



CENTRAL MAGISTRATE
MENTAL HEALTH PR BOND
YEAR 2 REPORT

OCTOBER 1, 2016 – SEPTEMBER 30, 2017

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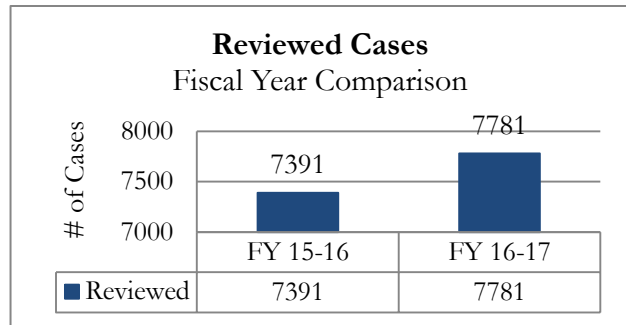
OVERVIEW

Bexar County, Texas was awarded a grant from the Texas Indigent Defense Commission (TIDC) for the program to provide representation to indigent arrested persons upon the first appearance before a magistrate. This report provides a detailed summary of the program's statistics for the second year of its five-year provisional grant. The data provided was compiled in coordination with Bexar County Judicial Services Pretrial division and were not all tracked by the Bexar County Public Defender's Office (BCPDO). This report provides an overview and comparison of the 2016-2017 fiscal year standings.

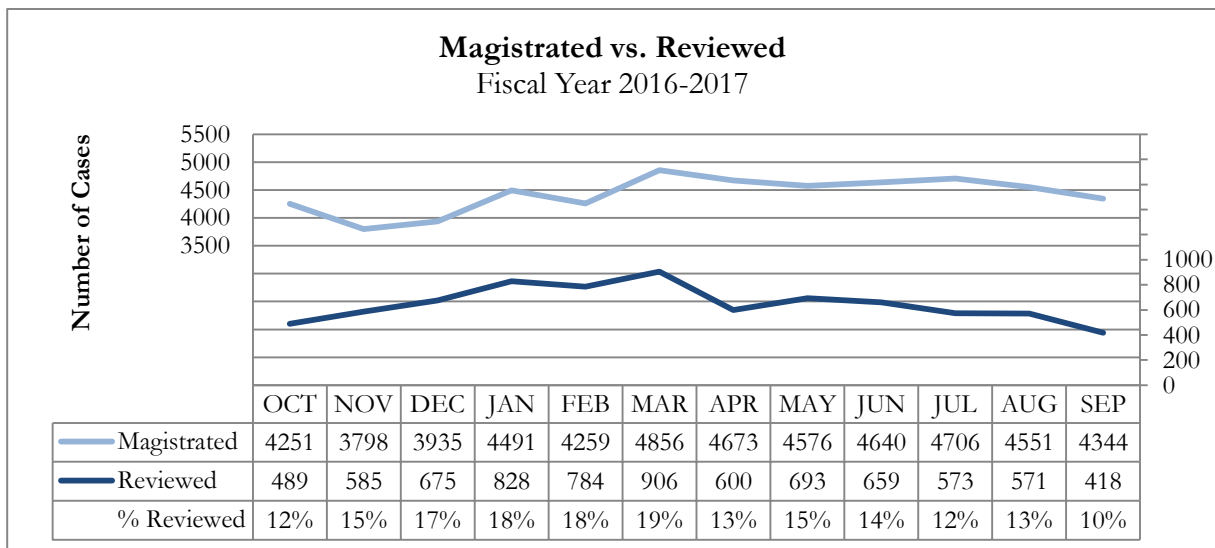
SECTION 1: DATA

REVIEWED

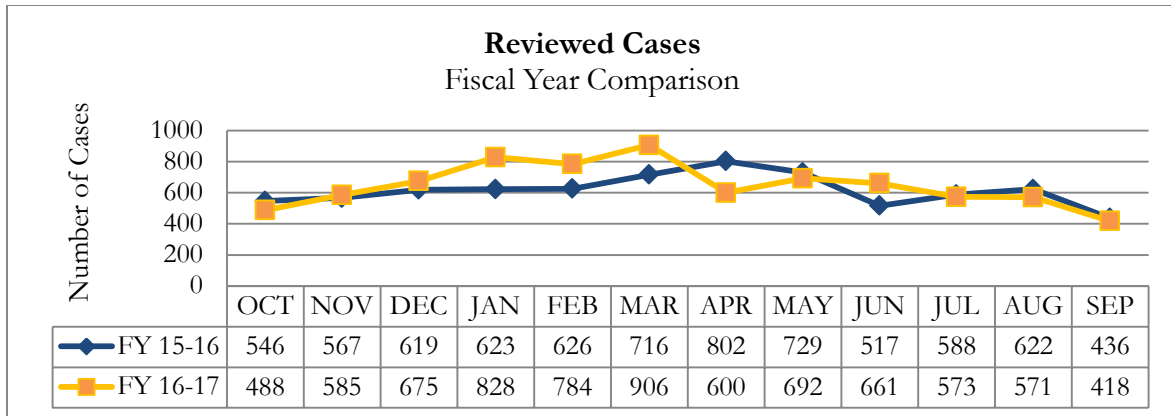
All booking slips with a charge of Misdemeanor class B or higher coming into Central Magistrate (CMAG) are screened for potential acceptance into the program. The number of incoming booking slips fluctuates with arrest statistics. Of the screened cases, only cases with an indication of mental illness are entered into our data and reviewed. During the reporting period (Oct 2016-Sep 2017), the BCPDO reviewed a total of 7,781 booking slips.



The total number of individuals magistrated plays a significant role in the potential individuals to be reviewed. As stated above, these cases must qualify under the mental health component before being reviewed. The following data indicates similar patterns and fluctuations in the number magistrated that explain the variations we experience. In terms of Reviewed cases, the program has experienced a trend of January - June being generally higher. The number of cases qualifying for review has a tendency to decrease July - December. The total individuals magistrated have shown the same tendency.

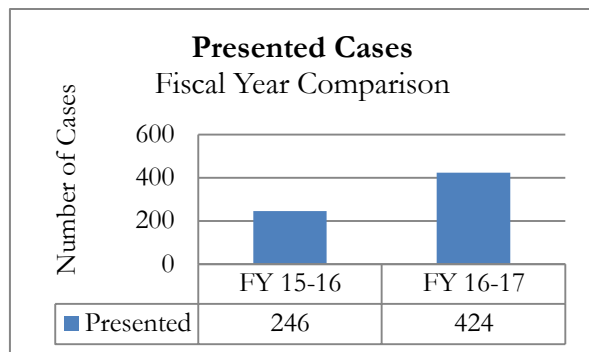


Comparing the first two years of the program's reviewed cases, the statistics retain a similar trend. This is significant due to staffing absences further explained in Sections 2 and 3. Overall, the program successfully reviewed an additional 390 booking slips; a difference that should further increase in the following fiscal year.

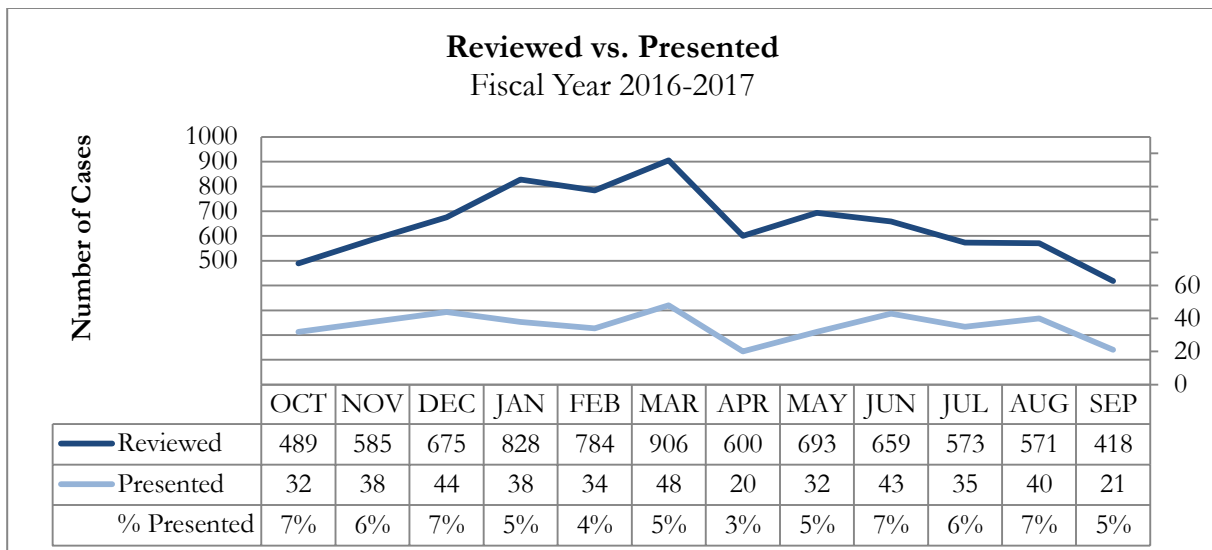


PRESENTED

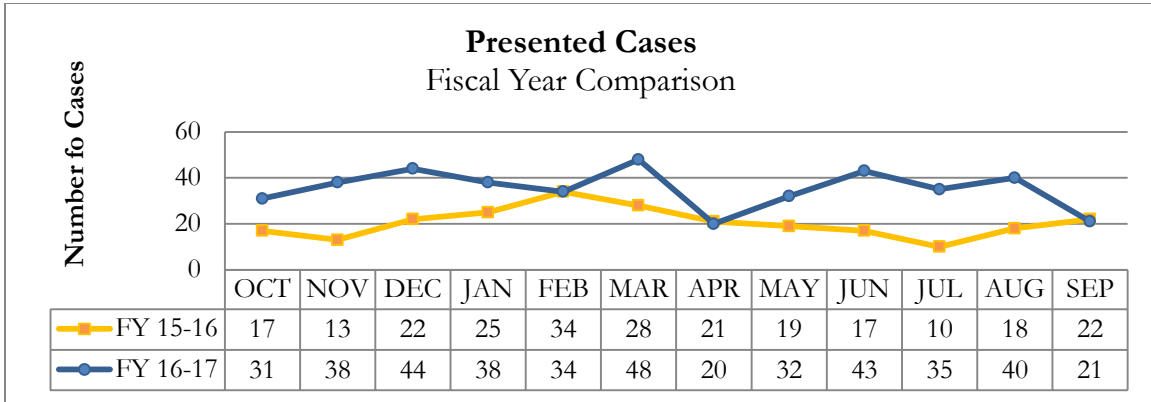
During the 2016-2017 fiscal year, the program presented 424 cases before the judges at Central Magistrate; 178 cases more than the previous fiscal year. The attorneys presented 42% more cases with only a 5% increase in the number of cases reviewed. This statistic is a substantial display of the program developing an efficient system over the course of the first year and further expanding the program capabilities. This will be further discussed in Part 3.



Of the cases reviewed, many are subject to rejection based on the provisions of the Criminal Laws of Texas sections 17.03 and 17.032, in addition to the program's Special Order. The number of cases reviewed directly influences the number of cases we are able to present. This statistic is further evidence of the impact that the total number magistrated has on the program.

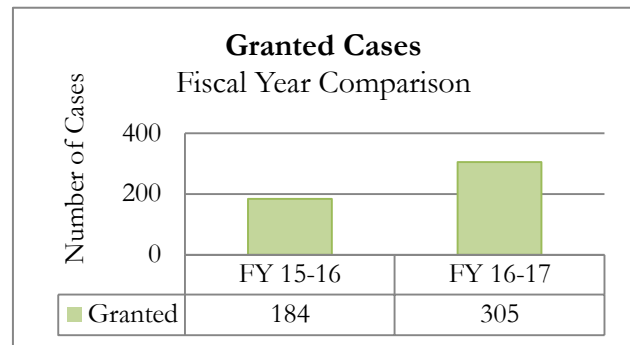


Slower months can be explained by reasonable circumstances. Compared to the previous fiscal year, February should have seen an increase; however, one attorney received a summons for jury duty and was out of the office for a week. The decrease in April presentations was the result of one week with scheduled trainings in addition to a holiday. This reduced the program's standard 15 shifts per week to 5 shifts for that week. We also experienced a decrease in September due to time off that will be further explained in Part 3. Despite these outliers, the program averaged an increase of roughly 15 additional presentations per month than the previous year.



GRANTED

Of the 424 presented cases, 305 were granted and effectively diverted into the Center for Healthcare Services program; a 66% increase from the previous year. For the fiscal year, the program averaged a 72% success rate in the magistrate court. Non-BCPDO presentations only released 53%. This statistic is important to note when reflecting on the number of presentations conducted. For the 2016-2017 fiscal year, the program's percentage of releases was higher than non-BCPDO 10 months out of 12. Since the beginning of the program, the BCPDO percentage of releases has been higher 21 out of 24 months. The program's overall percentages of release remain the same at 72% (BCPDO) and 53% (non-BCPDO). Even without the non-BCPDO's advantage of weekend coverage, BCPDO clients are approximately 20% more likely to be released on the mental health PR bond with the aid of attorney representation.



Bexar County Public Defender's Office								
FY 16-17 - Percentages of Releases								
Month	OVERALL:		BCPDO Releases/Presentations:			Non-BCPDO Releases:		
	Released:	Presented:	Released:	Presented:	%	Released:	Presented:	%
OCT-16:	40	53	23	31	74%	17	22	77%
NOV-16:	36	48	31	38	82%	5	10	50%
DEC-16:	35	60	26	44	59%	9	16	56%
JAN-17:	40	66	25	38	66%	15	28	54%
FEB-17:	34	49	26	34	76%	8	15	53%
MAR-17:	53	75	39	48	81%	14	27	52%
APR-17:	29	49	15	20	75%	14	29	48%
MAY-17:	39	80	21	32	66%	18	48	38%
JUN-17:	52	92	30	43	70%	22	49	45%
JUL-17:	51	78	21	35	60%	30	43	70%
AUG-17:	56	94	30	40	75%	26	54	48%
SEP-17:	41	59	18	21	86%	23	38	61%
OVERALL	506	803	305	424	72%	201	379	53%

DENIED

Cases that are denied a mental health PR bond at Central Magistrate are monitored to determine the average length of confinement before release. For denied cases during the 2016-2017 fiscal year, the average confinement was 12.6 days. This resulted in 119 denied clients being detained for a total of 1,504 days. Since the program's inception, the denied clients have been held for 2,740 days total.

Using the monthly averages, an estimate was calculated to project the number of confinement days the program has avoided. Multiplying the number of cases granted per month times the monthly average days of confinement, the data shows a total of 3,615.5 days of confinement avoided by the efforts of this program for the 2016-2017 fiscal year alone. Since 2015, the mental health PR bond jail diversion grant has successfully avoided approximately 6,255.1 days of confinement.

SECTION 2: CHANGES TO POLICY & PROCEDURE

SHIFT STANDARDIZATION

When the program was first initiated, three shifts were staffed Monday-Friday by three attorneys who rotated between the following shifts:

1. 11:00PM - 7:00AM
2. 7:00AM - 3:00PM
3. 3:00PM - 11:00PM

While the shifts in question sufficiently provided 24 hour coverage throughout the week, the constant rotation made it difficult to stabilize relationships with judges, clinicians, officers, and other Central Magistrate staff. The office has since stabilized the shifts to eliminate the continual lack of continuity from one shift to the next. Each attorney has been assigned one shift thereby ending the shift rotations.

EXTENDED LEAVE

In addition to regularly scheduled personal and vacation time, the program experienced staffing shortages in April and September. In April, one attorney was out for a week for Jury Duty. In September, FMLA leave was used resulting in one attorney being absent for an entire month. With only three attorneys in the program, extended leave is often reflected in the overall monthly numbers.

CASE QUALIFICATION

Presentations have increased this fiscal year, in part, due to a more aggressive approach to case selection. The program has expanded the criteria to include more marginal to high-risk clients. This change has affected the overall compliance statistics of our clients, but the BCPDO has remained respectably ahead of compliance outcomes for non-BCPDO clients in the same program. These statistics will be covered further in the next section.

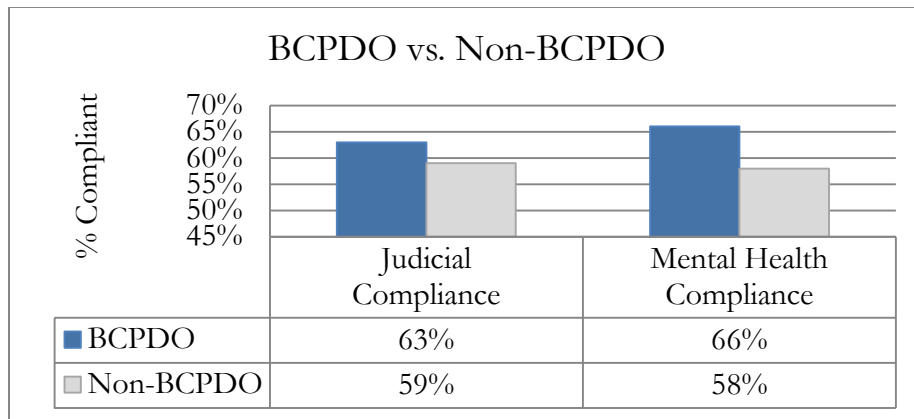
SECTION 3: RESULTS & FISCAL COMPARISON

OVERALL RESULTS

In terms of raw numbers, the fiscal year increases can clearly be seen. These statistics are collected and evaluated by the Bexar County Public Defender’s office. This data; however, does not cover the compliance results of our clients successfully released to the Center for Healthcare Services (CHCS).

For the calculation of compliance, we must rely on data collected by Pretrial Services. The Pretrial Services department has undergone some changes in personnel handling the data in question. This has led to some necessary changes in our reporting.

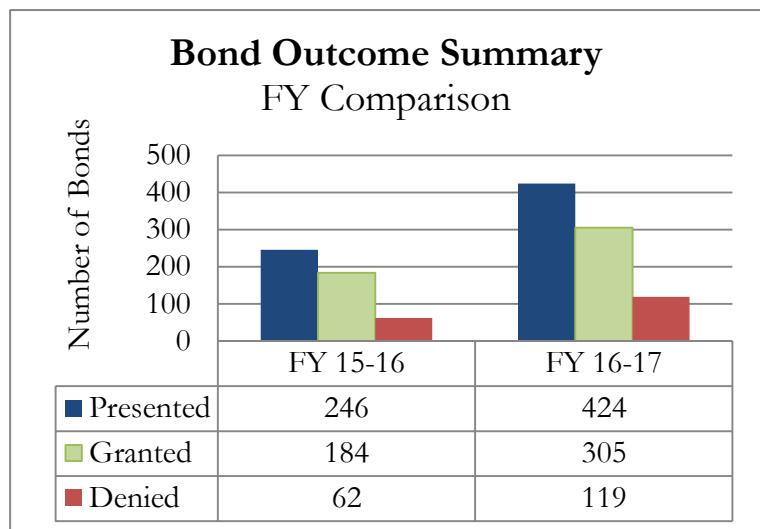
Compliance is determined for both the Pretrial Services and CHCS components of the program. Participants that adequately follow the rules are considered compliant. Compliance is not mutually exclusive between Pretrial Services and CHCS. Individuals can be compliant with Pretrial and non-compliant with CHCS and vice versa. Judicial and mental health compliance is monitored separately.



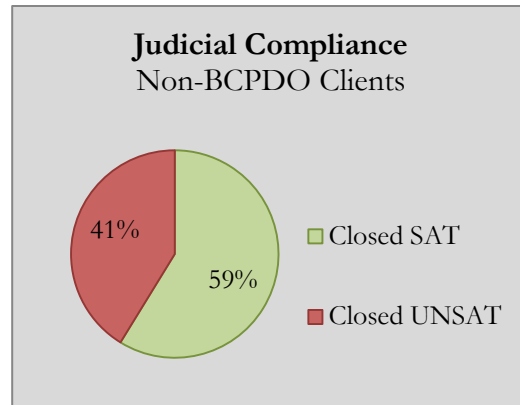
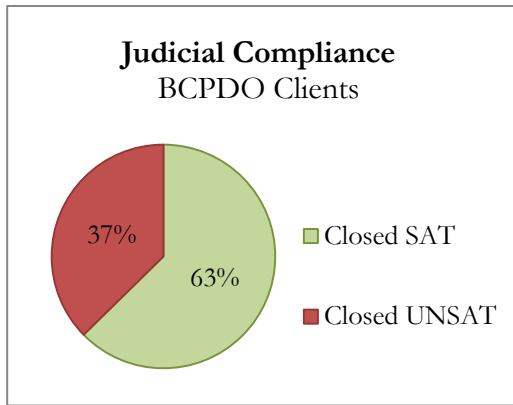
JUDICIAL ENGAGEMENT & COMPLIANCE

Judicial engagement tracks attendance and willingness to participate in the mandatory court-related requirements of the bond. Engagement is closely tied with compliance and, in many cases, determines overall compliance. Clients may be deemed non-engaged if they do any of the following:

- Non-Report to Meetings
- Failure to Appear in Court
- Positive Urinary Analysis
- Active Warrant
- Re-Arrest



Judicial compliance statistics include CMAG PR bond clients that were seen by clinicians at CHCS, rather than clients that maintained a private physician for the mental health component of the program. Compliant individuals consist of those not rejected from the program due to non-engagement or other disqualifying actions. These statistics are concerned with the judicial side of the bond. Clients maintain constant contact with Pretrial officers and are required to adhere to strict attendance in regards to meetings and court dates. Pretrial will submit violation reports for any of the events listed. If multiple violations occur, Pretrial Services may terminate the individual as non-compliant and unsatisfactory. This fiscal year, the most common reason for unsatisfactory results was not reporting to meetings. Of the cases tracked during the 2016-2017 fiscal year, 63% of the BCPDO clients closed satisfactorily.

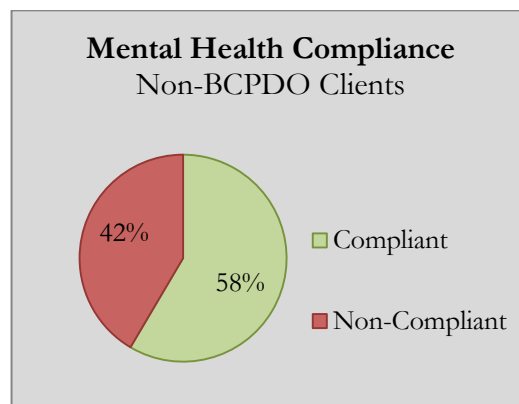
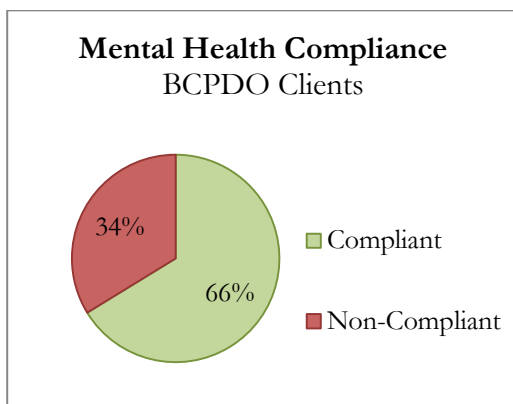


MENTAL HEALTH ENGAGEMENT & COMPLIANCE

Mental health statistics are derived from clients that were involved with physicians at CHCS, not private physicians. Mental health compliance aims to evaluate the number of clients that adequately followed the requirements of CHCS. Clients may be determined non-compliant for various reasons including:

- Non-Engagement
- Non-Enrollment
- Non-Report to Appointments
- Refused Services

Mental health engagement consists of attending appointments and fulfilling all actions deemed necessary by CHCS clinicians. That may include adjusting the number of appointments or taking prescribed medication. The most common reason for non-compliance was due to non-engagement. Of all eligible 2016-2017 closed cases, 66% of BCPDO clients were determined to be compliant with their mental health specialists at CHCS.



SECTION 4: CONCLUSION

The BCPDO is pleased with the upward trajectory of the number of clients serviced by this program. The data collected has shown the effectiveness of having counsel present at the magistration hearing for the clients eligible for this program. A significantly greater percentage of the eligible population was granted mental health PR bonds when counsel was present. Clients who were represented by the BCPDO at magistration were also observed to have a greater incidence of judicial and treatment compliance than those not represented by counsel at magistration.

This program has only been possible with the support of TIDC through its grant funding and oversight. In addition, the BCPDO has received enormous support and collaboration from other departments in Bexar County. Bear County Pretrial Services, Bexar County Mental Health Department, Bexar County District Attorney's Office, the Criminal District Court Judges and the County Court Judges have all been instrumental and supportive of the goal of this program.

BCPDO recognizes the importance of evidence based methods and is committed to reporting all activities of the program funded by this grant. We will continue to work with TIDC to tailor our data gathering and reporting to properly analyze the effectiveness of this program. In addition, our office would gladly work with any entity interested in analyzing the data collected as part of this grant funded program.

Respectfully submitted,

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ⁱ All data subject to change without notice to improve reliability, function, or design