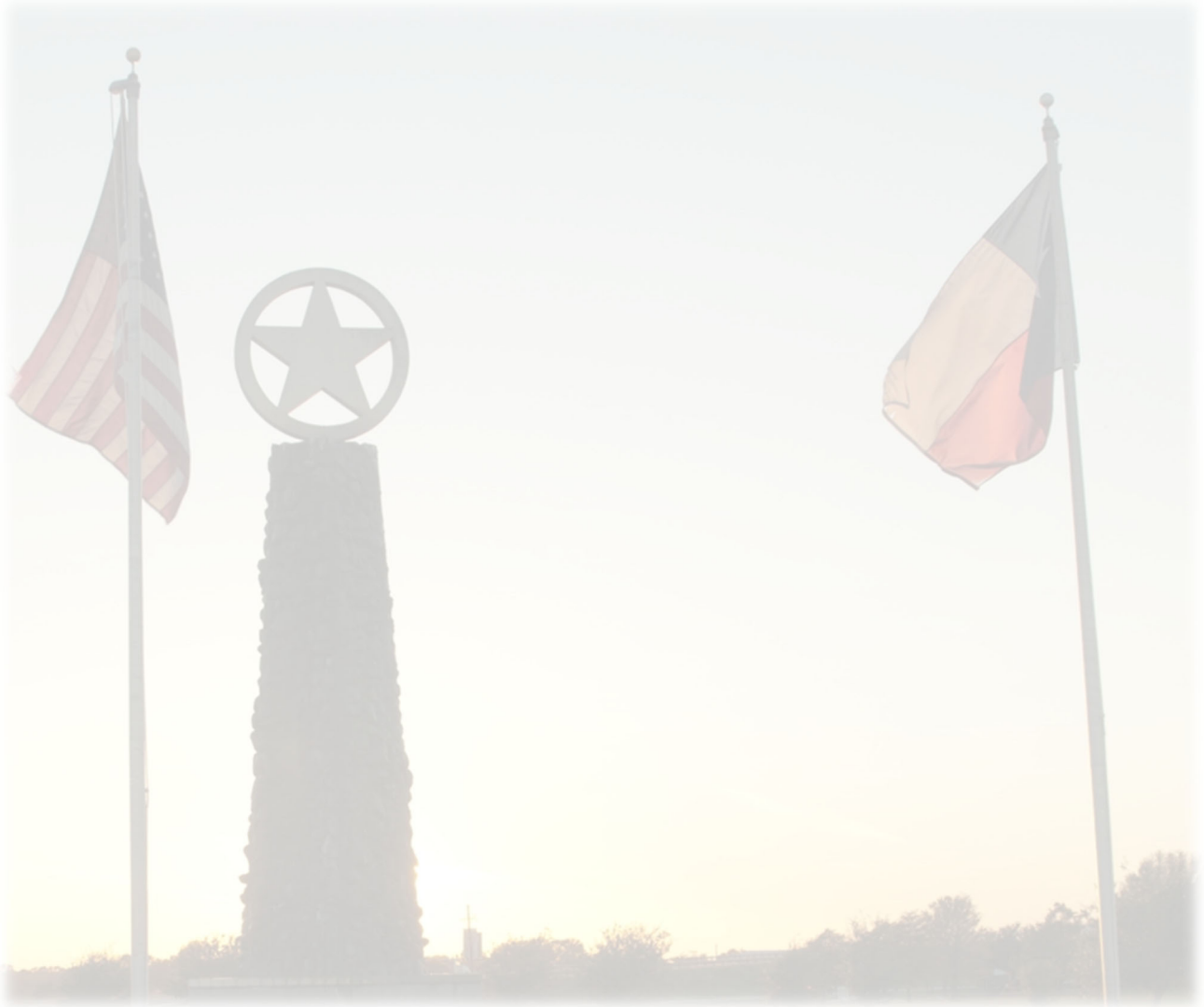


Texas Department of Criminal Justice



**Family Violence
Pretrial Diversion
Pilot Program Report**

December 2022

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Introduction

Texas Government Code 509.018 requires the Texas Department of Criminal Justice-Community Justice Assistance Division (TDCJ-CJAD) to collaborate with judges in Bexar County to establish a family violence pretrial diversion pilot program for individuals who are charged with an offense involving family violence, and who suffer from a substance abuse disorder or chemical dependency.

TDCJ-CJAD is statutorily required to review the pilot program and submit a report to the Governor, Lieutenant Governor, Speaker of the House of Representatives, and the Legislature by December 1, 2022. Texas Government Code 509.018 expires September 1, 2023.

This report presents the pilot program overview including program status and results, effectiveness, implementation challenges, funding sources, and recommendations.

Pilot Program Overview

The Bexar County Domestic Violence Pilot Program, also known as the “Reflejo Court” in Bexar County, is presided over by County Court 13 Judge Rosie Speedlin-Gonzalez.

Reflejo Court is an intensive twelve-month program consisting of five phases administered by a team that includes the judge, community supervision officers (CSOs), a case manager, treatment providers, prosecutors, and defense attorneys. The program’s goal is to minimize future violence for persons charged with certain family violence offenses.

The Bexar County District Attorney’s Office reviews and recommends cases for placement in the program. Defense attorneys can also refer their clients for possible placement in the program.

To be eligible for the program, participants must be charged with a misdemeanor family violence offense and meet the assessment criteria for substance use disorder or chemical dependency. Furthermore, participants cannot have a current felony or misdemeanor deferred or adjudicated case.

If appropriate for the program based on screening conducted by the team, those selected are required to attend court, meet with a CSO, and participate in services that address the participant’s criminogenic needs.



These services may include substance use treatment, counseling, cognitive behavioral treatment, and trauma therapy. Reflejo Court requires participants to comply with multiple conditions, including a \$1,000 court services fee. Fees are waived if a participant is unable to pay or can be dismissed upon successful completion.

Additionally, the program uses a progressive sanctions and interventions model which incentivizes participants who comply with program requirements and sanctions participants who are not compliant with requirements. Incentives for program compliance include recognition by the judge, decreased court appearances, and gift cards. Sanctions include increased drug testing, increased court appearances, admonishment by the judge, and jail time. Other conditions may be required as determined by the administrative team. The team takes into consideration a participant’s reason for non-compliance when determining their response.

Participants who successfully complete the program have their cases dismissed.

Pilot Program Status and Results

The first participants were placed in the program July 31, 2020. At full capacity, the program projects to serve 110 participants a year. At the end of Fiscal Year (FY) 2022, 44 total participants have been served since implementation of the program. There were 19 participants in the program at the close of FY 2022.

PROGRAM STATISTICS BY FISCAL YEAR		
Fiscal Year	Placements	Discharges
2020	3	0
2021	22	8
2022	19	17
TOTAL	44	25

The program discharged 25 participants during FY 2021-2022; 10 participants successfully completed the program, 12 participants were unsuccessful, and three were voluntarily discharged and were excluded from the success rate calculation, per TDCJ-CJAD’s success rate methodology. The success rates were 50.0% in FY 2021 and 42.9% in FY 2022.

All 10 participants who completed the program, had their cases dismissed. Of those, five had their criminal records expunged and five were in the process of getting their records expunged in FY 2023.



Effectiveness

The program was projected to serve 220 participants in FY 2021-2022. The pilot program did not meet that projection.

Due to the brief period of time since 25 individuals have been discharged from the program, TDCJ-CJAD was unable to analyze re-arrest and incarceration rates of participants as a measure of effectiveness in deterring family violence. Recidivism study methodologies are typically calculated using three-year post-discharge data.

Implementation Challenges

Program staff indicated that there has been difficulty in finding eligible individuals for the program. Staff point to the following challenges:

- lack of awareness of the program,
- too few prosecutors and defense attorney program referrals, and
- intense program requirements.

As referenced in the December 2020 report, operating during the pandemic was a challenge for the court. Due to social distancing and court closures, participants were unable to receive some services, hearings could not be held in person, and field visit frequency was decreased.

Funding Sources

The program received funding from the following sources:

- TDCJ-CJAD awarded Bexar County Community Supervision and Corrections Department (CSCD) with a diversion program funding grant of \$187,355 for FY 2021 (\$119,635 of unexpended funds was returned to TDCJ-CJAD) and \$187,314 for FY 2022 (\$41,272 of unexpended funds was returned to TDCJ-CJAD).
- The program received \$100,000 from Bexar County.
- The program was given \$40,000 for residential treatment and \$55,000 for outpatient treatment from Bexar County diversion funds.
- The Alamo Area Council of Governments provided \$75,000.

This report is required to include “sources of funding available to extend the pilot program to other counties or for a longer period of time, including available, local, state, and federal funding sources.”



Local Funding

For counties considering implementing a similar program, they could inquire about funding through local government and local regional councils of government. Local philanthropic and business organizations also provide grants. It should be noted that some local organizations only provided grants to non-profits and other non-governmental organizations.

State Funding

The Office of the Governor, Public Safety Office, Criminal Justice Division, provides funding for specialty courts. TDCJ-CJAD provides diversion program grants and formula funding that is used to support community supervision officers, other court staff, and treatment or other services provided through specialty courts. The Health and Human Services Commission provides grants for substance use and mental health treatment services.

Federal Funding

The United States Department of Justice has multiple grant programs to support criminal justice programs. These programs include the Edward Byrne Memorial Justice Assistance Grant and the Violence Against Women and Training Program. Organizations may need to collaborate with regional councils of government to request funding. It should be noted that federal drug court funding cannot be expended on violent individuals.

The United States Department of Health and Human Services through the Substance Abuse and Mental Health Services Administration has multiple grants to provide substance use and mental health treatment and services. Two possible grants are the Targeted Capacity Expansion: Special Projects and the Grants to Expand Substance Abuse Treatment Capacity in Adult and Family Treatment Drug Courts. Other types of specialty courts addressing substance use disorders are eligible for drug court grants.

Counties could also consider private foundations or large corporations that provide grants, some specifically award grants for criminal justice initiatives.



Recommendations

Program staff recommend improving funding opportunities for programs that work with individuals who have been convicted of family violence due to the lack of grant programs which include serving violent individuals as an allowable expense.

Acknowledgements

TDCJ-CJAD would like to thank the Bexar County CSCD and Judge Rosie Speedlin-Gonzalez and Reflejo Court staff for their assistance with this report.



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published by

**THE
TEXAS DEPARTMENT
OF
CRIMINAL JUSTICE**

www.tdcj.texas.gov

December 2022