June 18, 2015

The Honorable Nelson Wolff
Bexar County Judge
Via E-mail: nwolff@bexar.org

RE: FY2016 Statement of Grant Award – Grant Number 212-16-D04

Dear Judge Wolff:

I am pleased to inform you that the Texas Indigent Defense Commission has awarded Bexar County a FY2016 Multi-Year Discretionary Grant in the amount of $241,903 in response to your application for New Public Defender Unit for Early Representation of Defendants with Mental Illness. Your Statement of Grant Award for fiscal year 2016 is attached. Please sign, scan, and return via e-mail the Statement of Grant Award to Edwin Colfax at ecolfax@tidc.texas.gov on or before 7/18/2015. You do not need to mail a copy.

Congratulations to Bexar County on taking the lead in Texas by developing this new indigent defense program. If you have any questions or need clarification of the information contained in this letter or the attached Statement of Grant Award, please contact Edwin Colfax, the Grant Program Manager, at (512) 463-2508.

Sincerely,

Sharon Keller
Chair, Texas Indigent Defense Commission
Presiding Judge, Court of Criminal Appeals

cc: Susan T. Yeatts, Bexar County Auditor
    Mike Lozito, Director of Judicial Services
    Michael Young, Bexar County Public Defender
The Texas Indigent Defense Commission (herein, the Commission) has awarded the above-referenced grant to Bexar County (herein, the County) for indigent defense services. The authorized official named on the grant application must sign this Statement of Grant Award and return it to the Commission by July 18, 2015. The grantee will not receive any grant funds until this notice is executed and returned to the Commission. Funding is provided as listed in the categories in the table below:

<table>
<thead>
<tr>
<th>Direct Costs:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Personnel</td>
<td>192,866</td>
</tr>
<tr>
<td>(Total Number of FTEs: 4)</td>
<td></td>
</tr>
<tr>
<td>2) Fringe Benefits</td>
<td>89,453</td>
</tr>
<tr>
<td>3) Travel and Training</td>
<td>2,875</td>
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<tr>
<td>4) Equipment</td>
<td>11,744</td>
</tr>
<tr>
<td>5) Supplies</td>
<td>5,440</td>
</tr>
<tr>
<td>6) Contract Services</td>
<td></td>
</tr>
<tr>
<td>7) Indirect Costs</td>
<td></td>
</tr>
<tr>
<td>Total Proposed Costs</td>
<td>302,378</td>
</tr>
<tr>
<td>Less Cash from Other Sources- County Match</td>
<td>60,476</td>
</tr>
<tr>
<td>Total Amount Funded by Commission</td>
<td>$241,903</td>
</tr>
</tbody>
</table>

**Standard Grant Conditions:**

- The authorized official for the grantee accepts the grant award.
- The authorized official, financial officer, and program director, referred to below as grant officials, must comply with the terms of the grant as written in the Request for Applications issued on January 27, 2015, including the rules and documents adopted by reference in the Commission’s Grant Rules in Title 1, Part 8, Chapter 173, Texas Administrative Code.
- The grant officials understand that a violation of any term of the grant may result in the Commission placing a temporary hold on grant funds, permanently de-obligating all or part of the grant funds, requiring reimbursement for funds already spent, or barring the organization from receiving future grants.
- Disbursement of funds is always subject to the availability of funds.
- The grant officials agree to follow the grant terms contained in the Terms of Conditions contained in Attachment A which includes the final grant application.
- Any indigent defense plan documents submitted to the Commission must continue to meet all grant eligibility requirements.
- The judges hearing criminal and juvenile matters must amend the Indigent Defense Plan for their respective courts to include the program funded under this award and submit it to the Commission by November 1, 2015.
The authorized official for this grant program has read the preceding and indicates agreement by signing the Statement of Grant Award included below.

Signature of Authorized Official

Bexar County Judge Nelson W. Wolff

Name & Title (must print or type)

10/1/2015

Date
Attachment A

Terms and Conditions

In addition to the program requirements stated in the Request for Applications (RFA) these specific program requirements apply to this funded program.

Grant Term

— Late Start: The budget appearing in the Statement of Grant Award was developed under the assumptions that the grant be based on a 12-month period. The schedule provides the county twelve months of funds at each of the original agreed upon funding levels. If the county has a delayed start in the first year (FY16), it may necessitate an adjustment in future years to allow the county to fully expend grant funds. The intention is to follow a declining schedule of 80 percent in the first year; then, 60 percent in the second year; then, 40 percent in the third year; and 20 percent in the final year of the Commission support. The grants will remain on a fiscal calendar (October to September), but future awards will reflect any needed modifications to implement this policy.

— Early Start: The County may not begin program operation until all pre-implementation requirements specified in this Statement of Grant Award have been satisfied. The County may begin to operate the program up to two months prior to the grant period in the Statement of Grant Award, however the County will be responsible for all expenditures incurred prior to the start of the grant period, and expenses incurred prior to the grant period will not be eligible for reimbursement. Early program start will not affect the overall term or amount of the grant.

— Equipment costs listed in the first year start-up budget will not be carried forward into subsequent years of funding.

Pre-Implementation Requirements

— The County must provide to the Commission staff the minimum job requirements and a full job description of the staff positions specified under this project before positions are publicly posted.

— The County must develop a written policy that includes caseload standards for each attorney and for the general operation of this program as required in Texas Code of Criminal Procedure Articles 26.044 or 26.047. In developing caseload standards, nationally recognized standards, research-based guidelines and standards used by other states shall be taken into consideration. The written policy for caseload standards must be provided to the Commission staff prior to accepting appointments. The caseload standard policy should require the Chief Public Defender to review actual caseloads at least quarterly. The Chief Public Defender may approve higher or lower caseloads than the adopted standard based on overall complexity of cases, overall type of cases, attorney experience, support staff experience, or other factors that affect the delivery of services. The Chief Public Defender must notify the program’s Oversight Board in writing if an exception to the caseload standards is authorized.

— The County must develop and provide to TIDC a detailed plan of operation for the funded program prior to the program start date. This may be a detailed section added to the current Public Defender Office Case Representation Policies and Procedures Manual. The program plan of operation must include: 1) the procedure by which indigent clients are referred to the program; 2) the scope of the representation provided under the program; 3) how the program will interact and coordinate with existing mental health programs and systems; and other policies and procedures regarding the functioning of the program. The plan must also address how the positions funded under this grant will fit into the County’s methods for the identification of mentally ill arrestees and for providing assessment, treatment and bonding options to these arrestees under Article 16.22 and Article 17.032 of the Texas Code of Criminal Procedure. Modifications or updates to the program plan of operations should be included with quarterly progress reports. The Public Defender Office should consider professional standards of representation such as the Texas State Bar Performance Guidelines for Non-Capital Criminal Defense Representation when developing the program plan of operation. A final version of the Policies and Procedures Manual shall be completed and delivered to the Commission along with the Final Progress Report.
Required Reporting

— This grant requires quarterly progress reports to provide information on the effectiveness of the program. The Commission grant manager will create an on-line progress report sufficient to document the work performed in this program, compliance with Fair Defense Act requirements and other information necessary to evaluate the impact of the program. The County will be able to request modifications to the on-line report when the performance measures are determined to not accurately reflect the work performed. See the Timeline for Reporting and Fund Distribution at the end of this document for dates.

— The County will submit expenditure reports to obtain reimbursement of the scheduled percentage of expended funds based on actual expenditures. The reimbursements will be proportional to the county’s required match. See the Timeline for Reporting and Fund Distribution at the end of this document for dates.

— The Public Defender’s Office will record attorney and support staff work time and cases in a manner that allows for accurate completion of the Indigent Defense Expenditure Report and Public Defender Addendum. Records must contain sufficient detail to appropriate time and salary across categories of offenses (capital, non-capital felony, misdemeanor, juvenile, felony appeals, misdemeanor appeals, and juvenile appeals).

— The County will develop a data collection plan in consultation with the TIDC grant program manager to be submitted with the first progress report. The data collection plan will include a list of data elements that the program will track to accurately document the work performed under this program as well as the data necessary to evaluate the impact of the program. For any data not directly available to the program director, the County must submit data collection agreements from county offices or departments to provide this needed data to the program director on a regular basis.

— The County must maintain a Public Defender Oversight Board in accordance with Texas Code of Criminal Procedure Article 26.045 to supervise the operation of this program. The County must submit a written policy on how the members are selected and which details the duties and procedures of the board with the first progress report.

— The County must conduct a survey of local stakeholders involved with the program during the 2nd and 4th years of operation of the program. The county must provide the Commission with a draft of any survey instrumental for feedback before it is distributed and provide to the Commission a copy of the analyses of responses. Survey results must be included with the final progress report submitted in both the 2nd and 4th year of the grant.

2016 Bexar County Discretionary Grant Application Narrative
(Multi-Year Grant)

a. Application Form
   Counties Represented: Bexar
   Fiscal Year: 2016
   State Payee Identification Number: 746002039
   Division To Administer Grant: Bexar County Public Defender’s Office
   Program Title: Representation of Indigent Accused at Central Magistration Program
   Requested Grant Amount: $241,903 [Year One Request]
   Financial Officer: Susan T Yeatts
   Program Director: Audrey M. Cavazos
   Mailing Address: 101 W. Nueva St., Rm 325; San Antonio, TX 78205

b. Introduction (Executive Summary)
   Currently, in Bexar County, the Central Magistration (CMAG) system provides for magistration of arrestees at a central location bringing together judges, pretrial services and mental health professionals. However, because of the absence of
legal representation for arrestees eligible for diversion to mental health programs in lieu of incarceration, the existing programs are not being fully utilized. This proposal would allow attorneys from the Bexar County Public Defender's Office to be present at CMAG, counsel the eligible arrestees on the magistration process, represent them before the magistrate and facilitate their release on personal bonds with mental health treatment as a condition.

c. Problem Statement

The current model for Central Magistration (CMAG) in Bexar County, Texas provides for magistration of arrestees in a central location. Present in this facility are Magistrate Judges, pretrial services and mental health experts to screen arrestees for mental issues. Lacking in the current model is representation of these individuals by counsel during this process. The current model in place has resulted in underutilization of the programs and facilities available as an alternative to incarceration of arrestees with mental illness. A review of the bookings at CMAG was conducted from April 1, 2014 through February 28, 2015. This review revealed the following data regarding bookings through CMAG:

See Illustration #1 emailed as an attachment.

As revealed in the information in Illustration #1, of the 7,216 persons estimated to be eligible for diversion to the Center for Health Care Services (CHCS), only 2,170 were assessed and of those only 125 were diverted from the Bexar County Jail to treatment programs at CHCS. That represents only 5.76% of the persons actually screened and 1.7% of the estimated arrestees eligible for diversion to CHCS in lieu of transport to the Bexar County Jail.

The reason for the underutilization of the program is multifaceted. As of the submission of this grant, the goal of providing a mental health professional 24 hours a day 7 days a week has not been realized. However, it is anticipated that this will be remedied by June 2015. This should double the number of person assessed from 2,170 to at least 4,000.

Another explanation for the lack of utilization of the program is the inability of the mental health professional to complete the assessment due to lack of cooperation or lack of interest on the part of the arrestee. An informal review of the notes of the mental health professional reveals that approximately 50% of the arrestees interviewed were not referred because the arrestee did not participate in the interview or would not honestly discuss their mental health history with the mental health professional. It is believed that this lack of cooperation on the part of the arrestee is due in large part to the physical layout of the CMAG facility and the absence of an advocate (appointed counsel) to explain the process and role of the mental health professional. Currently, the CMAG facility is structured as detailed below:

See Illustration #2 emailed as an attachment.

As represented in Illustration #2, an arrestee is processed at CMAG by three booking officers who receive the arrestee from the arresting officer, take the arrestee’s property and obtain identifying information immediately before the arrestee is seen by the mental health professional. Because of the close proximity of the mental health professional to the booking officers, it is understandable that without an explanation of the process and the role of the mental health professional that an arrestee would be reluctant to participate or not be truthful about the need for services. Also, the current layout creates confusion for the arrestee in that it appears that the mental health professional is associated with the officers conducting the booking process further frustrating complete disclosure and cooperation.

Another explanation for the lack of release of individuals identified as appropriate for the treatment programs in place is the lack of willingness on the part of the Magistrate Judges on duty at CMAG to approve or enter personal bonds for individuals identified as appropriate for treatment.

d. Objectives

The objective of the proposed program is to provide representation through the immediate appointment of the Bexar County Public Defender's Office to individuals who have been identified as appropriate for diversion from the Bexar County Jail to the in-patient and out-patient treatment programs in place in Bexar County, Texas. The program would provide staffing of the CMAG facility with an Assistant Public Defender (APD) 24 hours a day 5 days per week. The Assistant Public Defender's Office would be appointed to represent the individuals identified as appropriate for the program for the purposes of magistration. After the booking process is completed, but before the individual is interviewed by the mental health professional, the APD would meet with the arrestee and explain the charges against them and explain the role of the mental health professional. At this stage of the representation, the APD will be assessing the arrestee to determine if he/she is competent to continue in the evaluation. The APD will also explain the possibility of release on personal bond if the arrestee is considered appropriate for in-patient or out-patient treatment. After this consultation, the arrestee would be evaluated by the mental health professional. The objective of this program is to inform the arrestee of their rights, represent them in the initial magistration stage of the proceedings and facilitate their release to an appropriate in-patient or out-patient treatment program in lieu of transport to the Bexar County Jail. It is anticipated that by being represented by counsel at this stage of the proceedings that compliance with the mental health interview and acceptance of treatment would be greatly increased.

FY2016 Statement of Grant Award – Bexar County Page 6 of 9
Additionally, the presence of counsel to represent the interests of the arrestee before the Magistrate and to present documentation regarding the mental health assessment and the availability of treatment options would increase willingness on the part of the Magistrate Judges to release the arrestee on a personal bond.

The overall objective is the increase in the compliance and cooperation of the arrestee in the mental health interview and to increase the number of arrestees who are referred to in-patient and out-patient treatment by having the APD represent the arrestee before the Magistrate Judge. The progress towards meeting these objectives is clearly measurable. Specifically, the baseline figure for the number of arrestees from April 2014 through February 2015 is well established. These figures can be easily comparable to the figures post-implementation of the program to measure the program’s effectiveness.

e. Activities
If funded this program would be implemented immediately. Work on the establishment of the guidelines under which this program would operate is already taking place. In that regard, the Bexar County Public Defender’s Office has coordinated with the Bexar County District Attorney’s Office to create a memorandum of understanding under which arrestees would appear before the Magistrate Judge with a joint recommendation for a personal bond. This memorandum is attached to this submission as a separate attachment. Under this agreement, the APD would be responsible for coordinating with the Assistant District Attorney on duty to identify arrestees who are appropriate for a joint recommendation for release on a personal bond.

Logistically, the steps for the implementation of the program are listed below:
1) Award of the grant.
2) Secure physical facilities at CMAG for the placement of the Assistant Public Defender.
3) Coordinate with Bexar County District Criminal Courts Administration for the appointment at CMAG of the Public Defender’s Office to arrestees identified as appropriate for this program.
4) Advertise and fill the positions for the Assistant Public Defenders to be housed at CMAG.
5) Develop a program to coordinate the Public Defender’s Office with pre-trial services, the mental health professional, and the magistrate court.
6) Provide training for the Assistant Public Defenders to be housed at CMAG in their role in the proceedings, the steps and guidelines they are to follow and specialized training on dealing with clients with mental illness.
7) Staff CMAG with Assistant Public Defenders and begin representation.

f. Evaluation
Evaluation of the effectiveness will be measured by comparing the data collected to date on the number of arrestees evaluated for placement in the program pre- and post-implementation of the provision of counsel contemplated in this proposal. As identified earlier in this proposal, of the 2,170 assessments completed from April 2014 through February 2015, only 125 (or 5.76%) were diverted for treatment in lieu of incarceration in Bexar County Jail. Based on current capacity for the Center for Health Care Services (CHCS) and the Bexar County Pre-Trial Services Department, there is available 1,092 slots for placement for arrestees appropriate for diversion. This number will fluctuate as placements are released as arrestees process out of the system. Additionally, Haven for Hope, a San Antonio based homeless shelter has initiated a jail release program specifically designed to accommodate arrestees with mental illness who are homeless. Successful implementation of the program would see the percentage of arrestees diverted rise from the current 5.76% to 30%. Assuming that the number of assessments remained static, this would result in 651 arrestees being diverted for the same period. However, if CHCS fully staffs CMAG as anticipated and the estimated 7,216 arrestees are assessed, the target of 30% diversion would result in 2,164 arrestees being diverted from the Bexar County Jail.

In addition to the evaluation of the program based on increased diversion of mentally ill arrestees to treatment in lieu of incarceration, the program provides other metrics to evaluate effectiveness. Specifically, it is anticipated that arrestees released under this program will have a lower rate of incidents of “failure to appear” versus individuals released on a commercial bond with no supervision. This can be calculated by comparing the rate of “failure to appear” for commercial bond releases versus those diverted under this program.

It is also anticipated that recidivism will be impacted by diverting arrestees to programs for mental health treatment versus those released without mental health treatment. A similar methodology to that utilized by the Task Force on Indigent Defender in their study published in April 2010 entitled, "Representing the Mentally Ill Offender: An Evaluation of Advocacy Alternatives" can be effectively applied to an evaluation of this program. Specifically, the longitudinal nature of this program allows for evaluation of the rates of recidivism at intervals of six and eighteen months and even greater, if appropriate.

g. Future Funding
If, as anticipated, this program meets the goals expressed in this proposal, it will create a large number of arrestees who will be diverted to in-patient and out-patient mental health programs in lieu of incarceration in the Bexar County Jail. The diversion of arrestees contemplated in this proposal will result in dramatic savings for Bexar County over and above the cost of the program. The long term viability of the program will be guaranteed by the successful diversion of arrestees. As pointed out in the Report of the Constitution Project entitled "Pretrial Justice and the Right to Counsel at First Judicial Bail Hearing" dated March 2015: "...jurisdictions should use savings realized through reduction in jail population to provide the necessary resources for public defenders and appointed counsel to effectively represent defendants at initial bail hearings."

The savings to Bexar County from the reduced cost of incarceration realized under this program will provide the impetus to continue to fund and expand the scope of this program.

h. Budget Narrative and Budget Form

Attached is the proposed budget for this program for years one through five. Each of the items requested in the proposed budget relates directly to the specific activities Bexar County will conduct if funded.

The total budget request OVER FIVE YEARS is for $1,548,757 and includes $607,423 as the TIDC request and $941,334 as the County match. The budget is for five years. In all five years, funding is requested for the salary and fringe benefits of three Assistant Public Defenders and one Office Assistant-IV. Fringe benefits for Bexar County include: retirement, Social Security tax, Medicare tax, medical insurance, life insurance, unemployment insurance, and Workers Compensation. A 3% Cost of Living Adjustment (COLA) is added for each year. Travel is requested so that one representative from the Public Defenders Office may attend the National Association of Drug Court Professionals (NADCP) Annual Training Conference or a similar conference that will assist the Public Defenders Office with identifying individuals appropriate for jail diversion. Equipment is being requested for the first year. Equipment purchases include: four laptops, two printers, two workstation desks, two chairs, two bookcases, two shelves, and two telephones. Even though there are four staff affiliated with this grant, it is anticipated that the three Assistant Public Defenders will be able to share one printer, desk, chair, bookcase, shelf, and telephone at the Central Magistration facility. Day to day office supplies are requested throughout the five year grant period as is internet service for the four laptops.

As is required of TIDC, funding from TIDC decreases from year to year by 20% while funding from the County increases 20% from year to year. The fifth year of this program will be funded exclusively by County government.

<table>
<thead>
<tr>
<th>Personnel Costs</th>
<th>$282,319</th>
</tr>
</thead>
<tbody>
<tr>
<td>FTE's</td>
<td>4.00</td>
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<tr>
<td>Salary</td>
<td>192,866</td>
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<td>60,476</td>
</tr>
<tr>
<td>Total less County Match</td>
<td>241,903</td>
</tr>
</tbody>
</table>
**Timeline for Reporting and Fund Distribution**
Reports will be submitted via the Commission's grant management website.

<table>
<thead>
<tr>
<th>Reporting Period</th>
<th>Type Report Due</th>
<th>Date Report Due</th>
<th>Fund Distribution Date</th>
</tr>
</thead>
</table>
ILLUSTRATION 1
2016 TIDC Multi-Year Discretionary Grant
Bexar County, Texas

Booking and MH Diversion Data
April 2014-February 2015

55,508 Bookings
April 1, 2014 - February 28, 2015

- 11,656 (21%) estimated to have a MH Disorder
- 7,216 (13%) estimated to be eligible for diversion to CHCS
- 2,170 MH Assessments completed, but not all met criteria for referral to magistrate

71 Cases were disposed (dismissed, probation, or sentenced)
35 Cases are currently active and compliant with bond conditions
125 Individuals with identified MH disorders were diverted to CHCS
19 Cases did not complete Pretrial Bond
  4 - FTA
  2 - Re-arrested for new offense
  4 - Did not attend CHCS Counseling
  9 - Non-report to Pretrial
ILLUSTRATION 2

2016 TIDC Multi-Year Discretionary Grant

Bexar County, Texas

Legend
- Booking Officer
- Arrestee
- Mental Health Professional
Bexar County must comply with Texas Code of Criminal Procedure Art. 17.032 if a qualifying arrestee is believed to suffer from mental illness. The law is intended to maximize arrestee access to non-custodial treatment options in order to relieve jail overcrowding and reduce expense. This letter is to formalize discussions between the Bexar County District Attorney’s Office and the Bexar County Public Defender’s Office regarding a mechanism to facilitate the use of existing resources for the treatment and supervision of arrestees processed through the Central Magistation System (CMAG). The parties agree to the following assumptions:

- Texas Code of Criminal Procedure Art. 17.032 provides a framework for the release on personal recognizance bond for certain mentally ill persons;

- Bexar County, Texas has entered into an agreement with the Center for Health Care Services to provide a mental health professional who meets the qualifications found in Texas Health and Safety Code 571.003(15) to prepare a written mental health assessment of arrestees suspected of having a mental illness;

- There exist in Bexar County, Texas services to provide treatment to arrestees with a mental illness.

In order to comply with Texas Code of Criminal Procedure Art. 17.032, maximize the available treatment options offered by Bexar County, and to relieve overcrowding at the Bexar County Jail the parties agree that in situations detailed in this letter, that the representative for the Bexar County District Attorney’s Office and the Bexar County Public Defender’s Office will approach the Magistrate on duty at CMAG with a joint recommendation for the release of certain arrestees on a personal bond.

The parties agree that Texas Code of Criminal Procedure Art. 17.032 will provide the general framework which will control in which cases the parties will jointly recommend a personal bond. In that regard, arrestees who are currently charged with or previously convicted of a “violent crime” as defined therein will not be considered for a personal bond.
In addition to the exclusion for “violent crime”, the parties agree that there will not be a joint recommendation for a personal bond in the following instances:

- Any arrestee currently charged with an offense listed in Texas Penal Code § 49.04, 49.045, 49.05, 49.06, 49.07 49.08 or 49.09. This exclusion is intended to state that there will be no joint recommendation for a personal bond in cases involving operating a motor vehicle while intoxicated;
- Any arrestee currently charged with an offense that resulted in the death or seriously bodily injury of any individual;
- Any arrestee currently charged with an offense involving the use, display or possession of a “deadly weapon” as that term is defined in Texas Penal Code § 1.07(a)(17)(A) and (B);
- Any arrestee currently charged with Burglary of a Habitation as defined in Texas Penal Code §30.02 for which the entry into the habitation was with the intent to commit assault or any felony that would constitute a “violent crime” as defined by Texas Code of Criminal Procedure Art. 17.032;
- Any arrestee currently charged with Engaging in Organized Criminal Activity as defined in Texas Code Penal Code § 71.02 if the criminal activity alleged to have been committed would otherwise be excluded under this agreement or the Texas Code of Criminal Procedure Art. 17.032;
- Any arrestee charged with the offense of Stalking as defined in Texas Penal Code § 43.072;
- Any arrestee charged with Violation of a Protective Order as defined in Texas Penal Code § 25.07;
- Any arrestee who has previously been charged with a violent crime as defined by Art. 17.032 regardless of the disposition of the case.

The parties agree that it will be the responsibility of the Assistant Public Defender on duty at CMAG to gather the information required under this agreement and present it to the Assistant District Attorney on duty at CMAG for review. In order for an arrestee to be considered for a joint recommendation for release on a personal bond, the Assistant Public Defender on duty must present to the Assistant District Attorney the following documents:

1. A written assessment by a mental health professional as defined by Texas Health and Safety Code 571.003(15) which states that the arrestee has a mental illness or is a person with mental retardation and is nonetheless competent to stand trial;
2. A written recommendation for mental health treatment for the arrestee by the mental health professional;
3. A treatment plan which provides for in-patient or out-patient treatment of the arrestee as a condition of the joint recommendation for a personal bond;
4. A written consent by the arrestee to be supervised by the Bexar County Pre-Trial Services Department while released on a personal bond and acknowledgement that the arrestee will participate in treatment as a condition of his personal bond.
5. A copy of the arrestee’s criminal history run through both the Bexar County Criminal Justice Information System (CJIS) and the Texas Crime Information Center (TCIC) and National Crime Information Center (NCIC).

The parties agree that if the arrestee meets the condition set forth in this agreement that the Assistant District Attorney and the Assistant Public Defender will approach the Magistrate on
duty and make a joint recommendation for release of the arrestee on a personal bond conditioned on their participation in the treatment plan.

The parties understand that the recommendation for release on a personal bond is not binding on the Magistrate on duty. Further, the parties understand and agree that this agreement is not binding on either party and there is no sanction on either party for failing to comply with the framework set forth herein. The purpose of this agreement is to establish an understanding between the parties and to develop a framework that will satisfy the requirements of Texas Code of Criminal Procedure Art. 17.032, while utilizing the resources already in place in Bexar County, Texas for the treatment and supervision of arrestees with mental illness and relieving overcrowding at the Bexar County Jail.

Sincerely,

[Signature]

The Honorable Nicholas “Nico” LaHood
Bexar County Criminal District Attorney