

## **Faith in Texas Request for Proposed Budget (ASPIRATIONAL)**

Based on my conversations with two Commissioners, the Auditor and the Budget Director, under current Dallas County Budgetary practices; it is impossible to propose a DA budget for any department for the following reasons:

- 1)** The county must first set a tax rate;
- 2)** Based on the tax rate, the budget is set;
- 3)** The county approves or disapproves a department's budget.

There are areas, however, that Texas Laws require the commissioners to fund or establish. These include providing all physical facilities for the Community Supervision and Corrections Department. Examples would include all probation offices and the hard facilities that allow the offices to operate, such as heating, air conditioning, office furniture, etc. Dallas County is not required to provide supervision officers or pay their salaries.

As you know the specialty programs handle a paltry 2% of all Dallas County offenders.

The Dallas County Specialty Programs are funded by a mixture of monies derived from the Criminal Justice Division of the Governor's Office, many grants that are private and governmental, and monies derived from the Community Justice Assistance Division of the Texas Department of Criminal Justice.

For example, The Dallas county D.I.V.E.R.T. Court receives on a yearly basis a little over \$210,000 to operate the program. The balance comes from offender fees and any other available grants D.I.V.E.R.T. Court is not eligible for federal grants.

Currently, Dallas County Judges preside over 13 Specialty or "Problem-Solving Courts".

They are:

- Atlas
- Dual Diagnosis after care
- D.I.V.E.R.T.
- Felony Domestic Violence Court
- Felony DWI Court
- Intensive Intervention Programs
- SAFPF Court
- JTAC Court
- STAR Court
- Veterans Treatment Court
- High Risk Offender Program

-Misdemeanor DWI Court

-Pride Court

A recent study or these courts show a mixture of success. Most of the findings show a lack of consistent process evaluation, lack of adherence to evidence based practices, lack of consistent responses to offender behavior, failure to conduct a proper clinical needs analysis prior to program admission, failure to conduct a chemical needs process prior to program admission, staff lack of understanding of how to administer evidence based practices, failure of staff to be monitored for consistency in application of evidence based practices and failure to communicate program expectations.

#### **District Attorney Role (Proposed)**

A mere 2% of offenders being in the programs is too low. Eligibility criteria expansion should be explored, either internally, or with the help of an outside agency. If grants are available, there is no way to calculate the cost of application or the amounts awarded. All grants, however, must be approved by the Dallas County Commissioners Court, which I do not foresee to be a problem. I expect such a grant would be **\$75,000-\$100,000**, based on prior experience.

To address consistency across the programs, I intend to request to hire forensic psychologist to advise all stakeholders in the implementation of best practices for each program. That would include a process evaluation all the way through outcome evaluations, subject to Commissions Court approval. I anticipate a Budget of **\$150,000-\$200,000**.

#### **Conviction Integrity Unit**

The conviction integrity unit must be expanded at least 3-5 lawyers, perhaps more. My vision for the unit is to oversee the trial sections as well as the appellate and writ sections. Too often, based on my personal experiences, the appellate section is at odds with CIU. Also, there is a disconnect between the CIU and the trial section. As far as the Michael Morton Act is concerned, and other *Brady* material, the CIU should play a much more significant role in the training and implementation of those very important areas of the law.

As for the proposed budget for this expansion of the CIU, without an analysis if the current staffing and salaries, it is difficult to propose. However, it is my desire to put mid to senior-level attorneys in the CIU.

Based on information provided by the Dallas County Auditor's Office, an Assistant District Attorney's Salary is \$102,254.

#### **Cite and Release**

Cite and Release is currently in its formative stages.

To date, only the Dallas Police Department is practicing Cite and Release. The Texas Legislature has approved Cite and Release for 6 separate offenses. Dallas County and the Dallas Police Department should expand it to all 6 offenses. There is no fiscal impact to the Dallas County District Attorney's Office.

### **Bail Bond Reform**

Bail should be based on risk to appear, risk to commit a new offense, and risk to commit a violent offense.

Jurisdictions across the United States are implementing Bail Reform and Dallas should do the same. To do so, I would assign **2-3** prosecutors to work in the jail to represent the State at all arraignments. The current practice is no Asst. D.A. is at arraignment. The needs for an Assistant D.A. are to complete a thorough state and national criminal record check and to advocate for either no bond or an appropriate bond. Completing a thorough record check can be accomplished either by a District Attorney Intern or an Assistant District Attorney. These prosecutors should be at least felony grade. Once again, based on information provided by the Dallas County Auditor's Office, an Assistant District Attorney's salary is \$102,254.

### **Certificates of Rehabilitation**

Under current Texas Law, a person who successfully completes a probated sentence, short of a grant of clemency from the Governor, has no official method to prove that he/she is rehabilitated. As we all know, this likely affects employment opportunities, housing, and other quality of life issues.

To remedy this problem, I first propose to collaborate with our legislative partners to create an official state document entitled a "Certificate of Rehabilitation". Reasonable criteria should include several years without offenses beyond a Class C Misdemeanor and continued residency in Texas.

If the Texas Legislature is unable or unwilling to pass the proposed legislation, as your elected District Attorney, I would establish a task force comprised of a broad section of the community and task them to develop reasonable criteria which, of course, would be public & transparent. To renew and make recommendations whether to grant or not, I anticipate **at least** two felony grade prosecutors. Until this is fully analyzed and, hopefully approved, I cannot project a cost to District Attorney Budget. Once again, based on information provided by the Dallas County Auditor's Office the Assistant District Attorney's salary is \$102,254.

Attached to this ASPIRATIONAL Proposal are: The District Attorney salary, First Assistant District Attorney salary, and the average salary of an Assistant District Attorney.

Also attached is the FYI 2018 ATTORNEY SALARY SCHEDULE.