficking business practices and to enhance and expand Secretary of State's Human Trafficking Prevention Business Partnership Program.



# CSTT Strategies to Recognize Child Victims



## **Raising public awareness**

- Promoting OAG's "Be the One" training video by challenging all state agencies to require employees to view and by partnering with HT taskforces/coalitions, Women's Commission and State Agency Council to promote across state.
- Working with National Human Trafficking Hotline to develop and distribute awareness materials via social media and website.
- Worked with TDLR, HHSC, TABC to raise awareness in regulated businesses.
- Enhancing CSTT website ([www.gov.texas.gov/cstt](http://www.gov.texas.gov/cstt)) to educate public and professionals on HT indicators, how to report and respond to HT, and to provide statistics and research on trafficking.

## **Implementing universal screening tool**

- Implementing CSE-IT (Commercial Sexual Exploitation Identification Tool) within DFPS, TJJD, and many other youth serving agencies.



# CSTT Strategies to Recognize Child Victims



## **Developing community-based drop in centers**

- Funding and providing technical assistance to 6 drop-in centers in Austin, Dallas, Houston, Killeen and San Antonio. Centers meet immediate needs of youth who drop in and provide case management, opportunities for engagement in services, and opportunities to develop healthy, supportive peer and adult relationships.

## **Partnering with researchers to help identify and learn about trafficking in Texas**

- Funding University of Texas study on prevalence of trafficking (ongoing).
- Harris County's Pilot Project 180 uses analysts to identify trafficking victims in previously labeled "prostitution" cases involving 17-24 year old victims.
- Analyzing aggregate data from CSE-IT screenings to identify and share trends, patterns, and risk factors of child sex trafficking in Texas, informing prevention and interventions.



Child Sex Trafficking Team

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# CSTT Strategies to Recognize Child Victims



## **Providing training and resources to criminal justice systems to better identify and address trafficking.**

- Partnering with DPS to develop and deliver Law Enforcement CEO Conferences on Missing & Exploited Children.
- Hosting monthly webinars for law enforcement on child sex trafficking and exploitation.
- Partnering with Border Prosecution Unit to bring specialized training to law enforcement partners and prosecutors to identify and combat trafficking.
- Funding dedicated anti-trafficking prosecutors and support positions in Bexar, Dallas and Harris County.

## **Enhancing hotline services for Texas**

- Partnering with National Human Trafficking Hotline to raise awareness in Texas of indicators of trafficking, to facilitate mandatory reporting of child sex trafficking to DFPS and/or law enforcement, to enhance online directory of services for Texas referrals, and to provide intelligence to inform law enforcement operations and CSTT strategies. 1-888-373-7888 or text to 2337333 (BEFREE)



Child Sex Trafficking Team

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# CSTT Strategies to Recognize Child Victims



## Building capacity within child welfare and juvenile justice systems to identify and serve victims

- Funded the development of DFPS HT and Child Exploitation Team to build DFPS capacity to prevent, identify and provide services to CST victims in care.
- Funding programs in TJJD and local juvenile probation departments to identify and provide services to victims, including specialty courts for CST victims.
- Delivering National Center for Juvenile and Family Court Judges training for Texas child welfare and juvenile justice judges on identifying and addressing trafficking in their courts, systems and communities.

## Providing targeted resources, training and outreach to recognize victims

- Partnering with National Center for Missing & Exploited Children to develop, fund and deliver in-person and online trainings throughout the state for law enforcement and child protection system and stakeholders.
- Funding United Against Human Trafficking outreach, identification and connection of victims to services work in greater Houston area.

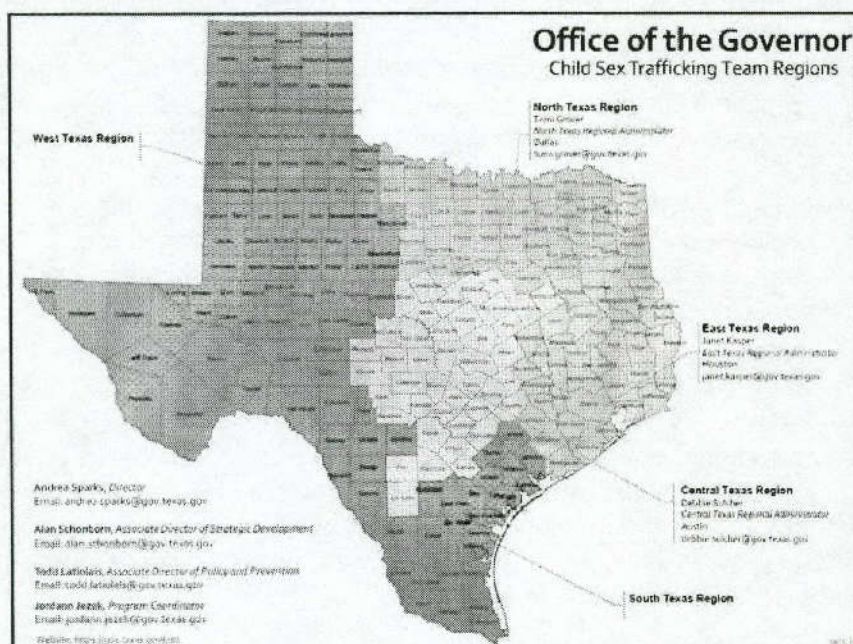


Child Sex Trafficking Team

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## Five CSTT Regional Administrators

First priority is to develop services and care coordination for identified victims but also supporting prevention and awareness activities.



Child Sex Trafficking Team

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# Human Trafficking Prevention Business Partnership Program

## What is human trafficking?

“Human trafficking is a crime involving the exploitation of someone for the purposes of compelled labor or a commercial sex act through the use of force, fraud, or coercion.” See National Human Trafficking Hotline website for more information. <https://humantraffickinghotline.org/type-trafficking/human-trafficking>

Human trafficking can affect anyone; male, female, adult or child. People can be trafficked within their state, country or internationally. Traffickers can be male or female, old or young.

As a business operating in Texas, you can aid in the fight to end human trafficking by joining the Human Trafficking Prevention Business Partnership.

## About the Partnership

The Human Trafficking Prevention Business Partnership program is established under §405.023 of the Texas Government Code and 1 Texas Administrative Code Chapter 90. The program allows for corporations and private entities that voluntarily take steps to prevent and combat human trafficking to apply for a certificate of recognition.

## Meet Our Current Partners

- Sabre GBLB, Inc., *Southlake, TX*
- PCO Div II, Inc., *Baytown, TX*
- EIS Office Solutions, Inc. dba Secor.cc, *Houston, TX*
- K.C.S. United Enterprise, LLC, *Houston, TX*
- Southern Brush, LLC, *Spring, TX*
- The Metochoi Group dba 3<sup>rd</sup> Millennium Group, *San Antonio, TX*

## Why Should You Join the Partnership?

- Stand out in the marketplace with state recognition of your leadership in combatting a serious problem
- Contribute to your employees' knowledge and understanding of your business operations
- Build consumer trust in your business
- Be a role model that influences other businesses to follow your leadership in combatting human trafficking

## How to Apply

Corporations and private entities interested in applying for a certificate of recognition should submit the Application for Certificate of Recognition along with any necessary supporting documentation.

*Below is a summary of the requirements. For more information, please see Texas Government Code §405.023 and 1 Tex. Admin. Code Chapter 90.*

- Applicant must be an eligible business:
  - Corporation, limited partnership, limited liability company, professional association, or cooperative association.
  - Private entity – organization that engages in for-profit activities through the use of employees.
  - **\*\*PLEASE NOTE: Non-profit entities are not eligible to participate in the Human Trafficking Prevention Business Partnership Program.\*\***
- Applicant must have adopted a Zero Tolerance Policy towards human trafficking and take measures to ensure compliance with that policy that involves, at minimum:
  - Implementing a mandatory human trafficking awareness training for all employees;
  - Establishing a policy and point of contact for employees to report possible violations without fear of retaliation, including a hotline and email address; and
  - Providing information to employees about resources for providing assistance to victims of human trafficking.
- Applicant must have participated in a minimum of one public awareness and education campaign each year to raise awareness of human trafficking.
- Applicant agrees to enhance awareness of and encourage participation in the partnership by notifying employees and business partners that the entity is seeking or has been granted a certificate of recognition; and
- Applicant agrees to share with the secretary of state best practices that are effective in combatting human trafficking.

## **Resources for Employee Training**

### **General Training and Resources**

- Texas Attorney General: Be the One <https://texasattorneygeneral.gov/human-trafficking>
- Department of Homeland Security: Blue Campaign <https://www.dhs.gov/blue-campaign/awareness-training>
- Human Trafficking 101 <https://humantraffickinghotline.org/resources/human-trafficking-101>
- Human Trafficking Public Outreach Campaigns <https://humantraffickinghotline.org/resources/human-trafficking-public-outreach-campaigns>

### **Business Training and Resources**

- 5 Ways Businesses Can Help End Human Trafficking for Good <https://www.uschamber.com/article/5-ways-businesses-can-help-end-human-trafficking-good>
- Human Trafficking and Sales Crews <https://humantraffickinghotline.org/resources/human-trafficking-and-sales-crews>
- Human Trafficking in Agricultural Labor <https://humantraffickinghotline.org/resources/human-trafficking-agricultural-labor>
- Polar Project <https://polarisproject.org/>

## Application for Certificate of Recognition (Human Trafficking Prevention Business Partnership Program)

The attached application, including the information provided in the application, is a public record and subject to public access and disclosure. Do not include information that may be confidential or a trade secret.

### Commentary

The Human Trafficking Prevention Business Partnership program as provided by Section 405.023 of the Texas Government Code and the secretary of state's administrative rules found in 1 Texas Administrative Code Chapter 90, recognizes that corporations and private entities can contribute to the efforts of federal, state, and local officials engaged in combatting human trafficking and in prosecuting human trafficking crimes. This application process is designed to identify and recognize those corporations and private entities that have implemented zero tolerance policies toward human trafficking and have taken voluntary steps to promote public awareness of human trafficking.

Any corporation or private entity that engages in a for-profit activity may submit an application for participation in the partnership and for a certificate of recognition. A corporation is defined by rule as a domestic or foreign for-profit corporation, limited partnership, limited liability company, professional association, or cooperative association that is governed under the Texas Business Organizations Code, federal law, or the law of another state or nation. A private entity includes a bank, trust company, savings and loan association, insurance company, railroad company, or other organization that engages in a for-profit activity through its employees.

A certificate of recognition issued to an eligible participating corporation or private entity is valid for three years and can be renewed for an additional term by the participating entity. There is no processing fee for making an application.

### Instructions for Form

A document on file with the secretary of state is a public record subject to public access and disclosure. When providing address or telephone information, use a business or post office box address rather than a residence address if privacy concerns are an issue.

- **Applicant Information:** Provide the full legal name of the applicant and its principal office address. The principal office address does not need to be in Texas. The contact point is the individual to whom any correspondence may be addressed regarding the application or documentation provided. The contact point is not required to be the person who signed the application.
- **Business Information:** Completion of this section is not required, but optional. However, the information provided may be useful to the secretary of state when developing a database of best practices for combatting and preventing human trafficking within certain industries or businesses.
- **Attachments:** If the space provided is not sufficient, provide additional information or documentation as a separate attachment to the form. Do not include digital, video or electronic attachments. If applicant provides employee training on human trafficking or other information in a digital or electronic format, a print-out or transcript of the material should be provided.
- **Execution:** The application must be signed by a person who is authorized to sign on behalf of the applicant. Generally, a corporate officer is authorized to sign on behalf of a corporate entity.
- **Delivery Instructions:** The completed form may be mailed to P.O. Box 13193, Austin, Texas 78711-3193; or delivered to the James Earl Rudder Office Building, 1019 Brazos, Austin, Texas 78701. The secretary of state will issue a certificate of recognition on filing a completed and approved application.

Submit to:  
SECRETARY OF STATE  
Registrations Unit  
P O Box 13193  
Austin, TX 78711-3193  
512-475-0775  
512-475-2815 - Fax



**APPLICATION FOR  
CERTIFICATE OF  
RECOGNITION**

The undersigned applicant seeks to participate in the Human Trafficking Prevention Business Partnership program established by §405.023 of the Government Code and requests recognition for its contributions to the efforts of federal, state, and local officials engaged in combatting human trafficking and in prosecuting human trafficking crimes. The voluntary steps and measures taken by the applicant to prevent and combat human trafficking, as demonstrated by the information and documentation provided, qualify the applicant for membership in the partnership and for a certificate of recognition.

**Applicant Information**

1. Business Name: \_\_\_\_\_  
*Provide the full legal name of corporation or private entity*

2. Address: \_\_\_\_\_  
*Street City State Zip Code*

3. Contact Point: \_\_\_\_\_  
*First Name Last Name Job Title*

Contact Address:  Same as above  Contact's mailing address is different and shown below:  
\_\_\_\_\_  
*Street City State Zip Code*

Work Phone: \_\_\_\_\_

**Business Information (optional)**

Type of Business:  Retail  Service  Manufacturing

Average Number of Employees: \_\_\_\_\_ Number of Locations in Texas: \_\_\_\_\_

Markets Served by Applicant:  Local  National  International

Briefly Describe Applicant's Main Products/Services:

**Eligibility**

4. Partnership Promotion & Awareness:

Has applicant either notified its employees that the entity is seeking a certificate of recognition as a member of the partnership or does applicant agree to notify employees if a certificate of recognition is granted?

No  Yes

Has applicant either notified its business partners that the entity is seeking a certificate of recognition as a member of the partnership or does applicant agree to notify its business partners if a certificate of recognition is granted?

No  Yes



## Eligibility

5. Has applicant adopted a Zero Tolerance Policy towards human trafficking that includes:

Complying with all applicable federal and state human trafficking laws and regulations?

No                       Yes                       Not Applicable

Assessing and examining the business's supply lines, supplies, other inputs, and business related facilities to determine that they are free from human trafficking and taking appropriate action to address negative findings?

No                       Yes                       Not Applicable

Creating a housing plan (if the corporation or private entity provides or arranges housing) that ensures compliance with applicable host country requirements?

No                       Yes                       Not Applicable

Prohibiting employees, agents, or subcontractors from withholding the identity or immigration documents, such as a passport or driver's license, from a worker?

No                       Yes                       Not Applicable

Procedures to prevent agents and subcontractors at any tier and at any dollar amount from engaging in trafficking in persons, and to monitor, detect, and terminate any agents and subcontractors who engage in, or who have employees who engage in, such activities?

No                       Yes                       Not Applicable

A prohibition against the expenditure of any business funds for the purpose of patronizing a business that is part of the commercial sex industry or using any business resources to engage in activities related to the commercial sex industry?

No                       Yes                       Not Applicable

Provide additional supporting documentation, as necessary:

6. Has applicant taken measures to ensure compliance with the Zero Tolerance Policy, including:

Implementing a mandatory human trafficking awareness training for all employees that includes the actions that will be taken against employees for violations?

No                       Yes

Provide information about the training used and attach copies, if available:

Establishing a policy and point of contact for employees to report possible violations without fear of retaliation, including through a hotline number and e-mail address, and to ensure that any violations get reported to the proper law enforcement agency and the Texas Department of Family and Protective Services?

No                       Yes

Providing information to employees about resources for providing assistance to victims of human trafficking?

No                       Yes

Provide additional information or documentation, as needed:

7. Has applicant participated in any human trafficking public awareness or education campaigns within the last twelve months?

No                       Yes    If yes, list the date of the campaign(s). \_\_\_\_\_

Describe the campaign and how it raised awareness of human trafficking within applicant's community or supported federal, state, or local efforts to combat/prosecute human trafficking. Attach any additional documentation as needed.

Describe applicant's participation in the campaign. Attach any additional documentation as needed.

8. By seeking membership in the Human Trafficking Prevention Business Partnership program, applicant agrees to share its best practices in combatting human trafficking. Describe below applicant's best practices. Attach additional supporting documentation as needed.

## Certification of Applicant

I certify that I have reviewed the preceding statements and any attached supporting documentation provided, and to the best of my knowledge, the information provided is true, accurate, and complete. I also certify that I have the authority to execute this application on behalf of the applicant.

### Execution

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Authorized Person*

\_\_\_\_\_  
*Printed or typed name and capacity/title*

State of \_\_\_\_\_ )

County of \_\_\_\_\_ )

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

(seal)

\_\_\_\_\_  
*Notary Public Signature*

## BILL ANALYSIS

Senate Research Center

S.B. 12  
By: West  
Criminal Justice  
5/24/2017  
Enrolled

### AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 12 as filed creates a grant program that will equip members of law enforcement statewide with protective vests. The grant program will be administered through the Office of the Governor (governor's office) similar to the process created for S.B. 158, 84th Legislature, Regular Session, 2015, the body camera bill.

All law enforcement agencies will be eligible to apply for grants to outfit officers assigned to patrol duties or who respond to calls for assistance with protective vests.

S.B. 12 has the support of the lieutenant governor.

Under S.B. 12, an agency that receives grant funding is required to report to the governor's office the number of vests purchased and the cost of each vest. Currently, local governing bodies or local law enforcement agencies have the responsibility of securing funding for the purchase of protective vests. Federal and private grants are also used to assist in the purchase of protective vests.

S.B. 12 may use any available funding for the purchase of protective vests, including federal funding and donations. (Original Author's / Sponsor's Statement of Intent)

S.B. 12 amends current law relating to the creation of a grant program to assist law enforcement agencies with the purchase of bulletproof vests and body armor.

### RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 772, Government Code, by adding Section 772.0073, as follows:

Sec. 772.0073. BULLETPROOF VEST AND BODY ARMOR GRANT PROGRAM. (a) Defines "criminal justice division."

(b) Requires the criminal justice division (division) to establish and administer a grant program to provide financial assistance to a law enforcement agency in this state that seeks to equip its peace officers with bulletproof vests (vests), ballistic plates, and plate carriers.

(c) Requires that a vest or plate purchased with a grant received under this section comply with a National Institute of Justice standard for rifle protection.

(d) Authorizes a law enforcement agency to apply for a grant under this section only if the agency first adopts a policy addressing the deployment and allocation of vests or plates to its officers and usage of vests or plates by its officers.

(e) Requires a law enforcement agency receiving a grant under this section, as soon as practicable after receiving the grant, to provide to the division proof of

purchase of vests, ballistic plates, and plate carriers, including the price of each item and the number of each type of item purchased.

(f) Requires, not later than December 1 of each year, the division to submit to the Legislative Budget Board a report that provides, for the preceding state fiscal year, the name of each law enforcement agency that applied for a grant under this section, the amount of money distributed to each law enforcement agency that received a grant under this section, and as reported under Subsection (e), the number of vests, plates, and carriers purchased by each agency.

(g) Authorizes the division to use any revenue available for purposes of this section.

SECTION 2. Effective date: upon passage or September 1, 2017.



# SB 12: Bulletproof Vest & Body Armor Grant Program

*Prepared for the Senate Committee on Criminal Justice*

September 12, 2018

## Bulletproof Vest & Body Armor Grant Program

Sec. 772.0073 Texas Government Code

- ❖ The Criminal Justice Division (CJD) administers a grant program that provides financial assistance to law enforcement agencies (LEAs) to equip its peace officers with rifle resistant bulletproof vests, ballistic plates, and plate carriers.
- ❖ Vests or plates purchased must comply with the nationally accepted National Institute of Justice (NIJ) standard for rifle protection.

Threat Level	Bullet Protection
IIA & II	Tested to stop 9mm, .40 S&W, .357 Magnum ammunition fired from short barrel handguns. No rifle ammunition protection.
IIIA	Tested to stop .357 SIG and .44 Magnum ammunition fired from longer barrel handguns. No rifle ammunition protection.
III	Tested to stop 7.62mm rifle ammunition.
IV	Tested to stop .30cal armor piercing rifle ammunition.

*As part of accepting grant funds, LEAs must implement a policy that addresses the deployment, allocation, and usage by its officers.*



# Bulletproof Vest & Body Armor Grant Program

## Current Status

**Bullet-Resistant Vests Rider #28.** Included in amounts appropriated in Strategy B.1.1, Criminal Justice, is \$25,000,000 in Economic Stabilization Funds in fiscal year 2018 to fund grants to local law enforcement agencies and/or the Texas Department of Public Safety for the purchase of bullet resistant personal body armor compliant with the National Institute of Justice (NIJ) standard for rifle protection.

Total Awarded			Purchased to Date		
# of Agencies Awarded	# of Vests Approved	Total Funds Awarded	# of Agencies Reporting	# of Vests Bought	Total Reimbursements Requested
452	32,842	\$22.9M	39	12,333	\$5.7M*

\*Next required financial report due to CJD on October 22, 2018.

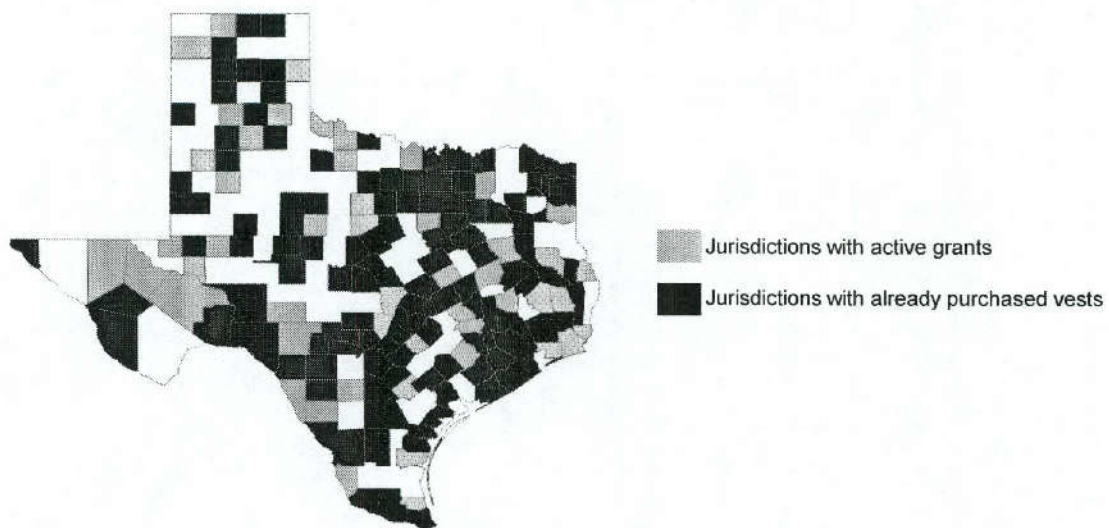
Grantees have until December 31, 2018 to purchase vests and close grant with CJD.



3

# Bulletproof Vest & Body Armor Grant Program

## Distribution of Grant Funding



- CJD intends to solicit a second round of applications in December 2018 with remaining funds available.



## BILL ANALYSIS

Senate Research Center

S.B. 30  
By: West; Whitmire  
Criminal Justice  
6/5/2017  
Enrolled

### AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 30 was developed with the goal of providing information to drivers, the public, and students, and also training for members of law enforcement, on the expectations that each should have during a contact between officers and motorists.

This information would include instructions to drivers on how they should react and communicate with officers during a traffic stop. The proper responses by the driving public would be included in training for new officers and continuing education courses for veteran patrol officers. Officers, in turn, would receive best practice instruction on their expected behaviors and reactions during a citizen contact. In addition, the same type information under S.B. 30 would be part of instructional materials taught to high school students and provided to driver training and driving safety course instructors.

The instructional materials will be developed through recommendations produced by a stakeholder workgroup convened during Fall 2016. The stakeholder workgroup consisted of representatives from law enforcement administration and officer groups, cities, and advocacy organizations. Instructional and training materials will be developed from the recommendations by the State Board of Education, the Texas Commission on Law Enforcement, and the Texas Commission of Licensing and Regulation.

The recommendations found in S.B. 30 include information pertaining to: the duties and responsibilities of peace officers, citizens' rights during interactions with law enforcement, the proper behaviors for police and drivers during a traffic stop, and how citizens would file a complaint against or recognize the actions of an officer.

S.B. 30 has the goal of lessened tensions and anxieties that may arise during interactions between officers and citizens during traffic stops and other encounters that could lead to undesired outcomes. (Original Author's / Sponsor's Statement of Intent)

S.B. 30 amends current law relating to inclusion of instruction regarding interaction with peace officers in the required curriculum for certain public school students and in driver education courses and to civilian interaction training for peace officers.

### RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the State Board of Education in SECTION 3 (Section 28.025, Education Code) of this bill.

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 4 (Section 1001.109, Education Code) of this bill.

### SECTION BY SECTION ANALYSIS

SECTION 1. Authorizes this Act to be cited as the Community Safety Education Act.

SECTION 2. Amends Subchapter A, Chapter 28, Education Code, by adding Section 28.012, as follows:



Sec. 28.012. INSTRUCTION ON INTERACTION WITH LAW ENFORCEMENT. (a) Defines "board," "commission," and "driver training school."

(b) Requires the State Board of Education (SBOE) and the Texas Commission on Law Enforcement (TCOLE) to enter into a memorandum of understanding that establishes each agency's respective responsibilities in developing instruction, including curriculum and instructional modules, on proper interaction with peace officers during traffic stops and other in-person encounters. Requires that the instruction include certain information.

(c) Authorizes SBOE and TCOLE to consult with any interested party in developing the instruction, including a volunteer work group convened for the purpose of making recommendations regarding the instruction.

(d) Requires SBOE and TCOLE, before finalizing any instruction, to provide a reasonable period for public comment.

(e) Authorizes a school district or open-enrollment charter school, subject to rules adopted by SBOE, to tailor the instruction developed under this section as appropriate for the district's or school's community. Requires the district or school, in tailoring the instruction, to solicit input from local law enforcement agencies, driver training schools, and the community.

SECTION 3. Amends Section 28.025, Education Code, by adding Subsection (b-20), to require SBOE to adopt rules to include the instruction developed under Section 28.012 in one or more courses in the required curriculum for students in grade levels 9 through 12.

SECTION 4. Amends Subchapter C, Chapter 1001, Education Code, by adding Section 1001.109, as follows:

Sec. 1001.109. INFORMATION RELATING TO TRAFFIC STOPS. (a) Requires the Texas Commission of Licensing and Regulation (TCLR), by rule, to require that information relating to law enforcement procedures for traffic stops be included in the curriculum of each driver education course and driving safety course. Requires that the curriculum include a demonstration of the proper actions to be taken during a traffic stop and certain other information.

SECTION 5. Amends Section 1701.253, Occupations Code, by adding Subsection (n), as follows:

(n) Requires TCOLE, as part of the minimum curriculum requirements, to require an officer to complete the civilian interaction training program developed under Section 1701.268. Requires an officer to complete the program not later than the second anniversary of the date the officer is licensed under this chapter (Law Enforcement Officers) unless the officer completes the program as part of the officer's basic training course.

SECTION 6. Amends Subchapter F, Chapter 1701, Occupations Code, by adding Section 1701.268, as follows:

Sec. 1701.268. CIVILIAN INTERACTION TRAINING PROGRAM. (a) Defines "board."

(b) Requires TCOLE and SBOE to enter into a memorandum of understanding that establishes each agency's respective responsibilities in developing a training program, including training and testing materials, on proper interaction with

civilians during traffic stops and other in-person encounters. Requires that the training program include certain information.

(c) Authorizes TCOLE and SBOE to consult with any interested party in developing the training program, including a volunteer work group convened for the purpose of making recommendations regarding the training program.

(d) Requires TCOLE and SBOE, before finalizing a training program, to provide a reasonable period for public comment.

SECTION 7 (a) Requires SBOE and TCOLE, not later than September 1, 2018, to develop the instruction required under Section 28.012, Education Code, as added by this Act, and the training program required under Section 1701.268, Occupations Code, as added by this Act. Requires TCIR, not later than September 1, 2018, to adopt rules regarding the curriculum required under Section 1001.109, Education Code, as added by this Act.

(b) Provides that Section 28.025(b-20), Education Code, as added by this Act, applies beginning with the 2018-2019 school year.

(c) Requires a peace officer or reserve law enforcement officer who holds a license under Chapter 1701, Occupations Code, issued on or before January 1, 2018, to complete a training program established under Section 1701.268, Occupations Code, as added by this Act, not later than January 1, 2020.

SECTION 8. Effective date: September 1, 2017.

# Civilian Interaction Training Program



Course #30418

April 2018

## Civilian Interaction Training Program

### ABSTRACT

This guide is designed to assist the instructor in developing an appropriate lesson plan to teach the course learning objectives. The learning objectives are the minimum required content of the Civilian Interaction Training Program. This course is a required course to be completed no later than the second anniversary of the date the officer is licensed unless the officer completes the training as part of the officer's basic training. A peace officer or reserve law enforcement officer who holds a license under Chapter 1701, Occupations Code, issued on or before January 1, 2018, shall complete a training program established under Section 1701.268, Occupations Code, as added by this Act, not later than January 1, 2020.

**Note to Trainers:** It is the responsibility of the coordinator to ensure this curriculum and its materials are kept up to date. Refer to curriculum and legal resources for changes in subject matter or laws relating to this topic as well as the Texas Commission on Law Enforcement website at [www.tcole.texas.gov](http://www.tcole.texas.gov) for edits due to course review.

**Target Population:** Texas peace officers

**Student Pre-Requisites:**

- None

**Instructor Pre-Requisites:**

- Subject Matter Expert in traffic stops and/or police patrol procedures

**Length of Course:** 2 hours minimum

**Potential Method(s) of Instruction:**

- Lecture
- Discussion
- Scenario and role-play activities
- Videos/PowerPoint

**Assessment:** Assessment is required for completion of this course to ensure the student has a thorough comprehension of all learning objectives. Training providers are responsible for assessing and documenting student mastery of all objectives in this course.

**Reference materials:**

- Senate Bill 30, Community Safety Education Act (85<sup>th</sup> Regular Session)

- Current TCOLE Basic Peace Officer Course Objectives
- Texas Department of Public Safety Texas Driver Handbook

### **Civilian Interaction Training Course**

#### **UNIT 1. History and Training Requirements**

##### **1.1 The student will discuss the Community Safety Education Act (SB 30, 85<sup>th</sup> Regular Session)**

Senate Bill 30, titled the "Community Safety Education Act," was passed by the 85<sup>th</sup> Regular Session of the Texas Legislature in 2017. SB 30 was developed with the goal of providing information to drivers, the public, and students, and also training for members of law enforcement, on the expectations that each should have during a contact between officers and motorists.

This information includes instructions to drivers on how they should react and communicate with officers during a traffic stop. The proper responses by the driving public are to be included in training for new officers and continuing education courses for veteran patrol officers. Officers, in turn, receive best practice instruction on their expected behaviors and reactions during a citizen contact. In addition, the same type information under SB 30 would be part of instructional materials taught to high school students and provided to driver training and driving safety course instructors.

##### **1.2 The student will be able to discuss the required law enforcement training requirements under the Community Safety Education Act**

The Community Safety Education Act amended Occupations Code Sec. 1701.268 to include the following:

#### **CIVILIAN INTERACTION TRAINING PROGRAM.**

(a) In this section, "board" means the State Board of Education.

- (1) the role of law enforcement and the duties and responsibilities of peace officers;
- (2) a person's rights concerning interactions with peace officers;

- (3) proper behavior for civilians and peace officers during interactions;
- (4) laws regarding questioning and detention by peace officers, including any law requiring a person to present proof of identity to a peace officer, and the consequences for a person's or officer's failure to comply with those laws; and
- (5) how and where to file a complaint against or a compliment on behalf of a peace officer.

(c) In developing the training program under this section, the commission and the board may consult with any interested party, including a volunteer work group convened for the purpose of making recommendations regarding the training program.

(d) Before finalizing a training program under this section, the commission and the board shall provide a reasonable period for public comment.

**Required Training Deadlines:**

The Civilian Interaction Training course is a required course to be completed no later than the second anniversary of the date the officer is licensed unless the officer completes the training as part of the officer's basic training. A peace officer or reserve law enforcement officer who holds a license under Chapter 1701, Occupations Code, issued on or before January 1, 2018, shall complete a training program established under Section 1701.268, Occupations Code, as added by this Act, not later than January 1, 2020.

**UNIT 2. Role of law enforcement and the duties and responsibilities of peace officers**

**2.1 Review of the Seven Step Violator Contact**

**INSTRUCTOR NOTE:** The Seven Step Violator Contact method is required to be taught by Texas Commission on Law Enforcement-licensed academies in the Basic Peace Officer Course. This section should be a review for Texas peace officers. This traffic stop method will also be taught in high schools and driver's education and safety training courses; as such, it will be the expected method used for traffic stops.

**The Seven Step Violator Contact method:**

The greeting may be accomplished in the most natural way for the officers. They may introduce themselves, or use only a "Good Morning," "How do you do?" or other natural greeting. This is a courtesy we owe to every citizen stopped. Regardless of whether the officers are in a marked car and in uniform, they should identify themselves and name the agency. The objectives in the greeting are to employ business courtesy, to help make the subject feel at ease, and to establish a common ground free of unnatural actions, superiority, or deference. Smile and speak in a normal tone. Remember there are many citizens and a great number may not reside in the locale and

therefore do not recognize the uniforms. A greeting and identification of the agency represented are important, not only to the violator, but to the success of the contact.

#### Step Two: Statement of violation committed

The officers owe the driver the courtesy of telling him/her at once the reason s/he has been stopped. This step should emphasize the seriousness of the violation and serve to create a proper effect upon the violator. If the case is one of speeding, the officers should ascertain whether attending circumstances might morally justify such speed to a normal, prudent person. After being told of the violation for which s/he has been stopped, the question, "Is there any reason for your excessive rate of speed?" offers the subject an opportunity to justify his/her actions if a reason exists, and if none, places him/her in a position of admitting the violation. However, with the above exception, one should refrain from asking questions concerning the subject's knowledge of the violation committed. Remarks made by the officer should be in the form of a statement rather than a question.

#### Step Three: Identification of driver and check of conditions of violator and vehicle

The officer should identify every violator stopped by requesting his/her driver's license. If the subject does not have a license, the officer should ask for other identification, preferably one that carries the subject's description. If the subject has none, the officer should write down a brief description of the person: age, height, weight, eyes, hair, marks, and address. The officer, after identifying the subject, should call him/her by name during the remainder of the interview. Should a violator hand an operator's license to the officer in a purse or billfold, have him/her remove the license themselves so that no accusations can be made about loss of money or important papers. A close comparison should be made between the description of the individual and the description of the subject on the driver's license.

#### Step Four: Statement of action to be taken

The officer should make a clear statement, in a firm but calm manner that will leave no doubt as to the action planned. Example: "You will be charged with the offense of speeding in the Justice of the Peace Court in Austin. You will be given ten (10) days (Specify Procedure) in which to answer this charge. You are going to be charged with the offense of passing with insufficient clearance. You will be warned for the violation, which you have committed. A record of this violation has been made and we ask that you cooperate by driving your vehicle in compliance with traffic regulations." Patrol officers should practice the technique of refraining from using the work "I" during the violator interview. Place the emphasis on the violator, and the violation committed, by using the word "you." When the patrol officer states that, "I am going to...", the action shifts from the violation committed to the action to be taken by the officer and affords the violator an opportunity to shift the blame from the offense committed to the action taken by the arresting officer. When the "you" technique is practiced, much unpleasantness is avoided.

#### **Step Five: Take that action**

Write the citation, take the violator into custody, or call his/her attention to the seriousness of the violation and possible consequences (warning), therefore performing the action in the manner the officer has decided.

#### **Step Six: Explain what the violator must do**

Explain to the violator exactly what action s/he must take. That is, s/he must get into the patrol car, follow the patrol car, appear at a certain court by a certain time and before a certain Magistrate, or refrain from repeating the violation. A short explanation serves to dispel much uncertainty in the mind of the violator. Make the explanation clear and be sure the violator understands. Remember, s/he may not be familiar with the courts and the locations involved as you are. A little extra time here may result in more appearances on time and less warrant service.

#### **Step Seven: Leave**

Closing the contact with the violator is awkward for many officers. It is an opportunity to create a feeling of friendliness if the proper technique is used. Gloating attitude should be avoided. The leave taking should be as firm and impersonal as the approach. A parting comment spoken in a sincere, yet business-like tone is sufficient. This is an appropriate time to notify the driver that they are free to leave. When the violator contact has been broken, immediately return to the patrol car.

**INSTRUCTOR NOTE:** This portion of the course may be supplemented with scenario-based practice of traffic stops. In-car or body camera video may be used as case studies of proper expected performance to enhance student learning and reinforce agency expectations of officer behavior.

### **2.2 The student will be able to identify expectations of officer demeanor on traffic stops.**

Officers should treat motorists with dignity and respect. Most traffic stops are simple business transactions between a citizen and peace officer. Citizens have a reasonable expectation of being treated fairly and with courtesy.

Officers are not required by state law to provide their names or badge numbers to a driver, but may be required to do so by agency policy. Citations and warnings at most agencies contain the officer's name and identification number on the citation. It is common courtesy for an officer to identify her/himself when asked to do so by a citizen.



It is recommended that an officer explain to a driver that when a citation is issued, it is with the implied agreement that the driver will appear in court or make the arrangements necessary to satisfy the court appearance. The officer may instruct drivers to read the information provided on the citation regarding the driver's obligation to appear in court.

When seeking to perform a consent search, officers should elicit clear consent for the search, including, when practicable, a signed statement or video-recorded affirmative consent to the search from the motorist. Consent to search must be voluntary, not coerced through threats or deception. Remember the person consenting to the search must be present during the search and in a position where they can retract or cancel their consent at any time.

While it is not required by law, it is recommended that an officer inform a driver or passenger(s) of when they are no longer being detained. Many drivers are unsure of themselves and nervous when stopped.

### **Unit 3. Proper civilian behavior during a traffic stop**

#### **3.1 The student will be able to explain how uncertainty and ignorance may lead to unnecessary tension during traffic stops**

**INSTRUCTOR NOTE:** This would be a good time to show the video, "Flashing Lights: Creating Safe Interactions between Citizens and Law Enforcement." This video was produced to support this specific training initiative and will be shown as part of the civilian training programs. The video should be available for download/streaming from the TCOLE website [www.tcole.texas.gov](http://www.tcole.texas.gov) or Texas Department of Licensing and Regulation website [www.tdlr.texas.gov](http://www.tdlr.texas.gov).

Much of the tension on traffic stops comes from officer uncertainty and/or driver ignorance. A driver may be attempting to comply with the requirement to show identification and insurance by rummaging around in their vehicle to obtain documents. An officer viewing this behavior through a safety/self-preservation lens may be concerned for safety and respond with gruff, concise commands to stop the behaviors. The driver may be offended by the officer's blunt demeanor because he/she doesn't understand why the officer was so abrupt leading to a more confrontational interaction.

Texas drivers traditionally received very little, if any, training on how to act when being stopped by law enforcement. Sometimes the training received was contradictory and led to behavior that officers perceive as threatening their safety. The Community Safety Education Act (SB 30) seeks to change this by standardizing the training received by Texas drivers and law enforcement officers. The Act mandates that high school students and students receiving driver education and driver safety training receive consistent training in expected behaviors.

**3.2** The student will be able to explain how civilians are being taught to act on traffic stops

**INSTRUCTOR NOTE:** The following section is an excerpt from the Texas Drivers Handbook 2017. The Handbook is routinely revised and instructors should refer to the newest version to ensure that current information is relayed to students.

**When Stopped by Law Enforcement (from Texas Drivers Handbook 2017)**

If you are stopped by law enforcement it is suggested you:

1. Slow down and move the vehicle safely to the right of the road.
2. Park your vehicle as far to the right of the main traffic lane as possible. If available, park on the right shoulder or, if unavailable, park on a nearby well-lighted side street or parking lot away from high volume traffic.
3. Place the vehicle in a parking position, set the emergency brake, turn the engine off, and activate the hazard warning lights.
4. If at night, turn on the interior dome light.
5. Remain in the car, lower the driver's window if you feel safe to do so. Keep both hands clearly in sight on the steering wheel. Wait for the law enforcement officer to give you instructions. An officer may approach from either side of the vehicle.
  
7. If asked to exit the vehicle, check for passing vehicles to exit safely.
8. Advise passengers to remain in the car unless other instructions are given by the law enforcement officer, and
9. At the conclusion of the traffic stop, give the appropriate signals and safely return to the proper lane of traffic when released by the law enforcement officer.

**Obligations, Responsibilities, Courtesy and Safety**

State law requires a driver to immediately stop when approached by an authorized emergency vehicle and you may be arrested if you do not stop immediately. If you feel the area is unsafe to stop immediately or if you have concerns the vehicle is not a real police vehicle, you can take the following steps to minimize the risk of being arrested or charges being filed against you: turn on your hazard lights and drive slowly and carefully below the posted speed limit; you may call 9-1-1 and remain on the phone with the operator while you stop and verify the officer's identity; you may drive to a nearby well-lighted, populated place to stop. It is important to understand that law enforcement jurisdictions overlap and a local 9-1-1 call center operator may not be able to immediately determine what officer is working

in that area at that time. If you stop in an unsafe location, such as on a bridge or a high traffic roadway, an officer may direct you over the public address speaker to move to a safer location. Follow the officer's directions.

Law enforcement officers, drivers, and passengers should respond with courtesy during traffic stops and other officer/citizen interactions. Drivers and passengers should not exit the vehicle unless asked to do so. Exiting your vehicle may be perceived as aggressive behavior and a threat to the officer's safety. Drivers and passengers inside a vehicle should not attempt to reach, dig, or search for their license or insurance documents before or while an officer is approaching. Drivers who transport handguns in their vehicles are encouraged to keep them in a separate location from license and insurance documentation.

During a traffic stop, the driver and any passengers are subjected to an investigative detention, which may only last for a reasonable amount of time. Passengers can ask the officer if they are free to leave and do so if the officer agrees. Law enforcement may ask questions during this time. You cannot be punished for refusing to answer questions; however, drivers are required by law to display a driver license when requested by an officer. If you are lawfully arrested, you are also required to give your name, residence address, and date of birth. A driver or a passenger who gives law enforcement a false or fraudulent identity or false answers may be arrested. It may be to your benefit to speak to law enforcement, such as to convey the reason you may have an emergency or for the driver to provide the officer your name, address, and date of birth if you do not have your driver license with you.

Law enforcement may also ask for consent to search your vehicle or person. You may grant or deny the request to search; however, if an officer has probable cause to believe that your vehicle contains evidence of a crime, it can be searched without your consent. If an officer reasonably believes that you have a weapon, the officer can conduct a pat down search of your person and the immediate area around you, including areas of your vehicle. It is unlawful to physically resist a search, but you have the right to notify the officer that you do not consent to any search.

### **Complaints or Concerns**

If you believe an officer has acted inappropriately during a traffic stop or other encounter, you should report that conduct to the officer's superiors and follow agency guidelines for submitting complaints against officers as soon as possible. Officers will normally provide their names and badge numbers on request, when practical. Due to the overlapping of jurisdictions, drivers should make sure they identify the correct agency as well as any identifying aspects of the officer and law enforcement vehicle.

Drivers should refrain from arguing the validity of a charge during the traffic stop or detention. Signing a citation is not admitting guilt. It simply confirms your promise to pay the fine or contact the court. If you do not agree with the charge brought against you and wish to contest it, you should argue your case before a judge or request a jury trial and acquire the services of an attorney to represent you.

**INSTRUCTOR NOTE:** SB 1849 (85<sup>th</sup> R) Sandra Bland Act amended Section 5.01. Article 2.132, Code of Criminal Procedure to require all agencies to “provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer.” Agency complaint contact information is now contained on citations and warnings, provided along with citations and warnings, or published on the agency's public website.

#### **False Identification Offense**

A person commits an offense if he/she gives a false or fictitious name to a law enforcement officer who has lawfully arrested or detained the person.

#### **Evading arrest or detention**

A person commits an offense if he intentionally flees from a person he knows is a peace officer or federal special investigator attempting to lawfully arrest or detain him. You will be subject to higher penalties if you use a vehicle or watercraft while evading arrest or cause injury to another person.

### **3.3 Visual or audio recording of traffic stops**

Most traffic stops are recorded by law enforcement officers using a body-worn camera, an in-car camera, or a combination thereof. Many companies and citizens now have installed digital video cameras in their company and personal vehicles to document the behavior of other drivers or other phenomena they encounter while driving the Texas roads. Many cyclists have helmet or bicycle/motorcycle mounted cameras as well. These are perfectly legal and becoming increasingly common. All modern smart phones are equipped with video and audio recording capabilities.

In Texas, citizens have the right to make video or audio recordings of almost any transaction to which they are an active participant or witness. This includes interactions with law enforcement, such as traffic stops. Witnesses may legally record video of peace officers as they interact with the public in much the same way that officers record the same transactions. Citizens may not, however, do so in a manner that physically impedes an officer's or other public servant's ability to perform her or his duties. For example, they cannot physically place themselves between an officer and someone the officer is attempting to search or arrest. It is reasonable for officers to ask them to stand a safe distance from the officer or others or to remove them from an active crime scene in order to protect the integrity of crime scene.



## Update on SB 30 (85<sup>th</sup>)

TEXAS EDUCATION AGENCY

SENATE COMMITTEE ON CRIMINAL JUSTICE, SEPTEMBER 12, 2018



### Community Safety Education Act: Requirements

The State Board of Education (SBOE) and the Texas Commission on Law Enforcement were required to enter into a memorandum of understanding that establishes each agency's respective responsibilities in developing the following:

- Instruction, including curriculum and instructional modules, on proper interaction with peace officers during traffic stops and other in-person encounters
- a training program, including training and testing materials, on proper interaction with civilians during traffic stops and other in-person encounters



## Community Safety Education Act: Requirements

- The SBOE must adopt rules to include the instruction in one or more courses in the required curriculum for students in grade levels 9-12.
- Subject to rules adopted by the SBOE, a school district or open-enrollment charter school may tailor instruction as appropriate for the district's or school's community. In tailoring the instruction, the district or school must solicit input from local law enforcement agencies, driver training schools, and the community.



## Community Safety Education Act: Implementation

- The implementation committee conducted face-to-face planning meetings and work sessions in fall 2017 and spring 2018.
- Two videos have been produced that focus on the seven-step violator contact method employed by peace officers. Additionally, instructional resources to help educators provide instruction have been developed and are in final review stages. A draft of the instructional resources was posted on the TEA website for public feedback in summer 2018.
- The videos and resources will be used in driver education, high school instruction, driving safety courses, and civilian interaction training programs for peace officers.



## Community Safety Education Act: SBOE Action

- In April 2018, the SBOE adopted administrative rules requiring school districts to record completion of the requirement on student transcripts.
- In June 2018, the SBOE adopted administrative rules requiring school districts to provide high school students with instruction in interaction with peace officers for implementation beginning with the 2018-2019 school year.
- TEA will make supporting resources available to school districts and charter schools in fall 2018.



## Community Safety Education Act: Implementation Committee

Texas Commission on Law Enforcement (TCOLE)  
Texas Department of Public Safety (DPS)  
Texas Department of Licensing and Regulation (TDLR)  
Texas Education Agency (TEA)  
Austin Police Department  
Dallas Police Department  
Austin Community College  
Texas Crime Prevention Association  
Teen and Police Services Academy  
Foundation for Safe Driving

## BILL ANALYSIS

Senate Research Center

S.B. 1326  
By: Zaffirini  
Criminal Justice  
7/27/2017  
Enrolled

### AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the interim, the Texas Judicial Council identified issues affecting criminal defendants who are or may be persons with mental illnesses or intellectual disabilities. Specifically, current law requires sheriffs to notify magistrates if there is cause to believe a defendant in custody is mentally ill. Many times, however, there is no timely transmission of this information from a sheriff to a magistrate. Current law also authorizes magistrates to release a nonviolent defendant with a mental illness on a personal bond and require treatment as a condition of release. Local practices, however, reduce the availability of personal bonds and their use is not widespread. What's more, the 2,400 beds in state mental health facilities available for inpatient psychiatric treatment and competency restoration do not meet the statewide need. While persons charged with non-violent, Class B misdemeanors face a maximum sentence of 180 days in jail, the wait time for Class B defendants with a mental illness who are in jail and in need of competency restoration treatment continues to increase. Accordingly, placing these persons in a state mental health facility to retain competency to stand trial often is a moot point because the maximum sentence has been exceeded with the time the person has spent in jail waiting for a mental health facility bed to become available.

S.B. 1326 would implement Texas Judicial Council recommendations to address those issues. Specifically, it would require sheriffs to provide notice to the relevant magistrate regarding a defendant suspected of having mental illness no later than four hours upon receipt of credible information that the person has a mental illness or intellectual disability; increase flexibility regarding bond availability for mentally ill, non-violent defendants; provide local communities with the authority to offer competency restoration and maintenance in any safe and clinically appropriate setting, including outpatient residential, community inpatient, and jail settings that meet appropriate standards; and broaden judicial discretion to choose the best use of local competency restoration options. These changes would not only ensure that criminal defendants with a mental illness are referred timely to adequate treatment options, but also help reduce backlogs in county jails and free up capacity in state hospitals for other persons who need treatment at a state mental health facility. (Original Author's / Sponsor's Statement of Intent)

S.B. 1326 amends current law relating to procedures regarding criminal defendants who are or may be persons with a mental illness or an intellectual disability and to certain duties of the Office of Court Administration of the Texas Judicial System related to persons with mental illness.

### RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 30 (Article 46B.091, Code of Criminal Procedure) of this bill.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 15.17, Code of Criminal Procedure, by adding Subsection (a-1), to require the magistrate, if a magistrate is provided written or electronic notice of credible information that may establish reasonable cause to believe that a person brought before the magistrate has a mental illness or is a person with an intellectual disability, to conduct the



proceedings described by Article 16.22 or 17.032 (Release on Personal Bond of Certain Mentally Ill Defendants), as appropriate.

SECTION 2. Amends Article 16.22, Code of Criminal Procedure, as follows:

Art. 16.22. New heading: EARLY IDENTIFICATION OF DEFENDANT SUSPECTED OF HAVING MENTAL ILLNESS OR INTELLECTUAL DISABILITY. (a)(1) Changes references to mental retardation to intellectual disability. Requires the sheriff or municipal jailer, not later than 12 hours after the sheriff or municipal jailer having custody of a defendant for an offense punishable as a Class B misdemeanor or any higher category of offense receives credible information that may establish reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability, to provide written or electronic notice to the magistrate, rather than requires the sheriff, not later than 72 hours after receiving credible information that may establish reasonable cause to believe that a defendant committed to the sheriff's custody has a mental illness or is a person with mental retardation, including observation of the defendant's behavior immediately before, during, and after the defendant's arrest and the results of any previous assessment of the defendant, to provide written or electronic notice of the information to the magistrate. Requires that the notice include any information related to the sheriff's or municipal jailer's determination, such as information regarding the defendant's behavior immediately before, during, and after the defendant's arrest and, if applicable, the results of any previous assessment of the defendant. Requires the magistrate, except as provided by Subdivision (2), on a determination that there is a reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability, to order the local mental health authority, rather than local mental health or mental retardation authority, local intellectual or developmental disability authority, or another qualified mental health or intellectual disability, expert to:

(A) collect information regarding whether the defendant has a mental illness as defined by Section 571.003 (Definitions), Health and Safety Code, or is a person with an intellectual disability as defined by Section 591.003 (Definitions), Health and Safety Code, including, if applicable, information obtained from any previous assessment of the defendant and information regarding any previously recommended treatment; and

(B) provide to the magistrate a written assessment of the information collected under Paragraph (A) on the form approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) under Section 614.0032(b), Health and Safety Code.

(2) Provides that the magistrate is not required to order the collection of information under Subdivision (1) if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability by the local mental health authority, rather than mental health or mental retardation authority, local intellectual and developmental disability authority, or another mental health or intellectual disability expert, rather than mental retardation expert, described by Subdivision (1). Makes a conforming change.

(3) Authorizes the magistrate, if the defendant fails or refuses to submit to the collection of information regarding the defendant as required under Subdivision (1), to order the defendant to submit to an examination in a jail or in another place, rather than in a mental health facility, determined to be appropriate by the local mental health, rather than mental health or mental retardation, authority or local intellectual and developmental disability authority for a reasonable period not to exceed 72 hours, rather

than 21 days. Requires the county in which the committing court is located, if applicable, to reimburse the local mental health authority or local intellectual and developmental disability authority for certain expenses. Deletes existing text authorizing the magistrate to order a defendant to a facility operated by the Department of State Health Services (DSHS) or the Department of Aging and Disability Services (DADS) for examination only on request of the local mental health or mental retardation authority and with the consent of the head of the facility. Deletes existing text requiring the head of that facility, if a defendant who has been ordered to a facility operated by DSHS or DADS for examination remains in the facility for a period exceeding 21 days, to cause the defendant to be immediately transported to the committing court and placed in the custody of the sheriff of the county in which the committing court is located. Makes nonsubstantive changes.

(b) Requires that, except as otherwise permitted by the magistrate for good cause shown, a written assessment of the information collected under Subsection (a)(1)(A) be provided to the magistrate:

(1) for a defendant held in custody, not later than 96 hours after the time an order was issued under Subsection (a); or

(2) for a defendant released from custody, not later than the 30th day after the date an order was issued under Subsection (a). Makes nonsubstantive changes.

(b-1) Creates this subsection from existing text. Requires the magistrate, rather than requiring the magistrate in a felony case and not later than the 10th day after the date of any order issued under that subsection in a misdemeanor case, to provide copies of the written assessment to the defense counsel, the attorney representing the state, rather than prosecuting attorney, and the trial court. Requires that the written assessment include certain information, including whether the defendant is a person who has a mental illness or is a person with an intellectual disability, and any appropriate or recommended treatment or service. Makes a conforming change.

(c) Authorizes the trial court, after the trial court receives the applicable expert's written assessment relating to the defendant under Subsection (b-1), rather than Subsection (b), or elects to use the results of a previous determination as described by Subsection (a)(2), to, as applicable:

(1) resume criminal proceedings against the defendant, including any appropriate proceedings related to the defendant's release on personal bond under Article 17.032 if the defendant is being held in custody;

(2) makes a conforming and a nonsubstantive change;

(3) makes a nonsubstantive change; or

(4) refer the defendant to an appropriate specialty court established or operated under Subtitle K (Specialty Courts), Title 2 (Judicial Branch), Government Code.

(d) Provides that this article does not prevent the applicable court from, before, during, or after the collection of information regarding the defendant as described by this article:

(1) releasing a defendant who has a mental illness, or is a person with an intellectual disability, rather than releasing a mentally ill or mentally retarded defendant, from custody on personal or surety bond, including

imposing as a condition of release that the defendant submit to an examination or other assessment; or

(2) makes no changes to this subdivision.

(e) Requires the magistrate to submit to the Office of Court Administration of the Texas Judicial System (OCA) on a monthly basis the number of written assessments provided to the court under Subsection (a)(1)(B).

SECTION 3. Amends Articles 17.032(a), (b), (c), and (d), Code of Criminal Procedure, as follows:

(a) Redefines "violent offense."

(b) Requires a magistrate, notwithstanding Article 17.03(b) (relating to authorizing only the court before whom the case is pending to release on personal bond a certain defendant), or a bond schedule adopted or a standing order entered by a judge, to release a defendant on personal bond unless good cause is shown otherwise if:

(1) makes a nonsubstantive change;

(2) the defendant is examined by the local mental health, rather than local mental health or mental retardation, authority, local intellectual and developmental disability authority, or another qualified mental health or intellectual disability expert under Article 16.22 (Early Identification of Defendant Suspected of Having Mental Illness or Mental Retardation). Makes nonsubstantive changes;

(3) the applicable expert, in a written assessment submitted to the magistrate under Article 16.22, concludes that the defendant has a mental illness or is a person with an intellectual disability, and is nonetheless competent to stand trial, and recommends mental health treatment or intellectual disability services for the defendant, as applicable. Makes conforming and nonsubstantive changes;

(4) the magistrate determines, in consultation with the local mental health authority or local intellectual and developmental disability authority, that appropriate community-based mental health or intellectual disability services for the defendant are available in accordance with Section 534.053 (Required Community-Based Mental Health Services) or 534.103 (Required Community-Based Intellectual Disability Services), Health and Safety Code, rather than through the Texas Department of Mental Health and Mental Retardation under Section 534.053, Health and Safety Code, or through another mental health or intellectual disability services provider. Makes conforming changes; and

(5) the magistrate finds, after considering all the circumstances, a pretrial risk assessment, if applicable, and any other credible information provided by the attorney representing the state or the defendant, that release on personal bond would reasonably ensure the defendant's required appearance in court and the safety of the community and the victim of the alleged offense.

(c) Requires the magistrate, unless good cause is shown for not requiring treatment, to require as a condition of release on personal bond under this article that the defendant submit to outpatient or inpatient mental health treatment or intellectual disability services as recommended by the local mental health authority, local intellectual and developmental disability authority, or another qualified mental health or intellectual disability expert if the defendant meets certain conditions. Makes conforming changes.

(d) Authorizes the magistrate, in addition to a condition of release imposed under Subsection (c), rather than Subsection (c) of this article, to require the defendant to comply with other conditions that are reasonably necessary to ensure the defendant's

required appearance in court and the safety of, the community and the victim of the alleged offense, rather than necessary to protect the community.

SECTION 4. Amends Article 32A.01, Code of Criminal Procedure, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Requires that, insofar as is practicable, the trial of a criminal action be given preference over trials of civil cases, and the trial of a criminal action against a defendant who is detained in jail pending trial of the action be given preference over trials of other criminal actions not described by Subsection (b) (relating to requiring the trial of a criminal action in which the alleged victim is younger than 14 years of age to be given preference over other matters before the court) or (c).

(c) Requires that, except as provided by Subsection (b), the trial of a criminal action against a defendant who has been determined to be restored to competency under Article 46B.084 (Proceedings on Return of Defendant to Court) be given preference over other matters before the court, whether civil or criminal.

SECTION 5. Amends Article 46B.001, Code of Criminal Procedure, by adding Subdivision (9) to define "competency restoration."

SECTION 6. Amends the heading to Article 46B.0095, Code of Criminal Procedure, to read as follows:

Art. 46B.0095. MAXIMUM PERIOD OF COMMITMENT OR PROGRAM PARTICIPATION DETERMINED BY MAXIMUM TERM FOR OFFENSE.

SECTION 7. Amends Articles 46B.0095(a), (b), (c), and (d), Code of Criminal Procedure, as follows:

(a) Prohibits a defendant from, under Subchapter D (Procedures After Determination of Incompetency) or E (Civil Commitment: Charges Pending) or any other provision of this chapter (Incompetency to Stand Trial), being committed to a mental hospital or other inpatient or residential facility or to a jail-based competency restoration program, ordered to participate in an outpatient competency restoration or treatment program, or subjected to any combination of inpatient treatment, outpatient competency restoration or treatment program participation, or jail-based competency restoration under this chapter for a cumulative period that exceeds the maximum term provided by law for the offense for which the defendant was to be tried, except that if the defendant is charged with a misdemeanor and has been ordered only to participate in an outpatient competency restoration or treatment program under Subchapter D or E, the maximum period of restoration is two years. Makes nonsubstantive changes.

(b) Requires the mental hospital, facility, or program provider, rather than mental hospital or other inpatient or residential facility or outpatient treatment program provider, identified in the most recent order of commitment or order of outpatient competency restoration or treatment program, rather than outpatient treatment program, participation under this chapter to assess the defendant to determine if civil proceedings under Subtitle C (Texas Mental Health Code) or D (Persons With an Intellectual Disability Act), Title 7 (Mental Health and Intellectual Disability), Health and Safety Code, are appropriate, on expiration of the maximum restoration period under Subsection(a). Authorizes the defendant to be confined for an additional period in a mental hospital or other facility, rather than other inpatient or residential facility, or to be ordered to participate for an additional period in an outpatient treatment program, as appropriate, only under certain circumstances.

(c) Provides that the cumulative period described by Subsection (a):

(1) begins on the date the initial order of commitment or initial order for outpatient competency restoration or treatment program participation is entered under this chapter; and

(2) in addition to any inpatient or outpatient competency restoration, rather than outpatient treatment, periods or program participation periods described by Subsection (a), includes any of certain times, including while awaiting, as applicable:

(A) the defendant's transfer to a mental hospital or other inpatient or residential facility or a jail-based competency restoration program;

(B) makes a conforming change; or

(C) makes no changes to this paragraph.

(d) Makes a conforming change.

SECTION 8. Amends Article 46B.010, Code of Criminal Procedure, as follows:

Art. 46B.010. MANDATORY DISMISSAL OF MISDEMEANOR CHARGES. Provides that if a court orders that a defendant charged with a misdemeanor punishable by confinement be committed to a mental hospital or other inpatient or residential facility or to a jail-based competency restoration program, that the defendant participate in an outpatient competency restoration or treatment program, or that the defendant be subjected to any combination of inpatient treatment, outpatient competency restoration or treatment program participation, or jail-based competency restoration under this chapter and the defendant is not tried before the expiration of the maximum period of restoration described by Article 46B.0095, certain actions occur. Makes nonsubstantive changes.

SECTION 9. Amends Article 46B.026, Code of Criminal Procedure, by adding Subsection (d), to require the court to submit to OCA on a monthly basis the number of reports provided to the court under this article.

SECTION 10. Amends Article 46B.071(a), Code of Criminal Procedure, as follows:

(a) Requires the court, except as provided by Subsection (b) (relating to certain court procedures on a determination that a defendant is incompetent and unlikely to be restored to competency in the foreseeable future) and on a determination that a defendant is incompetent to stand trial, to:

(1) if the defendant is charged with an offense punishable as a Class B misdemeanor:

(B) commit the defendant to:

(i) a jail-based competency restoration program under Article 46B.073(e); or

(ii) a mental health facility or residential care facility under Article 46B.073(f); or

(2) if the defendant is charged with an offense punishable as a Class A misdemeanor or any higher category of offense:

(A) release the defendant on bail under Article 46B.072 (Release on Bail);  
or

(B) commit the defendant to a facility or a jail-based competency restoration program under Article 46B.073(c) or (d).

SECTION 11. Amends Subchapter D, Chapter 46B, Code of Criminal Procedure, by adding Article 46B.0711, as follows:

Art. 46B.0711. RELEASE ON BAIL FOR CLASS B MISDEMEANOR. (a) Provides that this article applies only to a defendant who is subject to an initial restoration period based on Article 46B.071 (Options on Determination of Incompetency).

(b) Requires the court, subject to conditions reasonably related to ensuring public safety and the effectiveness of the defendant's treatment, if the court determines that a defendant charged with an offense punishable as a Class B misdemeanor and found incompetent to stand trial is not a danger to others and may be safely treated on an outpatient basis with the specific objective of attaining competency to stand trial, and an appropriate outpatient competency restoration program is available for the defendant, to:

(1) release the defendant on bail or continue the defendant's release on bail; and

(2) order the defendant to participate in an outpatient competency restoration program for a period not to exceed 60 days.

(c) Authorizes the court, notwithstanding Subsection (b), to order a defendant to participate in an outpatient competency restoration program under this article only if certain criteria are met.

(d) Authorizes an order issued under this article to require the defendant to participate in certain activities.

SECTION 12. Amends the heading to Article 46B.072, Code of Criminal Procedure, to read as follows:

Art. 46B.072. RELEASE ON BAIL FOR FELONY OR CLASS A MISDEMEANOR.

SECTION 13. Amends Article 46B.072(a-1), (b), (c), and (d), Code of Criminal Procedure, as follows:

(a-1) Provides that the court, subject to conditions reasonably related to ensuring, rather than assuring, public safety and the effectiveness of the defendant's treatment, if the court makes certain determinations about a defendant charged with an offense punishable as a felony or Class A misdemeanor and found incompetent to stand trial:

(1) is authorized to release on bail a defendant found incompetent to stand trial with respect to an offense punishable as a felony, rather than with respect to a felony, or to continue the defendant's release on bail; and

(b) Requires the court to order a defendant released on bail under Subsection (a-1) to participate in an outpatient competency restoration program, rather than outpatient treatment program, for a period not to exceed 120 days.

(c) and (d) Makes conforming changes.

SECTION 14. Amends Article 46B.073, Code of Criminal Procedure, by amending Subsections (b), (c), (d), and (e) and adding Subsection (f), as follows:

(b) Requires the court, for purposes of further examination and competency restoration services with, rather than treatment toward, the specific objective of the defendant attaining competency to stand trial, to commit a defendant described by Subsection (a) (relating to this article applying only to a certain defendant) to a mental health facility, residential care facility, or jail-based competency restoration program for a certain applicable period.

(c) Requires the court, if the defendant is charged with certain offenses, other than an offense under Section 22.01(a)(1) (relating to assault by intentionally, knowingly, or recklessly causing bodily injury to another), to enter an order committing the defendant for competency restoration services to the maximum security unit of any facility designated by DSHS, to an agency of the United States operating a mental hospital, or to a Department of Veterans Affairs hospital.

(d) Requires the court, if the defendant is not charged with an offense described by Subsection (c) and the indictment does not allege a certain affirmative finding, to enter an order committing the defendant to a mental health facility or residential care facility determined to be appropriate by the local mental health authority or local intellectual and developmental disability authority or to a jail-based competency restoration program. Authorizes a defendant to be committed to a jail-based competency restoration program only if the program provider determines the defendant will begin to receive competency restoration services within 72 hours of arriving at the program.

(e) Authorizes a defendant charged with an offense punishable as a Class B misdemeanor, except as provided by Subsection (f), to be committed under this subchapter only to a jail-based competency restoration program.

(f) Authorizes a defendant charged with an offense punishable as a Class B misdemeanor to be committed to a mental health facility or residential care facility described by Subsection (d) only if a jail-based competency restoration program is not available or a licensed or qualified mental health professional determines that a jail-based competency restoration program is not appropriate. Deletes existing text relating to procedures for a defendant in a county in which DSHS operates a jail-based restoration of competency pilot program, and providing that this subsection expires on September 1, 2019.

SECTION 15. Amends Article 46B.074(a), Code of Criminal Procedure, to authorize a defendant to be committed to a jail-based competency restoration program, mental health facility, or residential care facility under this subchapter only on competent medical or psychiatric testimony provided by an expert qualified under Article 46B.022 (Experts: Qualifications).

SECTION 16. Amends Article 46B.075, Code of Criminal Procedure, as follows:

Art. 46B.075. New heading: TRANSFER OF DEFENDANT TO FACILITY OR PROGRAM. Requires that an order issued under Article 46B.0711, 46B.072, or 46B.073 (Commitment for Restoration to Competency) place the defendant in the custody of the sheriff or sheriff's deputy for transportation to the facility or program, rather than outpatient treatment program, as applicable, in which the defendant is to receive competency restoration services. Makes a nonsubstantive change.

SECTION 17. Amends Articles 46B.0755(a), (b), and (d), Code of Criminal Procedure, as follows:

(a) Authorizes the court, notwithstanding any other provision of this subchapter, if the court receives credible evidence indicating that the defendant has been restored to competency at any time after the defendant's incompetency trial under Subchapter C

(Incompetency Trial) but before the defendant is transported under Article 46B.075 to the facility or program, rather than a mental health facility, residential care facility, or outpatient treatment program, as applicable, to appoint disinterested experts to reexamine the defendant in accordance with Subchapter B (Examination).

(b) Provides that if after a reexamination of the defendant the applicable expert's report states an opinion that the defendant remains incompetent, the court's order under Article 46B.0711, 46B.072, or 46B.073 remains in effect, and requires the defendant to be transported to the facility or program as required by Article 46B.075. Requires the court, if after a reexamination of the defendant the applicable expert's report states an opinion that defendant has been restored to competency, to withdraw its order under Article 46B.0711, 46B.072, or 46B.073 and proceed under certain subsections. Makes a conforming change.

(d) Makes a conforming change.

**SECTION 18. Amends Article 46B.076, Code of Criminal Procedure, as follows:**

Art. 46B.076. COURT'S ORDER. (a) Requires the court, if the defendant is found incompetent to stand trial to, not later than a certain date, send a copy of the order to the applicable facility, rather than to the facility to which the defendant is committed, or program, rather than the outpatient treatment program to which the defendant is released. Requires the court to also provide to the facility or program copies of certain documents made available to the court during the incompetency trial. Makes a conforming change.

(b) Requires the court to order that the transcript of all medical testimony received by the jury or court be promptly prepared by the court reporter and forwarded to the applicable facility or program, rather than proper facility or outpatient treatment program.

**SECTION 19. Amends Article 46B.077, Code of Criminal Procedure, as follows:**

Art. 46B.077. INDIVIDUAL TREATMENT PROGRAM. (a) Requires the facility or jail-based competency restoration program to which the defendant is committed or the outpatient competency restoration program, rather than outpatient treatment program, to which the defendant is released on bail to undertake certain measures.

(b) Requires the facility or program, if the defendant is committed to an inpatient mental health facility, residential care facility, or jail-based competency restoration program, to report to the court at least once during the commitment period.

(c) Requires the program, if the defendant is released to an outpatient competency restoration program, rather than requires the treatment program, if the defendant is released to a treatment program not provided by an inpatient mental health facility or a residential care facility, to report certain information to the court. Makes a nonsubstantive change.

**SECTION 20. Amends Article 46B.078, Code of Criminal Procedure, as follows:**

Art. 46B.078. CHARGES SUBSEQUENTLY DISMISSED. Requires the court that issued the order under Article 46B.0711, 46B.072, or 46B.073, if the charges pending against a defendant are dismissed, to send a copy of the order of dismissal to the sheriff of the county in which the court is located and to the head of the facility, the provider of the jail-based competency restoration program, or the provider of the outpatient competency restoration program, as appropriate. Requires the facility or program, on receipt of the copy of the order, to discharge the defendant into the care of the sheriff or sheriff's deputy for transportation in the manner described by Article 46B.082 (Transportation of Defendant). Makes conforming changes.



SECTION 21. Amends Article 46B.079, Code of Criminal Procedure, as follows:

Art. 46B.079. NOTICE AND REPORT TO COURT. (a) Requires the head of the facility, the provider of the jail-based competency restoration program, or the provider of the outpatient competency restoration program, as appropriate, not later than the 15th day before the date on which the initial restoration period is to expire according to the terms of the order or under Article 46B.0095 or other applicable provision of this chapter, to notify the applicable court that the period is about to expire. Makes a conforming change.

(b) Requires the head of the facility or jail-based competency restoration program provider to promptly notify the court when the head of the facility or program provider, believes that:

(1) the defendant is clinically ready and can be safely transferred to a competency restoration program for education services but has not yet attained competency to stand trial;

(2) the defendant has attained competency to stand trial. Creates this subdivision from existing text; or

(3) redesignates existing Subdivision (2) as Subdivision (3) and makes no further changes to this subdivision.

Makes conforming changes.

(b-1) Requires the outpatient competency restoration program provider to promptly notify the court when the program provider believes that the defendant has attained competency to stand trial or is not likely to attain competency in the foreseeable future.

(c) Requires the head of the facility or program provider, when the head of the facility or program provider gives notice to the court under Subsection (a), (b), or (b-1), to also file a final report with the court stating the reason for the proposed discharge or transfer under this chapter and including a list containing certain information. Requires the court to provide to the attorney representing the defendant and the attorney representing the state copies of a certain report rather than requires the court to provide copies of the report to the attorneys to enable any objection to the findings of the report to be made in a timely manner under Article 46B.084(a-1). Makes conforming changes.

(d) Makes a conforming change.

SECTION 22. Amends Article 46B.080(a), Code of Criminal Procedure, to change a reference to treatment program provider to program provider.

SECTION 23. Amends Subchapter D, Chapter 46B, Code of Criminal Procedure, by adding Articles 46B.0805 and 46B.0825, as follows:

Art. 46B.0805. COMPETENCY RESTORATION EDUCATION SERVICES. (a) Requires the court, on notification from the head of a facility or a jail-based competency restoration program provider under Article 46B.079(b)(1), to order the defendant to receive competency restoration education services in a jail-based competency restoration program or an outpatient competency restoration program, as appropriate and if available.

(b) Requires the court, if a defendant for whom an order is entered under Subsection (a) was committed for competency restoration to a facility other than a jail-based competency restoration program, to send a copy of that order to certain entities.

(c) Requires the applicable facility, as soon as practicable but not later than the 10th day after the date of receipt of a copy of an order, to discharge the defendant into the care of the sheriff of the county in which the court is located or into the care of the sheriff's deputy. Requires the sheriff or sheriff's deputy to transport the defendant to the jail-based competency restoration program or outpatient competency restoration program, as appropriate.

(d) Requires a jail-based competency restoration program or outpatient competency restoration program that receives a defendant under this article to give the court certain notices.

Art. 46B.0825. ADMINISTRATION OF MEDICATION WHILE IN CUSTODY OF SHERIFF. (a) Requires a sheriff or sheriff's deputy having custody of a defendant for transportation as required by 46B.0805 or 46B.082 or during proceedings described by Article 46B.084 to, according to information available at the time and unless directed otherwise by a physician treating the defendant, ensure that the defendant is provided with the types and dosages of medication prescribed for the defendant.

(b) Provides that, to the extent funds are appropriated for that purpose, a sheriff is entitled to reimbursement from the state for providing the medication required by Subsection (a).

(c) Provides that, if the sheriff determines that funds are not available from the state to reimburse the sheriff as provided by Subsection (b), the sheriff is not required to comply with Subsection (a).

SECTION 24. Amends Article 46B.081, Code of Criminal Procedure, as follows:

Art. 46B.081. RETURN TO COURT. Requires that a defendant committed or released on bail under this subchapter, subject to Article 46B.082(b), to be returned to the applicable court as soon as practicable after notice to the court is provided under Article 46B.079(a), (b)(2), (b)(3), or (b-1), rather than 46B.079, but not later than the date of expiration of the period for restoration specified by the court under Article 46B.0711, 46B.072, or 46B.073.

SECTION 25. Amends Article 46B.082, Code of Criminal Procedure, as follows:

Art. 46B.082. New heading: TRANSPORTATION OF DEFENDANT TO COURT. (a) Requires the sheriff of the county in which the court is located or the sheriff's deputy, rather than sheriff's designee, on notification from the court under Article 46B.078, to transport the defendant to the court.

(b) Requires the head of the facility or provider of the jail-based competency restoration program to which the defendant is committed or the provider of the outpatient competency restoration program in which the defendant is participating, if before the 15th day after the date on which the court received notification under Article 46B.079(a), (b)(2), (b)(3), or (b-1) a defendant committed to a facility or jail-based competency restoration program or ordered to participate in an outpatient competency restoration program has not been transported to the court that issued the order under Article 46B.0711, 46B.072, or 46B.073, as applicable, to cause the defendant to be promptly transported to the court and placed in the custody of the sheriff of the county in which the court is located. Requires that the county in which the court is located reimburse the Health and Human Services Commission (HHSC) or program provider, rather than DSHS or DADS, as appropriate, for certain expenses. Makes conforming changes.

SECTION 26. Amends Article 46B.083, Code of Criminal Procedure, as follows:

Art. 46B.083. New heading: SUPPORTING COMMITMENT INFORMATION PROVIDED BY FACILITY OR PROGRAM. (a) Requires the head of the facility or the program provider, if the head of the facility, the jail-based competency restoration program provider, or the outpatient competency restoration program provider believes that the defendant is a person with mental illness and meets the criteria for court-ordered mental health services under Subtitle C, Title 7, Health and Safety Code, to have submitted to the court a certificate of medical examination for mental illness. Makes conforming changes.

(b) Requires the head of the facility or the program provider, if the head of the facility, the jail-based competency restoration program provider, or the outpatient competency restoration program provider believes that the defendant is a person with an intellectual disability, to have submitted to the court an affidavit stating the conclusions reached as a result of the examination. Makes conforming changes.

SECTION 27. Amends Article 46B.084(a-1)(1), Code of Criminal Procedure, as follows:

(1) Requires the court, following the defendant's return to the court, to make a determination with regard to the defendant's competency to stand trial. Authorizes the court to make the determination based only on the most recent report that is filed under Article 46B.079(c) and based on notice under that article, other than notice under Subsection (b)(1) of that article, and on other medical information or personal history information relating to the defendant. Authorizes a party to object in writing or in open court to the findings of the most recent report not later than the 15th day after the date on which the court received the applicable notice, rather than notification, under Article 46B.079. Requires the court to make the determination not later than the 20th day after the date on which the court received the applicable notice under Article 46B.079, or not later than the fifth day after the date of the defendant's return to court, whichever occurs first, regardless of certain events. Makes a conforming change.

SECTION 28. Amends Articles 46B.086(a), (b), (c), and (d), Code of Criminal Procedure, as follows:

(a) Provides that this article applies only to a defendant:

(1) makes no changes to this subdivision;

(2) who either:

(A) remains confined in a correctional facility, as defined by Section 1.07 (Definitions), Penal Code, for a period exceeding 72 hours while awaiting transfer to an inpatient mental health facility, a residential care facility, or an outpatient competency restoration program. Makes a conforming change;

(B) is committed to an inpatient mental health facility, a residential care facility, or a jail-based competency restoration program for the purpose of competency restoration. Makes a nonsubstantive change;

(C) makes a conforming change; or

(D) makes no changes to this paragraph;

(3) for whom a correctional facility or jail-based competency restoration program that employs or contracts with a licensed psychiatrist, an inpatient mental health facility, a residential care facility, or an outpatient competency restoration program provider has prepared a continuity of care plan that requires the defendant to take psychoactive medications. Makes a conforming change; and

(4) makes no changes to this subdivision.

(b) Requires the director of the facility or the program provider, rather than the director of the correctional facility or outpatient treatment program provider, as applicable, if a defendant described by Subsection (a) refuses to take psychoactive medications as required by the defendant's continuity of care plan, to notify the court in which the criminal proceedings are pending of that fact not later than the end of the next business day following the refusal. Requires that the motion to compel medication be filed not later than a certain day, except that, for a defendant in an outpatient competency restoration program the motion may be filed at any time. Makes a conforming change.

(c) and (d) Makes conforming changes.

SECTION 29. Amends Articles 46B.090(f), (l), and (n), Code of Criminal Procedure, as follows:

(f) Requires a provider of jail-based competency restoration services, to contract with DSHS under Subsection (b) (relating to requiring DSHS to contract with a provider of jail-based competency restoration services), to demonstrate to DSHS, that:

(1) makes no changes to this subdivision;

(2) the provider's jail-based competency restoration program:

(A) makes no changes to this paragraph;

(B) makes a nonsubstantive change; and

(C) deletes existing Paragraph (C) relating to assigning staff members to defendants at a certain ratio. Redesignates existing Paragraph (D) as Paragraph (C); and

(3) and (4) makes no changes to these subdivisions.

(l) Provides that certain procedures occur if the psychiatrist for the provider determines that a defendant ordered to participate in the pilot program has not been restored to competency by the end of the 60th day after the date the defendant began to receive services, rather than participate, in the pilot program.

(n) Changes a reference to December 1, 2016, to December 1, 2018 regarding the due date of a certain report.

SECTION 30. Amends Subchapter D, Chapter 46B, Code of Criminal Procedure, by adding Article 46B.091, as follows:

Art. 46B.091. JAIL-BASED COMPETENCY RESTORATION PROGRAM IMPLEMENTED BY COUNTY. (a) Defines "commission" and "executive commissioner."

(b) Authorizes a county or counties jointly to develop and implement a jail-based competency restoration program.

(c) Requires a county that implements a program under this article to contract with a provider of jail-based competency restoration services that is a local mental health authority or local behavioral health authority that is in good standing with HHSC, which may include an authority that is in good standing with HHSC and subcontracts with a provider of a jail-based competency restoration services.

(d) Requires a jail-based competency restoration program to provide jail-based competency restoration services through a certain multidisciplinary treatment team, employ or contract for the services of at least one psychiatrist, provide jail-

based competency restoration services through licensed or qualified mental health professionals, provide weekly competency restoration hours commensurate to the hours provided as part of a competency restoration program at an inpatient mental health facility, operate in the jail in a designated space that is separate from the space used for the general population of the jail, ensure coordination of general health care, provide mental health treatment and substance use disorder treatment to defendants, as necessary, for competency restoration, and supply clinically appropriate psychoactive medications for purposes of administering court-ordered medication to defendants as applicable and in accordance with Article 46B.086 (Court-Ordered Medications) of this code or Section 574.106 (Hearing and Order Authorizing Psychoactive Medication), Health and Safety Code.

(e) Requires the executive commissioner of HHSC (executive commissioner) to adopt rules as necessary for a county to develop and implement a program under this article. Requires HHSC to, as part of the rulemaking process, establish contract monitoring and oversight requirements for a local mental health authority or local behavioral health authority that contracts with a county to provide jail-based competency restoration services under this article. Requires that the contract monitoring and oversight requirements be consistent with local mental health authority or local behavioral health authority performance contract monitoring and oversight requirements, as applicable.

(f) Authorizes HHSC to inspect on behalf of the state any aspect of a program implemented under this article.

(g) Requires the psychiatrist or psychologist for the provider to conduct at least two full psychiatric or psychological evaluations of the defendant during the period the defendant receives competency restoration services in the jail. Requires the psychiatrist or psychologist to conduct one evaluation not later than the 21st day and one evaluation not later than the 55th day after the date the defendant is committed to the program. Requires the psychiatrist or psychologist to submit to the court a report concerning each evaluation required under this subsection.

(h) Provides that, if at any time during a defendant's commitment to a program implemented under this article, the psychiatrist or psychologist for the provider determines that the defendant has attained competency to stand trial:

(1) the psychiatrist or psychologist for the provider is required to promptly issue and send to the court a report demonstrating that fact; and

(2) the court is required to consider that report as the report of an expert stating an opinion that the defendant has been restored to competency for purposes of Article 46B.0755(a) or (b).

(i) Provides that, if at any time during a defendant's commitment to a program implemented under this article, the psychiatrist or psychologist for the provider determines that the defendant's competency to stand trial is unlikely to be restored in the foreseeable future:

(1) the psychiatrist or psychologist for the provider is required to promptly issue and send to the court a report demonstrating that fact; and

(2) the court is required to:

(A) proceed under Subchapter E (Civil Commitment: Charges Pending) or F (Civil Commitment: Charges Dismissed) and order the transfer of the defendant, without unnecessary delay, to the first available facility that is appropriate for that defendant, as provided under Subchapter E or F, as applicable; or

(B) release the defendant on bail as permitted under Chapter 17 (Bail).

(j) Provides that, if the psychiatrist or psychologist for the provider determines that a defendant committed to a program implemented under this article has not been restored to competency by the end of the 60th day after the date the defendant began to receive services in the program:

(1) for a defendant charged with a felony, the defendant is required to be transferred, without unnecessary delay and for the remainder of the period prescribed by Article 46B.073(b), to the first available facility that is appropriate for that defendant as provided by Article 46B.073(c) or (d); and

(2) for a defendant charged with a misdemeanor, the court is authorized to:

(B) proceed under Subchapter E or F;

(C) release the defendant on bail as permitted under Chapter 17; or

(D) dismiss the charges in accordance with Article 46B.010.

(k) Provides that unless otherwise provided by this article, the provisions of this chapter, including the maximum periods prescribed by Article 46B.0095, apply to a defendant receiving competency restoration services, including competency restoration education services, under a program implemented under this article in the same manner as those provisions apply to any other defendant who is subject to proceedings under this chapter.

(l) Provides that this article does not affect the responsibility of a county to ensure the safety of a defendant who is committed to the program and to provide the same adequate care to the defendant as is provided to other inmates of the jail in which the defendant is located.

SECTION 31. Amends Subchapter C, Chapter 72, Government Code, by adding Section 72.032, as follows:

Sec. 72.032. BEST PRACTICES EDUCATION. Requires the administrative director of the courts to make available to courts information concerning best practices for addressing the needs of person with mental illness in the court system, including the use of the preferred terms and phrases provided by Section 392.002 (Use of Person First Respectful Language Required).

SECTION 32. Amends Chapter 121, Government Code, by adding Section 121.003, as follows:

Sec. 121.003. SPECIALTY COURTS REPORT. (a) Defines "office."

(b) Requires OCA, for the period beginning September 1, 2017, and ending September 1, 2018, to collect information from specialty courts in this state regarding outcomes of participants in those specialty courts who are persons with mental illness, including recidivism rates of those participants, and other relevant information as determined by OCA.

(c) Requires OCA, not later than December 1, 2018, to submit to the legislature a report containing and evaluating the information collected under Subsection (b).

(d) Provides that this section expires September 1, 2019.

SECTION 33. Amends Section 574.034(g), Health and Safety Code, as follows:

(g) Requires that an order for temporary inpatient or outpatient mental health services state that treatment is authorized for not longer than 45 days, rather than 90 days, except that the order is authorized to specify a period not to exceed 90 days if the judge finds that the longer period is necessary. Deletes existing text prohibiting the order from specifying a shorter period.

SECTION 34. Amends Section 614.0032(b), Health and Safety Code, as follows:

(b) Requires TCOOMMI to approve and make generally available in electronic format a standard form for use by experts in reporting competency examination results under Chapter 46B, Code of Criminal Procedure. Deletes existing text relating to certain requirements of TCOOMMI and members of the Advisory Committee to the Texas Board of Criminal Justice on Offenders with Medical or Mental Impairments.

SECTION 35. Repealer: Article 46B.026(c) (relating to requiring the court to forward the report to TCOOMMI), Code of Criminal Procedure.

Repealer: Article 46B.090(o) (relating to the expiration date of the article), Code of Criminal Procedure.

Repealer: Section 614.0032(c) (relating to requiring a district or juvenile court to submit reports based on certain examinations), Health and Safety Code.

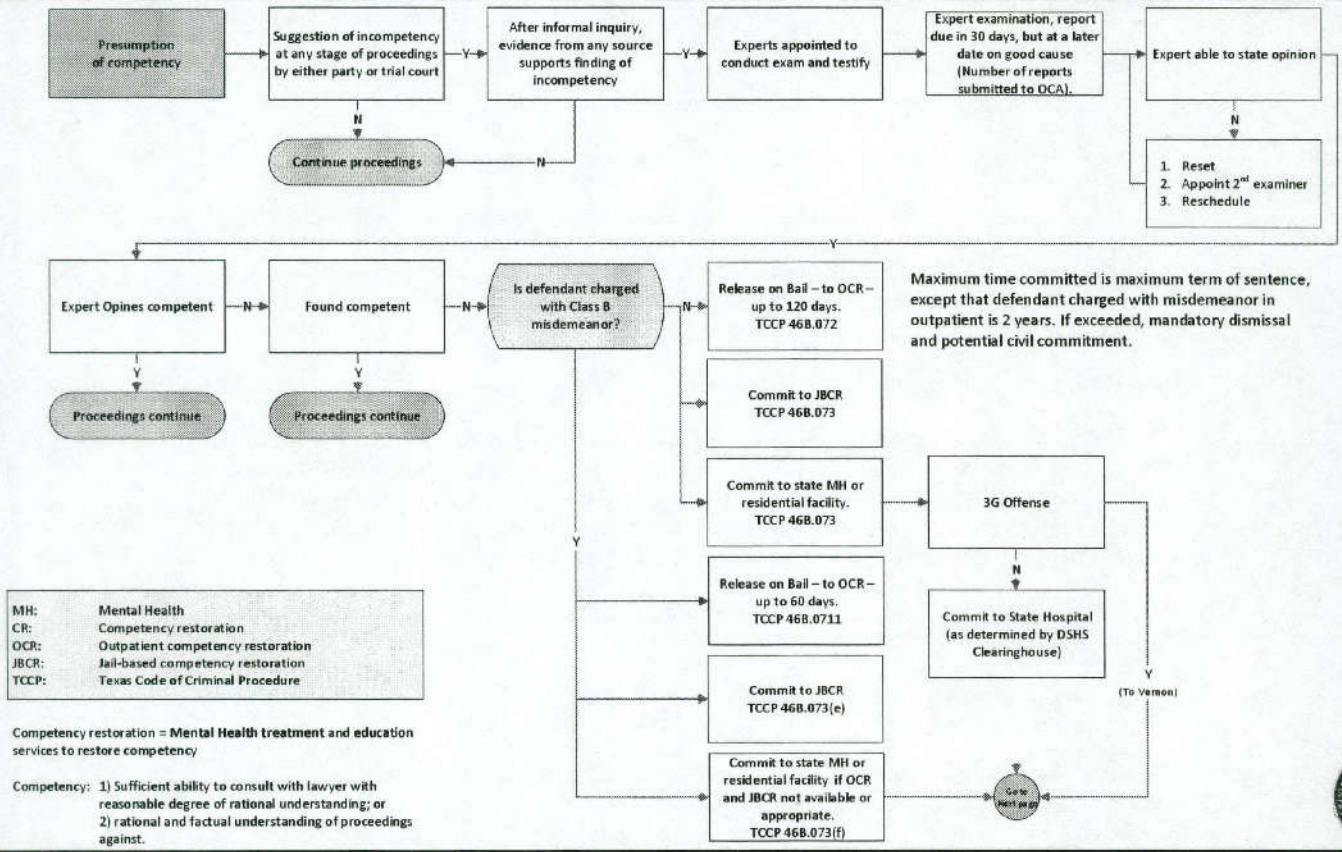
SECTION 36. Requires the executive commissioner, not later than November 1, 2017, to adopt the rules described by Article 46B.091(e), Code of Criminal Procedure, as added by this Act.

SECTION 37. Makes application of this Act prospective.

SECTION 38. Effective date: September 1, 2017.

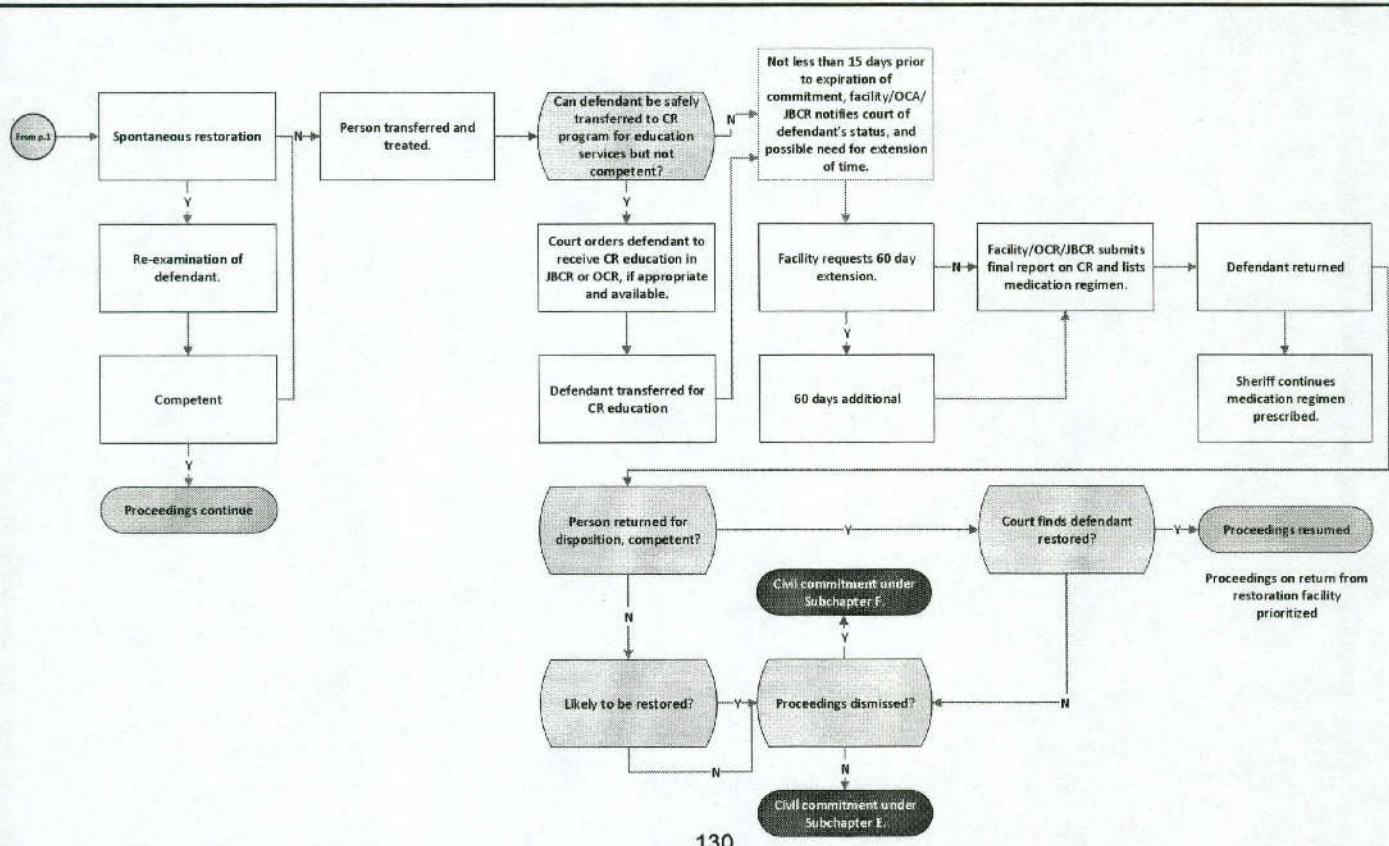
### Competency Restoration Process

Note: Applicable to criminal trial procedures as defined in Article 46B.001 for defendants charged with a felony or with a misdemeanor punishable by confinement.



### Competency Restoration Process

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TEXAS JUDICIAL COUNCIL

and

RECOMMENDATIONS

June 2018



**GUARDIANSHIP, MENTAL HEALTH, &  
INTELLECTUAL/DEVELOPMENTAL DISABILITY**

In June 2017, the Texas Judicial Council charged the Guardianship, Mental Health, and Intellectual/Developmental Disabilities Committee with the following tasks.

- Review reforms enacted by the 85th Legislature impacting the judiciary, monitoring their implementation, and considering additional reforms to improve the ways that courts interact with individuals with a mental health condition or an intellectual or developmental disability.
- Review guardianship reforms enacted by the 85th Legislature, monitoring the implementation of those reforms, and considering additional reforms to improve the ways that courts interact with individuals in need of guardianship.

The members of the committee are:

Honorable Bill Boyce, Chair  
Honorable Kelly Moore  
Representative Andy Murr  
Honorable Polly Spencer

Senator Judith Zaffirini  
Ms. Allyson Ho  
Mr. Kenneth Saks

Judge Susan Redford (Ret.), Texas Association  
of Counties

Adrienne Kennedy, National Alliance for  
Mental Illness

Judge Barbara Hervey, Court of Criminal  
Appeals

Dr. Tony Fabelo, Meadows Mental Health  
Policy Institute

Dr. William B. Schnapp, Associate Professor of  
Clinical Psychology

Honorable Harriet O'Neill (Ret.), Law Office of  
Harriet O'Neill

Beth Ann Lawson, StarCare Specialty Health  
System

The Meadows Mental Health Policy Institute has volunteered to provide assistance to the Council and this committee.

The committee held meetings on September 19, 2017, February 12, 2018, April 10, 2018, and June 8, 2018.

## Recommendations in Brief

### **Refinements to Mental Health Legislation Passed During 85th Legislature**

**Recommendation 1:** The Legislature should clarify the meaning of “assessment” under Code of Criminal Procedure Article 16.22.

**Recommendation 2:** The Legislature should amend Health and Safety Code Section 614.0032(b) to authorize the Texas Correctional Office on Offenders with Medical or Mental Impairments to approve and make available an electronic form for use by qualified persons in connection with mental health reporting results under Code of Criminal Procedure Article 16.22. The Legislature should make this form confidential by law.

**Recommendation 3:** The Legislature should amend Code of Criminal Procedure Article 16.22’s monthly reporting requirement to avoid duplicative reporting from magistrates and trial courts.

### **New Legislative Proposals**

**Recommendation 1:** The Legislature should amend Code of Criminal Procedure Article 42.09 Section 8 to authorize a transfer of mental health-related information when a defendant is moved from county jail to state prison.

**Recommendation 2:** The Legislature should amend Government Code Section 54.003(b) to include part-time and full-time magistrates and associate judges appointed under Chapters 54 and 54A of the Government Code.

**Recommendation 3:** The Legislature should create and fund a network of guardianship specialty courts modeled on the existing network of Child Protection Specialty Courts.

**Recommendation 4:** The Legislature should expand the Office of Court Administration’s Guardianship Compliance Project to be a statewide program.

### **Recommendations from Chapter 574 Working Group**

**Recommendation 1:** The Legislature should clarify Health and Safety Code Section 574.034(b)’s standard for court-ordered temporary outpatient mental health services.

**Recommendation 2:** The Legislature should create a new provision in Title 7, Subchapter E of the Health and Safety Code covering transfer from inpatient to outpatient treatment.

**Recommendation 4: The Legislature should amend Chapter 574 of the Health and Safety Code to require publicly funded facilities (including private psychiatric facilities receiving payment with public funding to treat an individual under Chapter 574) to coordinate the admission, treatment plan, and discharge plan with Local Mental Health Authorities, and to pay for medication upon discharge.**

**Recommendation 5: The Legislature should modify Article 46B of the Code of Criminal Procedure and Chapter 574 of the Health and Safety Code to create a new civil commitment option for Class B misdemeanor defendants.**

**Recommendation 6: Judges should receive additional education on standards and procedures for court-ordered outpatient mental health services.**

**Recommendation 7: The Legislature should provide additional funding for community mental health services, including outpatient mental health services.**

## Recommendations in Detail

### Refinements to Mental Health Legislation Passed During 85th Legislature

#### Background

The 2017 legislation went into effect on September 1, 2017. Feedback from courts, court staff, and stakeholders since that effective date points to the need for three refinements that will clarify procedures and the meaning of statutory language. Additionally, the committee recommends continued and increased funding for the creation of community-based and jail-based competency restoration programs under Article 46B. Funding to launch these programs currently is authorized under SB 292 and HB 13.

#### Recommendations

##### **Recommendation 1: The Legislature should clarify the meaning of “assessment” under Code of Criminal Procedure Article 16.22.**

As amended in 2017, Article 16.22 contains multiple references to the performance of an “assessment” if there is reasonable cause to believe that a defendant has a mental illness or is a person with an intellectual disability. The phrases “collect” or “collection of information” or “information collected” also are used in Article 16.22(a)(1)(A), (a)(1)(B), (a)(2), and (a)(3). “Assessment” also appears in Article 17.032(b)(3).

Feedback indicates that there is uncertainty about the credentials necessary for an individual to perform an “assessment;” whether this assessment focuses on competency to stand trial; and payment responsibility for the assessment.

A single uniform term should be used in place of “assessment” or “collection of information” to convey that a full-blown examination and mental health or IDD diagnosis is not required at this juncture.

Article 16.22(a)(1)(B) provides that the magistrate shall receive “a written assessment of the information collected under Paragraph (A) on the form approved by the Texas Correctional Office on Offenders with Medical or Mental Impairments under Section 614.0032(b), Health and Safety Code.”

In its current form, Section 614.0032(b) refers to a form for use in connection with a competency examination under Article 46B; this section does not expressly refer to a screening form for use under Article 16.22. TCOOMMI has promulgated a screening

form specifically for this purpose. A new subsection should be added to Section 614.0032(b) authorizing TCOOMMI to

“(3) approve and make generally available in electronic format a standard form for use by qualified persons in connection with mental health reporting results under Article 16.22, Code of Criminal Procedure.”

Additionally, a provision should be added to Section 614.0032 to make the form confidential by law. Such a provision could be modeled after the provision addressing juvenile records in Section 58.007 of the Family Code.

**Recommendation 3: The Legislature should amend Code of Criminal Procedure Article 16.22’s monthly reporting requirement to avoid duplicative reporting from magistrates and trial courts.**

Feedback indicates concern over the potential for a redundant reporting requirement for screenings performed pursuant to Article 16.22. Subsection (e) should be amended as follows:

“(e) The ~~magistrate~~ clerk of the trial court shall submit to the Office of Court Administration of the Texas Judicial System on a monthly basis the number of written assessments provided to the court under Subsection (a)(1)(B).”

This change will avoid duplicative reporting from magistrates and trial courts.

### **New Legislative Proposals**

#### **Background**

In addition to refinements of legislative changes enacted in 2017, the committee recommends these proposals for the 86th Legislative Session beginning in January 2019.

#### **Recommendations**

**Recommendation 1: The Legislature should amend Code of Criminal Procedure Article 42.09 Section 8 to authorize a transfer of mental health-related information when a defendant is moved from county jail to state prison.**

**Recommendation 2: The Legislature should amend Government Code Section 56.003(b) to include part-time and full-time magistrates and associate judges appointed under Chapters 54 and 54A of the Government Code.**

During the course of multiple seminar presentations since mid-2017, there has been significant enthusiasm among courts, court personnel, and other stakeholders for training opportunities focused on these new procedures.

This enthusiasm dovetails with a 2016 recommendation made by the Texas Judicial Council's Criminal Justice Committee, excerpted here with emphasis added:

\* \* \*

Texas Government Code 56.003(b) provides the statutory basis for funds to be appropriated to the Court of Criminal Appeals for the "continuing legal education of judges of the appellate courts, district courts, county courts at law, county courts performing judicial functions, *full-time associate judges and masters appointed pursuant to Chapter 201, Family Code, and full-time masters, magistrates, referees, and associate judges appointed pursuant to Chapter 54 as required by the Court of Criminal Appeals.*"

Sec. 56.003(c) and (d) of the Government Code provide the statutory basis for funds to be appropriated to the Court of Criminal Appeals for the continuing legal education of judges of the justice courts and municipal courts.

Rules 2, 3, and 5 of Judicial Education promulgated by the Court of Criminal Appeals require judicial education for judges of the appellate, district, county, justice and municipal courts. Rule 4 of Judicial Education promulgated by the Court of Criminal Appeals requires "judicial officers" to "complete within one year after taking office, at least 12 hours of instruction in the administrative duties of office and substantive procedural and evidentiary laws. Thereafter, the "judicial officer" is required to complete at least 12 hours of instruction in substantive, procedural and evidentiary laws and court administration. *The term "judicial officer" is defined to include full-time masters, magistrates, or referees appointed pursuant to Chapter 54 of the Government Code.*

\* \* \*

The committee recommends that the legislature amend Government Code Sec. 54.003(b) to include part-time and full-time magistrates and associate judges appointed under Chapters 54 and 54A of the Government Code. The committee also recommends that the Court of Criminal Appeals amend its Rules of Judicial Education to require

continuing legal education for part-time and full-time magistrates and associate judges under Chapters 54 and 54A of the Government Code.

The committee recommends that the Court of Criminal Appeals examine its funding levels for judicial education and supports the Court's efforts to increase funding to a level sufficient to provide the education discussed above.

The committee recommends adopting the Criminal Justice Committee's 2016 recommendation, which will allow for additional training to implement new mental health-related procedures enacted in 2017.

**Recommendation 3: The Legislature should create and fund a network of guardianship specialty courts modeled on the existing network of Child Protection Specialty Courts.**

**Recommendation 4: The Legislature should expand the Office of Court Administration's Guardianship Compliance Project to be a statewide program.**

The committee previously discussed recommendations to (1) fund a statewide guardianship compliance project based on the successful pilot program; and (2) create associate judge guardianship courts.

The Office of Court Administration's Guardianship Compliance Project should be expanded statewide. This recommendation is also reflected in the Elders Committee Report and Texas Judicial Council Recommendations issued in October 2016. Legislation to accomplish this was passed in 2017 but ultimately was vetoed. Work on this project has continued in the interim, and significant problems with guardianship monitoring continue to be found. Therefore, it is necessary to expand the guardianship compliance project statewide to ensure that adequate monitoring of the individuals under guardianship occurs.

The Legislature should create and fund a network of guardianship specialty courts modeled on the existing network of Child Protection Specialty Courts. The recommendation mirrors the recommendation of the Texas Judicial Council's Elders Committee in its 2016 report and recommendations, except that the prior recommendation called for a pilot program. The current recommendation is discussed in the February 2018 document entitled "Texas Guardianship Association Judicial Workgroup Consensus Findings and Recommendation."

The two guardianship recommendations will complement one another in that the specialized guardianship courts will benefit from the services of the guardianship compliance project staff who would function as court auditors for those new courts.



## **Recommendations from Chapter 574 Working Group**

### **Background**

Chapter 574 of the Texas Health and Safety Code was added in 1991 to provide a mechanism for courts to order involuntary mental health treatment.

However, there are barriers to the use of these provisions by courts; as a result, they are rarely used to order involuntary outpatient mental health treatment. Interested stakeholders indicate that the update of these provisions based upon current practices and research on best practices in mental health treatment could provide a mechanism to divert individuals with mental health conditions from the criminal justice system and the inpatient mental health treatment system.

A working group of involved stakeholders met on June 5, 2018, to discuss possible recommendations for improving procedures governing court-ordered mental health treatment under Chapter 574.

Attending were Beth Mitchell and Aaryce Hayes from Disability Rights Texas; Adrienne Kennedy and Greg Hansch from the National Alliance on Mental Illness; Beth Ann Lawson from Star Care Lubbock; Betsey Johnson from the Treatment Advocacy Center; Justice Bill Boyce; Chris Lopez from the Texas Health and Human Services Commission; David Slayton and Megan LaVoie from the Office of Court Administration; Kristi Taylor from the Texas Judicial Commission on Mental Health; Judge Oscar Kazen; Judge Polly Spencer; and Judge Barbara Hervey from the Court of Criminal Appeals.

The working group identified two areas for longer-range study and development: (1) reorganizing Chapter 574 to make it easier to follow, and to separate the provisions for inpatient and outpatient procedures into separate subchapters; and (2) establishing a statutory framework for associate judge mental health specialty courts that could oversee a mental health civil commitment docket.

The following legislative proposals for the upcoming session emerged from this meeting.

### **Recommendations**

#### **Recommendation 1: The Legislature should clarify Health and Safety Code Section 574.034(b)'s standard for court-ordered temporary outpatient mental health services.**

The current standard in Section 574.034(b) is difficult to read and apply because of its many subparts and sub-subparts.

A potential model for a clarified statutory standard is the one employed in Michigan, which authorizes a court to order temporary outpatient mental health services for an individual "who has mental illness, whose understanding of the need for treatment is impaired to the point that he/she is unlikely to voluntarily participate in or adhere to treatment that has been determined necessary to prevent relapse or harmful deterioration...and whose noncompliance with treatment has been a factor in the individual's placement in a psychiatric hospital, prison, or jail at least 2 times within 48

months, or has been a factor in his/her committing one or more acts, attempts or threats of serious violence within 48 months." See Mich. Comp. Laws § 330.1401(d).

**Recommendation 2: The Legislature should create a new provision in Title 7, Subchapter E of the Health and Safety Code covering transfer from inpatient to outpatient treatment.**

A new notice provision in subchapter E would require inpatient commitment facilities to provide notice to the committing court 30 days after commitment begins stating whether the patient is appropriate for outpatient commitment. It also would authorize the committing court to consider whether a transition from inpatient to outpatient commitment is appropriate; if a transition from inpatient to outpatient treatment is being considered, the committing court must consult the Local Mental Health Authority, and the local judge. If the circumstances of commitment are modified from inpatient treatment to outpatient treatment, then the permissible term of outpatient commitment would restart.

**Recommendation 3: The Legislature should ensure that the provision addressing status hearings for noncompliance in Health and Safety Code Section 574.037(c-2) is clear, and should move the provision to Title 7, Subchapter E.**

**Recommendation 4: The Legislature should amend Chapter 574 of the Health and Safety Code to require publicly funded facilities (including private psychiatric facilities receiving payment with public funding to treat an individual under Chapter 574) to coordinate the admission, treatment plan, and discharge plan with Local Mental Health Authorities, and to pay for medication upon discharge.**

The recommendation is to require publicly funded facilities (including private psychiatric facilities receiving payment with public funding to treat an individual under Chapter 574) to (1) coordinate the admission, treatment plan, and discharge plan with Local Mental Health Authorities; and (2) pay for medication upon discharge.

This change likely would require amendments to statutory language in multiple places in Chapter 574, primarily in Section 574.081.

- Modify (b) to strike the second sentence or modify to ensure that publicly funded private facilities are included.
- Modify (c) to require inclusion of whether the patient is appropriate for court-ordered outpatient mental health services.
- Consider repealing (h) or modify to ensure that publicly funded private facilities do have to comply with subsection (c).

**Recommendation 5: The Legislature should modify Article 46B of the Code of Criminal Procedure and Chapter 574 of the Health and Safety Code to create a new civil commitment option for Class B misdemeanor defendants.**

During the 85th Legislature, the Texas Judicial Council recommended significant changes to Code of Criminal Procedure Article 46B. These changes authorized the use of jail-based and community-based competency restoration for Class B misdemeanor defendants so that use of an inpatient bed at a state psychiatric hospital (which can involve long waits for availability) is not the only restoration option.

The Chapter 574 working group considered an aspect of Article 46B's operation that was not addressed in prior recommendations. Articles 46B.004(e) and 46B.151 give prosecutors authority to dismiss charges against a defendant and ask a court to transfer the defendant for civil commitment proceedings under Chapter 574. The working group discussed how the option to seek a transfer for civil commitment proceedings is little-used because it first requires dismissal of charges. The working group voiced support for creating an option under which, in appropriate cases, prosecutors could seek a transfer for court-ordered outpatient mental health services under Chapter 574 without first dismissing charges.

- This change would likely be reflected in Article 46B.073.
- This may need modifications within Chapter 574.

**Recommendation 6: Judges should receive additional education on standards and procedures for court-ordered outpatient mental health services.**

**Recommendation 7: The Legislature should provide additional funding for community mental health services, including outpatient mental health services.**



## Mental Health Assessment Reporting

County	2017			County		Total
	Population	District	Statutory	Constitutional	Courts Total	
Anderson	57,741	1	0	0	0	1
Andrews	17,722	2		0	0	2
Angelina	87,805	0	4		4	4
Aransas	25,572	0	0		0	0
Archer	8,809	0		0	0	0
Armstrong	1,879	0		0	0	0
Atascosa	48,981	0	1	0	1	1
Austin	29,786	0	0		0	0
Bailey	7,077	0		0	0	0
Bandera	22,351	3		1	1	4
Bastrop	84,761	0	0		0	0
Baylor	3,581	0		0	0	0
Bee	32,563	0		0	0	0
Bell	347,833	86	0		0	86
Bexar	1,958,578	16	0		0	16
Blanco	11,626	0		0	0	0
Borden	673	0		0	0	0
Bosque	18,326	0	0	0	0	0
Bowie	94,012	0	0		0	0
Brazoria	362,457	683	383		383	1,066
Brazos	222,830	0	0		0	0
Brewster	9,337			0	0	0
Briscoe	1,528	0		0	0	0
Brooks	7,235	0		0	0	0
Brown	38,053	14	0	0	0	14
Burleson	18,011	0		0	0	0
Burnet	46,804	6	1		1	7
Caldwell	42,338	1	0		0	1
Calhoun	21,744	0	0		0	0
Callahan	13,946	0		0	0	0
Cameron	423,725	0	0		0	0
Camp	12,855	0		0	0	0
Carson	6,032	0		0	0	0
Cass	30,012	0	0	0	0	0
Castro	7,843			0	0	0
Chambers	41,441	0		0	0	0
Cherokee	52,240	23	0	0	0	23
Childress	7,067	0		0	0	0
Clay	10,421	6		3	3	9
Cochran	2,851	0		0	0	0
Coke	3,306	0		0	0	0
Coleman	8,430	0		0	0	0
Collin	969,603	410	185		185	595
Collingsworth	2,987	0		0	0	0
Colorado	21,232	0		0	0	0
Comal	141,009	16	31		31	47
Comanche	13,573	0		0	0	0
Concho	2,717	0		0	0	0
Cooke	39,895	10	0		0	10
Coryell	74,913	3	0		0	3
Cottle	1,387	0		0	0	0
Crane	4,740	0		0	0	0
Crockett	3,564	0		0	0	0

County	2017 Population	District	Statutory	Constitutional	County Courts Total	Total
Crosby	5,899	0		0	0	0
Culberson	2,231	0		0	0	0
Dallam	7,208	2		0	0	2
Dallas	2,618,148	375	710		710	1,085
Dawson	12,813	1		0	0	1
De Witt	20,226	0		0	0	0
Deaf Smith	18,836	5		143	143	148
Delta	5,298	0		0	0	0
Denton	836,210	12	0		0	12
Dickens	2,209	0		0	0	0
Dimmit	10,418	0		0	0	0
Donley	3,311	0		0	0	0
Duval	11,273	0		0	0	0
Eastland	18,411	0		0	0	0
Ector	157,087	1	0	0	0	1
Edwards	1,953	0		0	0	0
El Paso	840,410	544	360		360	904
Ellis	173,620	11	0		0	11
Erath	41,969	0	0		0	0
Falls	17,437	0		0	0	0
Fannin	34,446	0	0		0	0
Fayette	25,272	0		0	0	0
Fisher	3,880	0	0	0	0	0
Floyd	5,855	0		0	0	0
Foard	1,222	0		0	0	0
Fort Bend	764,828	0	3		3	3
Franklin	10,767	0		0	0	0
Freestone	19,625	0		0	0	0
Frio	19,600	0		0	0	0
Gaines	20,638	0		0	0	0
Galveston	335,036	919	489		489	1,408
Garza	6,528	0		0	0	0
Gillespie	26,646	0		0	0	0
Glasscock	1,348	0		0	0	0
Goliad	7,562	2		0		2
Gonzales	20,893	1		0	0	1
Gray	22,404	1		0	0	1
Grayson	131,140	0	0		0	0
Gregg	123,367	0	3		3	3
Grimes	28,082	0		0	0	0
Guadalupe	159,659	243	182		182	425
Hale	34,134	0		1	1	1
Hall	3,071	0		0	0	0
Hamilton	8,422	0		0	0	0
Hansford	5,447	0		0	0	0
Hardeman	3,994	0		0	0	0
Hardin	57,139	0		0	0	0
Harris	4,652,980	87	50		50	137
Harrison	66,661	0	66		66	66
Hartley	5,691	0		0	0	0
Haskell	5,746	0		0	0	0
Hays	214,485	11	152		152	163
Hemphill	4,024	0		0	0	0
Henderson	81,064	0	0	0	0	0
Hidalgo	860,661	0	0		0	0
Hill	35,852	0	0	0	0	0
Hockley	23,088	0		0	0	0

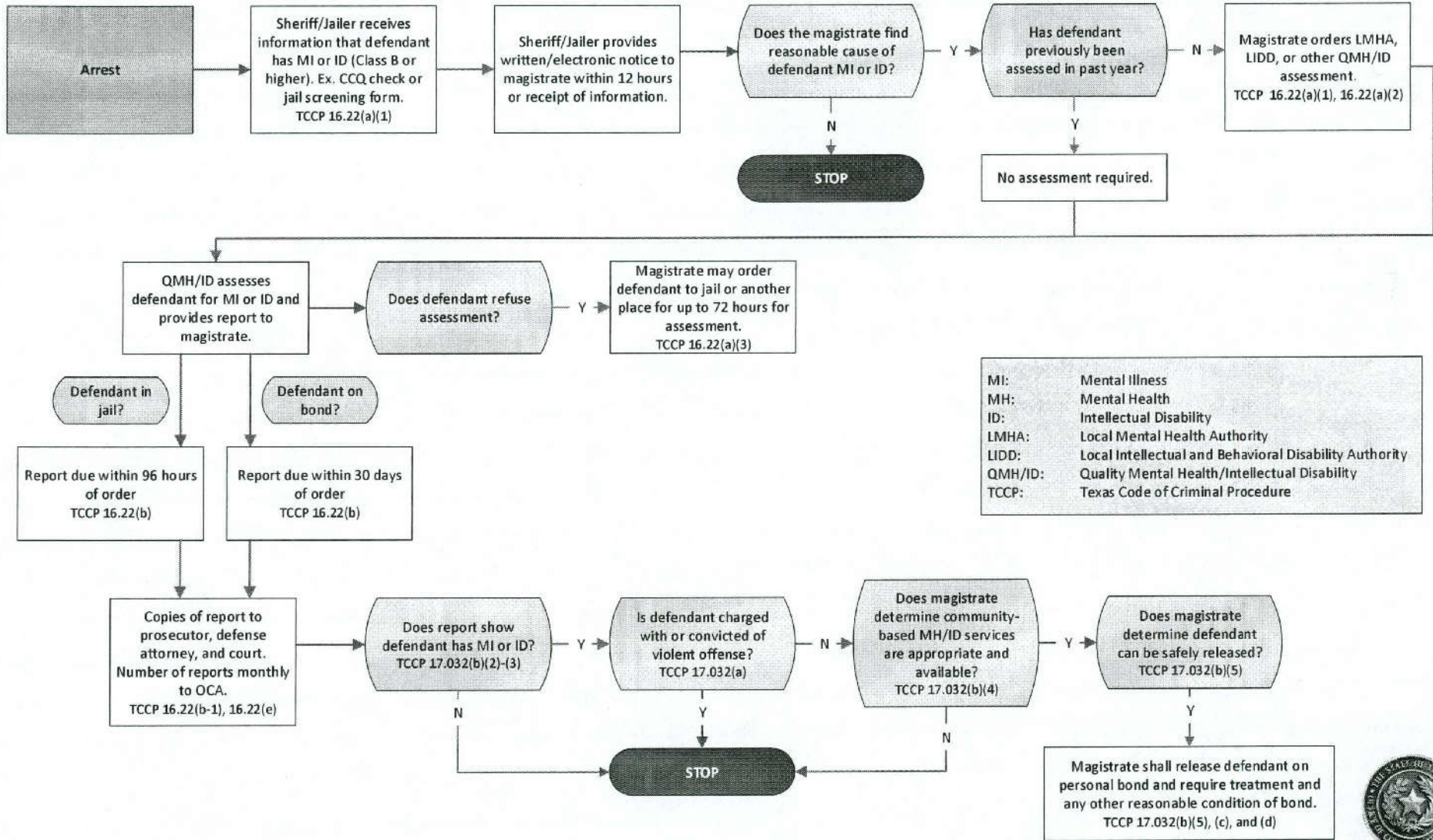
County	2017 Population	District	Statutory	Constitutional	County Courts Total	Total
Hood	58,273	4	0	0	0	4
Hopkins	36,496	0	0	0	0	0
Houston	23,021	3	0	0	0	3
	36,040	0		0	0	0
Hudspeth	4,408	0		0	0	0
Hunt	93,872	0	3		3	3
Hutchinson	21,375	3		0	0	3
Irion	1,516	0		0	0	0
Jack	8,832	0		0	0	0
Jackson	14,805	3		8	8	11
Jasper	35,561	0		0	0	0
Jeff Davis	2,280	0		0	0	0
Jefferson	256,299	0	0	0	0	0
Jim Hogg	5,202	0		0	0	0
Jim Wells	40,871	0	0		0	0
Johnson	167,301	0	4		4	4
Jones	19,983	0			0	0
Karnes	15,187	0		0	0	0
Kaufman	122,883	23	5		5	28
Kendall	44,026	2			0	2
Kenedy	417	0		0	0	0
Kent	763	0		0	0	0
Kerr	51,720	51	2		2	53
Kimble	4,410	0		0	0	0
King	296	0		0	0	0
Kinney	3,745	0		0	0	0
Kleberg	31,088	0	0	0	0	0
Knox	3,710	0		0	0	0
La Salle	7,584	0		0	0	0
Lamar	49,587	0		0	0	0
Lamb	13,210	0		0	0	0
Lampasas	21,027	0		0	0	0
Lavaca	20,062	0		3	3	3
Lee	17,183	26		0	0	26
Leon	17,243			0	0	0
Liberty	83,658	3	0	0	0	3
Limestone	23,527	0		3	3	3
Lipscomb	3,378	0		0	0	0
Live Oak	12,174	0		0	0	0
Llano	21,210	0		10	10	10
Loving	134	0		0	0	0
Lubbock	305,225	0	0		0	0
Lynn	5,859	0		0	0	0
Madison	14,222	0		0	0	0
Marion	10,064	0		2	2	2
Martin	5,626	0		0	0	0
Mason	4,222	0		2	2	2
Matagorda	36,840	2		0	0	2
Maverick	58,216	0		0	0	0
McCulloch	7,957	0		0	0	0
McLennan	251,259	4	0		0	4
McMullen	778	0		0	0	0
Medina	50,066	0	0		0	0
Menard	2,124	0		0	0	0
Midland	165,049	4	0	0	0	4
Milam	25,053	0		0	0	0
Mills	4,921	0		0	0	0

County	2017 Population	District	Statutory	Constitutional	County Courts Total	Total
Mitchell	8,468	0	0	0	0	0
Montague	19,539	10		0	0	10
Montgomery	570,934	4	22		22	26
Moore	22,097	0	0	0	0	0
Morris	12,467	0		0	0	0
Motley	1,230	0		0	0	0
Nacogdoches	65,580	0	0		0	0
Navarro	48,701	13		0	0	13
Newton	13,952	0		0	0	0
Nolan	14,770	10	0	0	0	10
Nueces	361,221	683	594		594	1,277
Ochiltree	10,073	0		2	2	2
Oldham	2,114	0		2	2	2
Orange	85,047	0	0	0	0	0
Palo Pinto	28,570	0		0	0	0
Panola	23,243	2	4		4	6
Parker	133,463	4	1	0	1	5
Parmar	9,842	0		0	0	0
Pecos	15,634	16		6	6	22
Polk	49,162	18	0	0	0	18
Potter	120,458	0	0	0	0	0
Presidio	7,156	0		0	0	0
Rains	11,762	0		0	0	0
Randall	134,442	4	2		2	6
Reagan	3,710	0		1	1	1
Real	3,429	0		0	0	0
Red River	12,229	0		0	0	0
Reeves	15,281	0	0		0	0
Refugio	7,224	3		3	3	6
Roberts	938	0		0	0	0
Robertson	17,203	13		10	10	23
Rockwall	96,788	1	0		0	1
Runnels	10,266	0		0	0	0
Rusk	52,833	0	0	0	0	0
Sabine	10,461			0	0	0
San Augustine	8,253			0	0	0
San Jacinto	28,270	0		0	0	0
San Patricio	67,215	0	0	0	0	0
San Saba	5,959	0		0	0	0
Schleicher	3,001	0		0	0	0
Scurry	17,050	0		0	0	0
Shackelford	3,328	0			0	0
Shelby	25,513	8		0	0	8
Sherman	3,067	0		0	0	0
Smith	227,727	8	0	0	0	8
Somervell	8,845	0		0	0	0
Starr	64,454	0	0		0	0
Stephens	9,337	3			0	3
Sterling	1,295	0		0	0	0
Stonewall	1,388	0		0	0	0
Sutton	3,767	0		0	0	0
Swisher	7,515	0		0	0	0
Tarrant	2,054,475	3,619	5,851		5,851	9,470
Taylor	136,290	74	73		73	147
Terrell	810	0		0	0	0
Terry	12,715	0		0	0	0
Throckmorton	1,527	0		0	0	0

County	2017			County		Total
	Population	District	Statutory	Constitutional	Courts Total	
Titus	32,904	0		0	0	0
Tom Green	118,019	0	0		0	0
Travis	1,226,698	685	1,193		1,193	1,878
Trinity	14,667	0		0	0	0
Tyler	21,539	7		0	0	7
Upshur	41,281	0		0	0	0
Upton	3,663	0		0	0	0
Uvalde	27,132	0		0	0	0
Val Verde	49,205	4	0		0	4
Van Zandt	55,182	0	0	0	0	0
Victoria	92,084	43	43		43	86
Walker	72,245	18	0		0	18
Waller	51,307	0	0		0	0
Ward	11,472	0		0	0	0
Washington	35,043	15	18		18	33
Webb	274,794	5	0		0	5
Wharton	41,968	0		0	0	0
Wheeler	5,358	0		0	0	0
Wichita	132,000	102	0		0	102
Wilbarger	12,764	0		0	0	0
Willacy	21,584	0		0	0	0
Williamson	547,545	111	122		122	233
Wilson	49,304	6		3	3	9
Winkler	7,574	0		0	0	0
Wise	66,181	11	0		0	11
Wood	44,314	14		0	0	14
Yoakum	8,568	0		0	0	0
Young	17,979	0		0	0	0
Zapata	14,322	0		0	0	0
Zavala	11,948	0		0	0	0
<b>TOTALS</b>		<b>9,137</b>	<b>10,557</b>	<b>203</b>	<b>10,760</b>	<b>19,897</b>



### Screening/Assessment for Arrested Defendant with MI/ID



MI: Mental Illness  
 MH: Mental Health  
 ID: Intellectual Disability  
 LMHA: Local Mental Health Authority  
 LIDD: Local Intellectual and Behavioral Disability Authority  
 QMH/ID: Quality Mental Health/Intellectual Disability  
 TCCP: Texas Code of Criminal Procedure



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