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Letter from The President Gerald Rodriguez

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Hello Fellow Pretrial Professionals,

We are quickly approaching our TAPS 4th Annual Conference and Training Institute, April 6th and 7th in San Antonio, TX at the Omni Colonnade Hotel. We look forward to joining with you to learn, share information, and network with a diverse group of Criminal Justice and Pretrial Services professionals. This year's conference focuses on Pretrial Justice Reform and how we hope to transform current practices to assure we have a system that works for all of us including the most vulnerable of us in our communities.

It continues to be a dynamic time in the field of Pretrial Services. The Texas Senate and House are back in Austin and Pretrial Justice Reform continues to be a priority on both sides of the aisle. Bills have already been drafted related to the general concept of a presumption of release. Ideas and suggestions like this have been the topic of discussion in recent months and appear to be coalescing into actual legislation. For example, if passed, House Bill 608 by Dutton would require the release on personal bond of defendants charged with a misdemeanor offense unless a document is filed indicating a finding of fact justifying detaining the defendant. This appears to place the burden on the Courts to justify detention rather than justifying release. This appears to align closely with the general concept of a presumption of release.

To create meaningful change, it will be up to pretrial professionals like you to identify and/or become champions in our communities. We need to educate stakeholders at every level of the system (law enforcement, judges, prosecutors, and elected officials). We cannot do it alone. I continue to believe that in the very near future, we will change Pretrial in Texas to assure that it is fair, effective and safe. Please enjoy the Newsletter. I hope you find the information informative and useful to you. I look forward to meeting you at the 4th Annual TAPS Conference and Training Institute.

With Best Regards,
Gerald Rodriguez, President
Gerald Rodriguez is a Manager with Travis County Community Justice Services – Pretrial Services

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CALL FOR NOMINATIONS

*Are you interested in becoming involved in YOUR professional association?
Do you want to take a leadership role in the pretrial field?*

This is an exciting period in Texas Criminal Justice. We all have an opportunity before us, not to mention an *obligation* as Criminal Justice Professionals, to make our voices heard and affect positive change to a system that needs it. If you really desire to see things changed for the better, if you truly want to make a difference not only for your county but for the greatest state in these United States, stand up, step up and run for office with the Texas Association of Pretrial Services (TAPS.)



Travis County Check-in Application by Gerald Rodriguez



Technological advancements in recent years have created opportunities to improve customer service and enhance our workflow processes. An often overlooked opportunity for improvement is the process related to checking-in and meeting with visitors. Travis County Pretrial Services initiated an effort to improve the visitor check-in process, maximize our limited resources and to better monitor the visitor experience. We thought it would be helpful to share with you the story of our challenges with visitor check-in and the effective solution that we were able to develop.

An electronic Check-In Application was developed through a collaboration of Pretrial Services staff and the Travis County Information Technology Services (ITS) department. The system needed to be designed to fit our business process. The Check-In Application is used to check-in defendants, attorneys, and other individuals who need assistance in the office. It allows information to be stored electronically regarding the identity of the visitor, the reasons for the visit, the person responsible for meeting with the visitor along with dates and time. Once visitor information is entered in the system by the reception staff, an automatic email notification is generated and the individual is placed on an electronic wait list to be seen. Visitors can request to speak to their assigned officer, and if their assigned officer is not available the application will allow the reception staff to select another officer from a list of available officers. The application is located on a network computer which can be accessed on all departmental computers.

The development of this application took several months to complete and has been in use since the summer of 2014. It not only facilitated the process of checking-in visitors by automating certain notification processes, but it also functioned as a way to collect data to analyze the effectiveness of our processes related to visitors. When implemented, it immediately bene-

fited staff and visitors alike.

Prior to the Check-in Application, reception staff notified Pretrial Officers of a visitor's arrival by a phone call and an email. We kept records of visitors using a hard copy sign-in sheet. Certain statistical information was gathered manually from the hard copy sign-in sheets, but this information was limited and required resources to compile. In addition, it was difficult to determine which staff member was available to see a visitor, how long a visitor waited before being seen, or how quickly the information about a waiting visitor was shared with the staff member.

Using an electronic check-in system allows us to easily track and monitor the various aspects of the visitor check-in process. We designed our Check-in Application to be able to identifying when a staff member is available to see visitors by allowing staff to update the application to indicate whether or not they are available to meet with visitors. In addition we wanted to track when the information about a waiting visitor was delivered to the staff member. The system tracks basic visitor information such as when the visitor arrived to be seen, the amount of time the visitor waited to be seen, the name of the staff member who met with the visitor, and the amount of time a staff member spends with the visitor. These data points allow us to monitor and audit workload efficiencies. Since these are kept electronically through the application, many of these data points are created with a click of a button rather than having staff write down names, dates, times and other information.

One of the most notable and helpful features of the Check-in Application is the wait list. This electronic wait list allows staff to view names of defendants waiting to be seen. It is continuously updated as new visitors arrive and names are removed when officers have completed a visit. Staff throughout the entire department can see names on the waiting list for visitors at any of our office locations. The waiting list can be set to display only visitors for an individual

staff member or unit to focus the staff's attention to visitors that they can assist. The waiting list is also programed with a color code system to alert staff when certain time frames have passed and when they must take action to assure a visitor does not wait unnecessarily or are missed.

The Check-in Application provides us the ability to pull various types of data for statistical purposes such as: the number of visits per day, per month, or per year; number of visits per unit; peak visitor times; and number of visits handled by a particular staff member.

The success and effectiveness of the Check-In Application created interest from several departments within Travis County. We are aware of other county departments presently working towards using similar Check-in Applications.



What's happening in your neck of the woods?

Give us an update on developments in your county. Let others know what is happening, what you may need, positions you have open. The TAPS Newsletter allows you to communicate with every pretrial or CSCD office in Texas. Take advantage of a great opportunity. All it will cost you is the time it takes to write it.



Travis County Pretrial Services initiated an effort to improve the visitor check-in process, maximize our limited resources and to better monitor the visitor experience.

It (the new Check-In application) not only facilitated the process of checking-in visitors by automating certain notification processes, but it also functioned as a way to collect data to analyze the effectiveness of our processes related to visitors.



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Up to a quarter of the 41,000 inmates in Texas awaiting trials pose little threat to the public, according to data from Dallas and Bexar counties reviewed by Texas Judicial Council. But under current laws, those people are locked up because they can't afford to post bail or have been flagged, perhaps unfairly, as flight risks.

Slayton said broadening access to pretrial bonds could end up saving tax payers \$190 million. Reducing the jail population would save \$250 million a year, but \$60 to \$70 million more would be needed for pretrial supervision.

Texas Judicial Council says bail reform could save \$190 million a year. By [Ryan Autullo](#) Austin - American-Statesman Staff

Study by the Texas Commission on Jail Standards: 75 percent of jail inmates are waiting trial.

Group (Texas Judicial Council) says bail reform would save \$250 million, but would require up to \$70 million more in pretrial services. Aiming to assist indigent defendants in criminal court and save the state up to \$190 million a year, policymakers are pushing for wider access to a program that allows people charged with low-level offenses to get out of jail without posting a large amount of bail.

Up to a quarter of the 41,000 inmates in Texas awaiting trials pose little threat to the public, according to data from Dallas and Bexar counties reviewed by Texas Judicial Council. But under current laws, those people are locked up because they can't afford to post bail or have been flagged, perhaps unfairly, as flight risks.

A study by the Texas Commission on Jail Standards says that over the past 25 years, the percentage of jail inmates who are waiting for trial has risen from about 32 percent to 75 percent. Another study, by the Crime and Justice Institute, reveals that inmates who spend even three days in jail are more likely to lose employment and to report serious financial difficulty.

"Individuals who are low-risk should not be kept in jail awaiting trial," Texas Judicial Council executive director David Slayton said. "Council is very convinced of the benefits, and that's why we feel so strongly."

In January, the council says it will lobby legislators to amend the Texas Constitution and introduce a presumption that people accused of crimes should get pretrial release, a measure it says would even the playing field between all defendants regardless of their ability to post bail. In a related proposal, the council says it will push judges to use a risk-assessment tool to measure one's flight risk. The reforms would go into place by 2020, if not sooner, Slayton said.

Slayton said broadening access to pretrial bonds could end up saving tax payers \$190 million. Reducing the jail population would save \$250 million a year, but \$60 to \$70 million more would be needed for pretrial supervision.

Yet it's unclear to what extent, if any, the proposed changes will be felt locally, as Travis County is already using a pretrial assessment tool and in 2015 reported a 90 percent appearance rate for those released on their own recognizance.

"I don't think it's so novel that it's so far beyond what they're doing already," defense attorney Steven Brand said of the proposal. However, he praised expanding jail release because "I would like to see strides toward making personal bonds that much more accessible to all people."

A personal bond offers jail release in exchange for a defendant agreeing to make all court appearances. If the agreement is broken, the defendant will be ordered to post bail.

The council is recommending the implementation a risk assessment that would calculate a person's flight risk based on: age, the offense, other pending charges, prior misdemeanor and felony convictions, prior violent convictions, prior failures to appear in court, and prior sentences.

In May, Harris County announced it would implement such an assessment — the same one that is now employed in Arizona, Kentucky and New Jersey. It does not consider geography, so with all else being equal, a defendant with no ties to the area where the charge is filed is just as likely to be released as someone who lives in the community. Yet under these conditions, someone deemed to be high-risk based on past behavior could be denied bail even if the charge is a misdemeanor. Presently, only those charged with capital murder are denied bail in Texas.

Slayton said the biggest impediment to the council's recommendations is that it would be "a pretty significant change to where Texas has been. The judge doesn't have this information now."

Retired Judge Jon Wisser said he'd like to see bond reform taken a step further to include a cost breakdown of pretrial conditions. Armed with information about the cost of, say, electronic monitoring, Wisser said, "judges could be more selective in what they're enforcing."

The council's proposal leaves it up to the Legislature to assign additional funding for pretrial supervision, but notes that because counties will be the primary beneficiary of decreased jail costs, "one mechanism for funding would be that counties fully fund the supervision program." The proposal acknowledges some small counties "might not realize enough reduced jail population to fully cover the cost of the supervision program." Other bond recommendations proposed by the judicial council include educating judges about their decisions and implementing data collection about pretrial release decisions. (cont. pg.4)



Texas Judicial Council says bail reform could save \$190 million a year. By [Ryan Autullo](#) - American-Statesman Staff (cont. from pg 3)

Bail reform effort

In January, the Texas Judicial Council plans to ask legislators to make the following eight reforms to the state's pre-trial bond system:

- Implementing a pretrial risk assessment, which it (Texas Judicial Council) says will decrease jail population and save taxpayers up to \$190 million.
- Amend the Texas Constitution to provide for a presumption of jail release, leaving discretion to judge to use all existing forms of bail.
- Amend the Texas Constitution so that defendants with a high flight risk can be held in jail without bail, regardless of the charge. Presently, only those charged with capital murder are held without bail.
- Provide funding for pretrial supervision. Who foots the bill has not been determined, but it would probably be the counties.
- Provide funding to train judges on their pretrial decisions.
- Collect data on pretrial release decisions for later assessments.
- Authorize the Court of Criminal Appeals to adopt any necessary rules to implement the provisions pursuant to these recommendations.

Provide for a sufficient transition period to implement the changes. The target year is 2020.

Bail reform in Harris County slowly moving forward.

By Brian Rogers—Houston Chronicle

It's about to get easier to get out of jail free.

Harris County judges will soon have new information that could help them decide quickly whether to let people out of jail without requiring them to post bail.

The new "risk assessment system" - designed to help judge's determine whether suspects are dangerous and if they will come back to court - is being steadily incorporated into the files that a judge sees when a defendant makes his or her first court appearance. "It doesn't automatically guarantee that you get a PR bond, but it gives (the judges) the information to try to figure it out," said state District Judge Susan Brown, the administrative judge over the felony courts. "It gives the judge a risk score for each individual."

The risk assessment is part of an effort to reform the bail bond system in Harris County, which has drawn sharp criticism and a federal lawsuit because it often leaves poor people behind bars simply because they don't have the cash to get out. The new system will categorize suspects by weighing information - such as previous arrests - that are already in the court system to assess the likelihood they will re-offend if released or fail to appear for court hearings. Judges could then decide to let a suspect out on a personal recognizance bond instead of requiring bail.

Historically, judges have relied heavily on a bond schedule that lists a dollar amount of bail for each type of crime, though they have discretion to set bail or not as they see fit.

Advocates for reform hope the new assessment tool will mean more inmates are released quickly without lingering behind bars. Ultimately, however, they want to see an end to the existing bail schedule. "It's good," said Sandra Guerra Thompson, a proponent of using PR bonds instead of money bail, on the new system. "It's certainly not moving in the wrong direction, but I haven't heard anything about abolishing the bond schedule. Having a risk assessment doesn't really mean anything if they're still going to follow the (bond schedule)."

Harris County's criminal courts at law judges, its hearing officers and its sheriff all face a lawsuit in federal court that alleges their system, including the bond schedule, violates the constitutional rights to equal protection under the law by punishing poor offenders with more jail time pretrial. That case is pending in the Southern District of Texas.

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Bail reform in Harris County slowly moving forward.

Judges, clerks and coordinators are scheduled to learn how the risk assessment works when they return from the Thanksgiving holidays. The system could impact thousands of defendants; Harris County files more than 100,000 cases a year. Overall, cost reduction critics have argued that the population of the Harris County Jail, which hovers around 9,000 inmates, could be reduced overnight by more than 60 percent if judges followed the risk assessment recommendations, which are created by employees of the county's pretrial department. Jailing fewer pretrial defendants would save the county millions of dollars. The daily jail cost is about \$45 per person, and defendants with mental health or medical issues that require attention can cost \$137 a day or more.

For the past few years, officials have emphasized mental health courts and programs to tackle the problem of the most expensive inmates first. In 2015, 7,915 people were given pretrial bonds or "free bonds" as they're called at the courthouse. In mid-November it stood at 7,190. But judges expect more releases, Brown said, because of new programs coming online. In October 2015, judges let 574 people out on PR bonds. This October saw that number jump to 956, in part because of a "reintegration court" where low-level drug offenders are frequently released on PR bonds before they even see a judge.

The Houston-based Laura and John Arnold Foundation has helped the county develop the new risk assessment tool, which uses nine factors to determine the likelihood of a defendant committing a new crime or failing to return to court. The foundation partnered with criminal justice researchers to create the tool using 1.5 million cases from 300 jurisdictions. It is now being implemented at sites nationwide.

Money system panned

When defendants use a bondsman to secure bail, they pay a fee - 10 percent or more of the bail amount - and pledge collateral, usually property or automobiles, for the remaining amount. If a defendant does not show up for court, the bondsman either has to pay the entire bail or find the defendant. Bail bondsmen argue that the system is paid for by people accused of crimes, not taxpayers.

Thompson said she'd like to see the money bail system abolished. She argues that freeing more poor people while they're awaiting trial will save the county money in jail expenses. And she thinks suspects considered most dangerous should remain behind bars, even if they have the money to get out. "If there's no justification to pay money, they shouldn't have to pay," she said of the first group. "And that money should be used to pay for legal counsel."

If the county moves beyond money bail, the losers would be the area's bail bonding industry, whose members have argued that suspects will only return to court if there is money on the line. State officials have been seriously eyeing the system for reform and could provide statewide support in the next legislative session, which kicks off in January. Last month the Texas Judicial Council, chaired by Texas Supreme Court Chief Justice Nathan Hecht, voted to accept recommendations that risk assessments should be a bigger part of the process. That means the Judicial Council will craft language for the legislature to consider when passing laws in the upcoming session.

"Little by little, it's starting to happen," Thompson said. "You just have to open people's eyes."

Ladies and Gentlemen,

I wanted you all to know this is the last newsletter I will produce. No, that doesn't mean you will no longer receive a newsletter. You see, I am officially retiring from civil service after nearly 30 years and since my position on the board will also be expiring, I will not be attending the conference. I've decided to put more time and effort into my personal life. My wife, my children and my grandchildren are happy to hear it but you'll probably see me when they get tired of seeing me. LOL

I want you all to know that it has been my honor to serve you as Southeast Regional Representative for TAPS. I would ask that each of you consider taking a more active part in your association. This is a very exciting time in the history of pretrial so provide support, not only in words but in action. Lead by example. Make your voices heard, not just across our great state but across the nation. Remember, YOU are the **Texas Association of Pretrial Services** and the eyes of Texas are upon you!

Good Luck, God Bless and Happy Trails! Will



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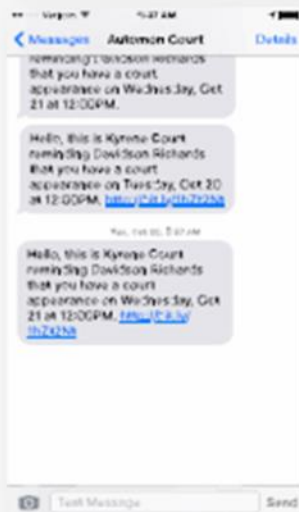
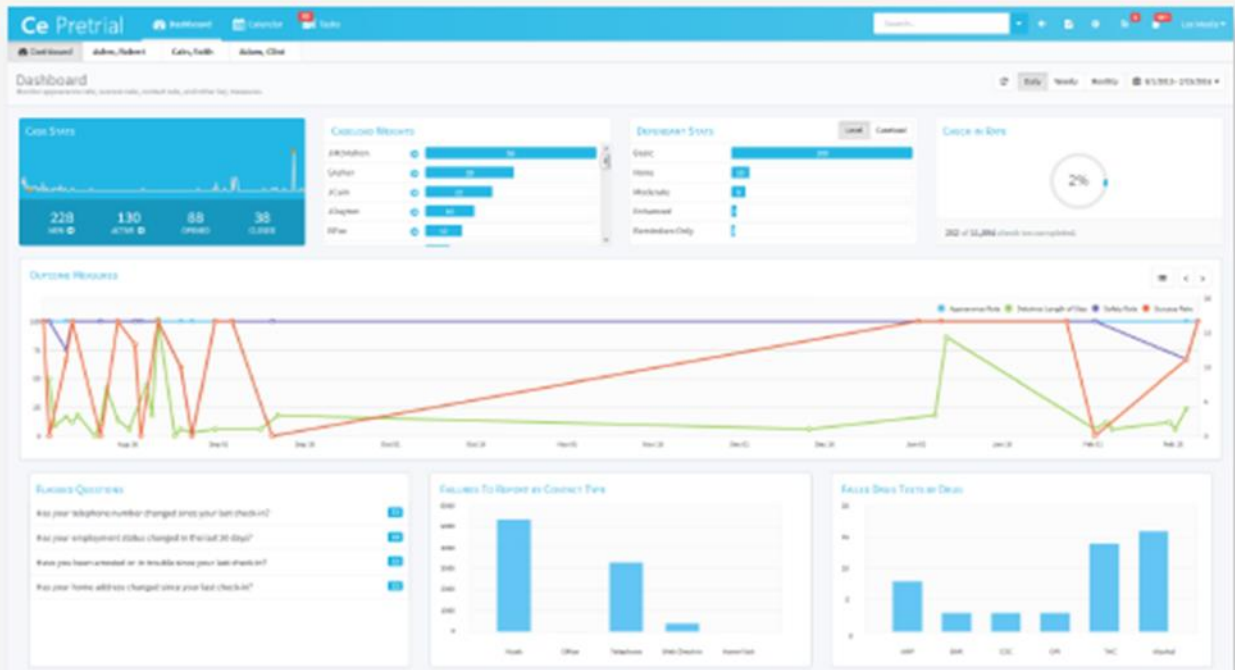
. If the county moves beyond money bail, the losers would be the area's bail bonding industry, whose members have argued that suspects will only return to court if there is money on the line.



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Average	100 with Pretrial Supervision	100 with Pretrial Supervision	100 with Pretrial Supervision	100 with Enhanced Supervision	100 with Enhanced Supervision or Release
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Effectively Implementing Bail Reform

On August 11, 2014, Governor Christie signed historic comprehensive bail reform legislation into law. On November 4, 2014, New Jersey voters passed Ballot Question #1 enacting the reform that will take effect in January 2017.

Enacting comprehensive bail reform legislation was only the first step in fixing our broken bail system. While part of the vision of a fairer, safer and more cost effective bail system requires the structural and constitutional changes accomplished via legislation, achieving that vision requires effective implementation of the legislation and accountability for system stakeholders.

Now is a critical time for New Jersey. Although legislation laid the groundwork for reform, it is the implementation decisions that are currently being made that will guide the ultimate operation of the law. Without proper implementation, the spirit and intent of bail reform is at risk.

Fixing the Broken System

New Jersey's comprehensive bail reform law will create a fairer, safer and more cost effective bail system. By allowing the release of low-risk individuals, we can prioritize public safety while **encouraging** fiscal responsibility. At the same time, this new law will strengthen families and communities by allowing low-risk individuals to remain with their families, keep their jobs, and get connected to services, including drug treatment, pending trial.

Promoting Fair & Effective Criminal Justice • Strengthening Families & Communities

New Jersey's comprehensive bail reform law (1) prioritizes non-monetary release options; (2) requires use of a validated risk assessment before an initial bail hearing in order for the court to make individualized determinations for release decisions; (3) establishes a comprehensive pretrial services agency within each county that will monitor and counsel those awaiting trial; (4) allows for the pretrial detention of truly dangerous individuals; and (5) guarantees timelines for a speedy trial.

New Jersey's bail reform law closely mirrors federal pretrial release policies that have been proven effective and will prioritize public safety while encouraging fiscal responsibility. The New Jersey Administrative Office of the Courts is responsible for implementing bail reform and a Pretrial Services Program Review Commission was established through the bail reform law to oversee and assist with effective implementation. The Commission will report annually to the Governor, the Legis-

lature and the Supreme Court.

Effective Implementation is Critical

Until bail reform becomes effective in 2017, decisions about who is released pending trial will continue to be based on the ability to pay bail and not on risk. However, under the new law, low-risk arrestees will no longer be warehoused in jails for long periods at great financial cost to New Jersey simply because they cannot pay sometimes nominal bail amounts.

Criminal justice stakeholders are asking for more information and education about the new system. There are many jurisdictions around the country that have already successfully eliminated the use of money bail while maintaining public safety.

Proper Use of Risk Assessments

Risk assessments are used throughout the criminal justice system to help stakeholders make informed decisions. Pretrial, risk assessments are predictive of a person's likelihood of failing to appear in court or of being arrested for a new offense prior to trial. Risk assessments should be empirically based and locally validated to be effective.

The new bail reform law requires the use of a validated risk assessment before their initial bail hearing to help the court make an individualized determination of what type of pretrial release is appropriate.

While risk assessment results are helpful to judges because they provide an objective assessment of an individual's risk, they should not be used in isolation. Factors not captured by risk assessments which could be discovered during a short supplemental interview, such as employment status and family information, can be just as important for a judge to consider when deciding whether to release or hold an individual pretrial.

Effective Pretrial Supervision

Pretrial supervision has been shown to improve pretrial outcomes by providing appropriate conditions and services for defendants prior to trial. Common pretrial supervision conditions include checking in with a pretrial case manager, court date reminders, and/or treatment referrals.

Supervision however, should only be set as a condition of release if it is determined that it is the only way to assure court appearance and community safety prior to trial. Supervision should not be set as a blanket condition on every individual released pretrial. In fact, research shows that over supervision of low-risk

individuals produces poor outcomes and wastes resources. Stakeholders should be educated about effective risk mitigation to appropriately supervise individuals and to limit the harms of over supervision.

Appropriate Preventative Detention

Preventative detention is another component of a risk-based pretrial system. Under the new bail law, individuals may be detained pretrial if the state can show that the individual poses an unmanageable risk to public safety and/or to failing to appear in court. Preventative detention eliminates the court's reliance on monetary bail, by providing a legal mechanism to detain individuals who may be dangerous, and can also afford any money bail that is set.

If used incorrectly, preventative detention can also be counterproductive and costly. Like the rest of the system, decisions about preventative detention should be based on an individual's risk, and not on his or her current charge. While the charge may certainly be one factor to consider, stakeholders should be cautious about how they define eligibility for preventative detention. Casting a wide net and needlessly detaining individuals pretrial is costly and ineffective. As Justice Rehnquist wrote almost 30 years ago, "In our society liberty is the norm and detention without trial is the carefully limited exception."

Cost-Savings from Reform

Bail reform will save money. The financial cost of New Jersey's current broken bail system is enormous. Federal estimates of cost savings indicate that on average it costs about \$7 a day to supervise a low risk offender in the community and about \$70 a day to keep them in jail. In New Jersey, it costs approximately \$100 a day to hold an individual in a jail. Jailing someone who cannot pay, for instance, \$500 bail, can cost New Jersey taxpayers more than \$30,000 per year — just while that person awaits a trial.

New Jersey's new pretrial system strikes an appropriate balance of interests. By allowing the supervised release of low-risk individuals who do not threaten the security of their communities, New Jersey is able to prioritize public safety while encouraging fiscal responsibility and saving the state millions of dollars.

The Drug Policy Alliance (DPA) is the nation's leading organization promoting drug policies that are grounded in **science, compassion, health and human rights**.

Without proper implementation, the spirit and intent of bail reform is at risk.

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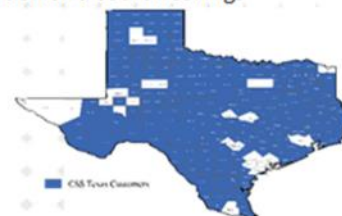


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CHANGE IS COMING Sandra Guerra Thompson

Sandra Guerra Thompson is an Alumnae College Professor of Law and the Criminal Justice Institute Director at the UNIVERSITY OF HOUSTON LAW CENTER

Happy New Year! Having taken last month off, here's what's new since my last email in November:

The legislature is now in session, so work on bail reform begins in earnest. As you know, last fall, the [Judicial Council](#) approved an outstanding set of recommendations for pretrial justice reform, after 14 months of study by the criminal justice committee. Advocates now eagerly await the introduction of a bill that would put those recommendations into effect. Rumor has it that it should be introduced soon.

The current system makes release decisions turn on an arrestee's financial resources. The new bill would require that counties shift from using money as a determinant of whether a person stays in jail or not and move instead to making decisions based on the risks a person presents. How likely is it that a person will return for court dates? Does the person present a danger to the community? The lower a person's risk levels, the more likely he or she will be released. The higher the risks, the less likely the person will be released.

The new legislation would have many salutary effects. The sheer numbers of people locked up in county jails would drop, bringing cost savings. Even the [Houston Chronicle's business columnist](#) has gotten the message about the need for reducing jail populations.

Moreover, the *mix* of inmates would change in a way that would keep communities safer and better ensure that people return for their court dates. Under a money-based system, far too many low-risk people stay in jail because they are poor, and too many high-risk people get out of jail because they come up with the bail money. So, not only do we keep too many people in jail, but we jail the wrong people *and* free the wrong people as well. (Here's the interim report of the [House Committee on Corrections](#). Pages 21-22 address bail issues and the state-of-the-art Laura and John Arnold Foundation risk assessment instrument.) (Here's an excellent article explaining the issues by [Marc Levin](#), the Policy Director of Right on Crime and the Texas Public Policy Foundation.)

The Judicial Council would create a presumption of release so that people who present no significant risks should be allowed release on personal release bonds. For high-risk people, the law would allow judges to hold them without bond in order to protect the community and/or ensure the person's appearance in court. Current Texas law does not give judges sufficient discretion to do so.

Typically, when judges perceive (based on their intuitions) that a person presents high risks, we see those judges setting very high amounts of money for bail as a means to try to keep a person in jail. This approach fails in several ways. First, the judges are not being guided by validated risk assessments, so they're making risk determinations from their "common sense," which is often not empirically sound. Second, not knowing a person's financial wherewithal, they have no way of knowing whether a certain dollar amount of bail will keep a person in jail or not. What often happens is that even low dollar amounts can be prohibitive to the very poor, but high dollar amounts are often insufficient to hold arrestees with means. (One study found that 50% of high risk people make bail under a money-based system.) Finally, using money bail in this way is a perversion of the system; at bail hearings judges should aim to set conditions under which a person may be safely released, *not* the conditions that will prevent a person's release.

- Assuming that the Judicial Council's recommendations are incorporated into the bill, here's what we can expect: People arrested in Texas counties would be evaluated by means of a *validated risk assessment* instrument to determine their risk of not showing up to court and risk of committing a violent crime if released. This would happen prior to their appearance before a magistrate for the 15.17 hearing at which bail is determined. The committee envisioned making a risk assessment tool available for any county that might not want to develop its own.
- The bill would also seek to amend the Texas Constitution to provide for a *presumption of pretrial release* through personal bond. Under appropriate circumstances, judges would still have discretion to utilize all existing forms of bail, but the law would recognize a presumption of release that would need to be overcome by case-specific circumstances.
- Since we would be shifting to greater use of community supervision, the council recommends legislation to ensure counties have adequate funding. Fewer inmates in jail should free up resources to properly supervise more inmates in the community.
- The bill would also amend the Constitution to allow magistrates to hold people without bail if they present a high flight risk and/or high risk to community safety.
- There would be provisions for judicial training, presumably under already-established programs.

I would not expect that any of these requirements would take effect immediately as the JC called for a sufficient transition period to implement the changes.

(continued on Pg 11)

The new bill would require that counties shift from using money as a determinant of whether a person stays in jail or not and move instead to making decisions based on the risks a person presents.

The bill would also seek to amend the Texas Constitution to provide for a *presumption of pretrial release* through personal bond.



CHANGE IS COMING Sandra Guerra Thompson

Sandra Guerra Thompson is an Alumnae College Professor of Law and the Criminal Justice Institute Director at the UNIVERSITY OF HOUSTON LAW CENTER (Cont. from Pg. 10)

Another bill would do some of these things as well. Rep. Wu filed [HB 686](#) which requires district judges to establish “evidence-based” pretrial release policies. In effect, to create bail schedules based on empirically-established risk levels. The bill also bars judges from requiring the indigent to pay the costs of electronic monitoring or drug testing.

In other news from around the state:

- [Dallas County](#) has recently announced that it will begin using a pretrial risk assessment instrument to guide magistrates in setting bail. It is part of a larger effort to do a more effective job of addressing the problems that beset the mentally ill when they are arrested.
- Advocacy groups have now filed three federal lawsuits in the Houston area. [Harris County](#) now faces a second lawsuit over its pretrial detention system. This time, plaintiffs allege that the county holds people in jail without requiring warrants based on sworn statements. Not to be left out, the [City of Houston](#) also faces a lawsuit over pretrial detention, due to the fact that they hold people without providing them with a timely hearing as required by law. The multitude of lawsuits now becomes the problem of the county’s new District Attorney Kim Ogg, the new [Sheriff Ed Gonzalez](#), and numerous newly-elected judges. Change is coming.
- The system in Harris County is so bad that Senator [John Whitmire](#), Houston’s criminal justice champion, was moved to file ethics complaints with the State Commission on Judicial Conduct against three magistrates. Whitmire said that videotapes of bail hearings showed a “total disregard for citizens and the complete lack of judicial temperament and professionalism”.
- A [Bexar County](#) editorial supports the legislation implementing the Judicial Council’s recommendations. It notes that under local rules in Bexar County, people with prior criminal histories are disqualified from obtaining personal release bonds. The editorial decries this practice and notes that a 2015 study found 21,531 people across the state who qualified for personal release bonds under state guidelines but were denied base on restrictions set by local county judges.

Other bills would reduce the number of people in jail in other ways or to reduce the burdens on the poor in other ways: One such measure is [SB 271](#), introduced by Sen. Konni Burton, which would prohibit custodial arrests for Class C misdemeanor traffic offenses. The bill is supported by a new, bipartisan organization called [Just Liberty](#). I strongly support this measure.

Meadows Mental Health Policy Institute Dallas County Smart Justice Project Public Announcement – October 2016

October 5, 2016, the trustees of the W.W. Caruth, Jr. Foundation at the Communities Foundation of Texas approved a grant to the Meadows Mental Health Policy Institute (MMHPI) to work closely with Dallas County, the City of Dallas, and a broad array of partners to implement the Dallas County Smart Justice Plan. The grant will fund up to \$7 million over three years; \$3.5 million in Year One and up to \$1.75 million each in Years Two and Three.

This ambitious five-year plan seeks to leverage a total of more than \$120 million in state, local, and federal governmental and private health system resources. Key goals of this effort include:

- Freeing up Dallas County law enforcement to focus on public safety rather than emergency mental health service delivery by better positioning 911 call-taking and dispatch services, along with law enforcement and paramedical response services, to divert people with mental illness away from jails and emergency rooms and into ongoing treatment;
- Improving jail screening and court supervisions options available to people with mental illnesses; and
- Reducing Dallas County’s high rate of recidivism for people with mental illness by dramatically expanding long-term, intensive mental health and substance use disorder treatment capacity, supported by efforts to expand permanent supportive housing and data-driven case coordination.

This grant is the second major investment by the W.W. Caruth Jr. Foundation in this initiative. In the summer of 2015, the Foundation funded a year-long planning grant that engaged MMHPI, Dallas County, and partners and stakeholders across Dallas County in a comprehensive planning process to identify and develop community-wide consensus on the strategies needed to improve public safety, reduce unnecessary emergency room use, and improve treatment outcomes by diverting people with mental illness away from the Dallas County justice system and into the care they need. To develop the plan, MMHPI worked with Dallas County, the City of Dallas (including the Dallas Police Department and the Dallas Fire-Rescue Department), the Council of State Governments Justice Center, the North Texas Behavioral Health Authority, Parkland Health & Hospital System, the Caruth Police Institute, the Dallas-Fort Worth Hospital Council, Baylor Scott & White Health, Green Oaks Hospital and the broader HCA system, Methodist Health System, Texas Health Resources, Universal Health Services, Inc., UT Southwestern Medical Center, leading community behavioral health providers and key data partners, including Loopback Analytics, Parkland Center for Clinical Innovations/Pieces™, HarrisLOGIC, and XenatiX.

Implementing this five-year plan – and bringing together all of the necessary resources needed – will not be easy. This generous grant provides a tremendous starting point for these efforts.

“Advocacy groups have now filed three federal lawsuits in the Houston area.”



The grant will fund up to \$7 million over three years; \$3.5 million in Year One and up to \$1.75 million each in Years Two and Three.



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Overview

More than ever, criminal justice practitioners and decision-makers understand and appreciate the complexity and importance of the pretrial field and expect more from those who manage pretrial release and diversion programs. To meet these expectations, today's pretrial executive must be an expert in the statutory foundations of bail; best practices in risk assessment, risk management, and organizational leadership; and communicating program mission and values to criminal justice and community partners.

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Send your name, email address, phone number, agency name and position to:

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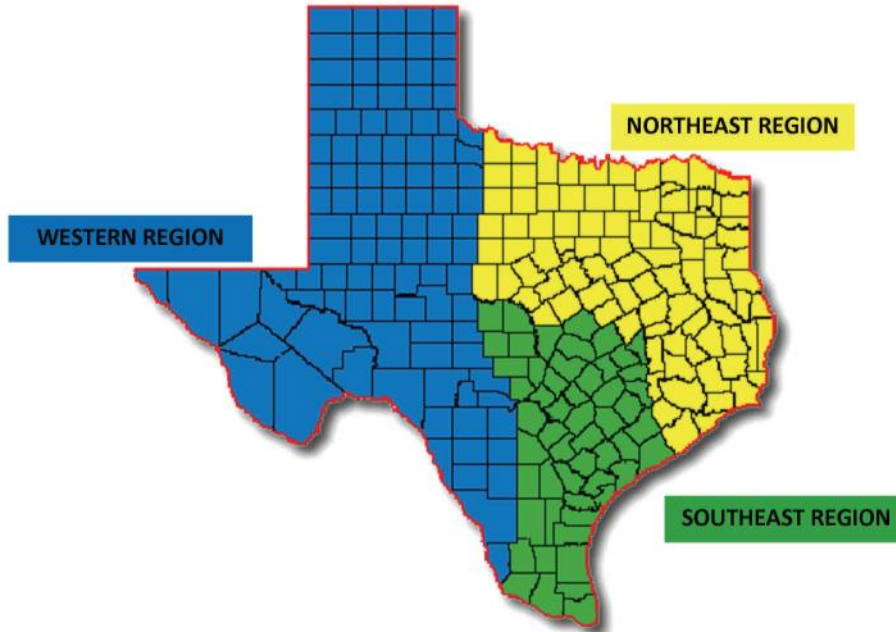
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