

Monitoring Pretrial Reform in Harris County

Sixth Report of the Court-Appointed Monitor

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ODONNELL V. HARRIS COUNTY DECREE

REGARDING MISDEMEANOR
BAIL PRACTICES

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Executive Summary

- **The ODonnell Consent Decree:**

- *Misdemeanor Bail Reform:* In Harris County, secured money bonds are no longer required for most misdemeanor cases under the court rule adopted as part of the *ODonnell v. Harris County* settlement. Most people arrested for misdemeanors are released promptly without a hearing.
- *Bail Options Unchanged for Cases with Public Safety Concerns:* People charged with misdemeanors that potentially present public safety risks (e.g., repeat DWIs, family violence, prior bond violations or outstanding warrants) are not automatically released. A hearing officer makes a bail decision, usually following a hearing at which magistrates have the traditional options to require financial bonds, protective orders, pretrial supervision requirements, or other release conditions.
- *Better Bail Hearings:* Defense attorneys continue to represent people at bail hearings, as required by Rule 9 and the Consent Decree. Before 2017, people arrested in Harris County usually had no defense attorney at these hearings. Judges also must give greater attention to more rigorous bail requirements.

- **Major Consent Decree Accomplishments:**

- *Court Appearance:* The County is currently implementing an approved plan to make use of the budget allocation to improve court appearance.
- *Data:* Much of the relevant information about the misdemeanor bail process is now available in an automated report. We have continued work to provide feedback on Harris County's public data portal. We now have improved data regarding persons flagged as homeless or with mental health assessment requests, as well as data concerning pretrial supervision conditions, and report these new analyses in this report.
- *Training:* The Deason Criminal Justice Reform Center at the SMU Dedman School of Law has begun designing a new set of training curricula.
- *Indigent Defense:* The County is continuing to develop plans in response to the National Association for Public Defense (NAPD) evaluation of Harris County's misdemeanor indigent defense systems. We hope the County will implement a plan for the earlier appointment of counsel.
- *Bail Decision Improvements:* The CCCL judges and Harris County Pretrial Services completed a pilot project that reduced the use of punitive pretrial conditions for over 2,200 clients. The program involved both pretrial staff and judges reviewing bond conditions within 30-120 days and, when appropriate, allowing a decrease or "step down" of the intensity and frequency of pretrial supervision requirements. The results included substantial cost savings to the County, maximizing the freedom of pretrial services clients, and achieving positive public safety results.

- **Ongoing Work by the Monitor Team:**
 - *Data Development:* We analyzed data prepared by Harris County and provided continual feedback on data development in regular meetings concerning the assembly and validation of data regarding misdemeanor cases.
 - *Community Work Group:* We convened quarterly meetings of our Community Work Group, to share our work and solicit input from our diverse community stakeholders. Members share their perspectives for the “Community Viewpoints” column found in our reports.
 - *Regular Meetings:* We held regular meetings with the parties and Harris County stakeholders, including weekly calls, monthly meetings with both judges and hearing officers, and periodic calls with public defenders and prosecutors. Our next public meetings will be held in-person on March 24, 2023 and virtually in April 2023.
 - *Feedback:* We provided feedback to the parties on several improvements to the hearing process, the designed and implemented training, and the assessment work regarding holistic defense services and nonappearance.
 - *Review of Violations:* Unfortunately, we have continued to see delays in processing individuals for release—as well as in conducting hearings, bail reviews, and appointing counsel—that violate the Consent Decree. In conducting now daily reviews, we have regularly found cases in which people did not receive a timely release or bail review, as well as other processing problems that appear to have led to Consent Decree violations. One common theme in the cases involving similar delays is that the individuals involved frequently belong to vulnerable populations. Often they are homeless, have behavioral health needs, or both. More resources need to be dedicated to reviewing cases of persons who are arrested for misdemeanors and detained for extended periods of time, including in violation of the Consent Decree. We are extremely grateful for the preliminary work that has begun to build an improved system to permit all County actors to prevent delays and errors in case processing.
- **Our Findings:**
 - *Data Analysis:* Our updated findings largely confirm what we reported in our first five reports. The bail reforms under the ODonnell Consent Decree have saved Harris County and residents many millions of dollars, improved the lives of tens of thousands of persons arrested for misdemeanors, and these large-scale changes have produced no increase in new offenses by persons arrested for misdemeanors.
 - *Overall, the work suggests that repeat offending by persons arrested for misdemeanors has remained stable in recent years.*
 - The numbers of persons arrested for misdemeanors have declined.
 - The numbers of those arrested for misdemeanors who had new charges filed within one year have also declined.
 - The analyses conducted show:

Misdemeanor Case and Defendant Characteristics

- The number of misdemeanor arrestees has declined by approximately 20 percent between 2015 (N=49,438) and 2022 (N=39,738).
- The count of misdemeanor cases has noticeably declined between 2015 (N=60,727) and 2022 (N=47,750).
- The number of people arrested for misdemeanors with co-occurring felonies has consistently increased and more than doubled between 2015 (N=1,224) and 2022 (N=3,121).
- As documented in our previous reports, the gender composition of the misdemeanor arrestee population in Harris County has been very stable over the past years.
- The racial distribution of misdemeanor arrestees has also remained very stable, with Black and white persons accounting for approximately 40 and 60 percent of the misdemeanor arrestees in Harris County, respectively.
- The share of Latinx arrestees has gradually increased from 37 percent in 2015 to 42 percent in 2019 but has remained nearly constant at 42 percent since then.
- Less than 20 percent of the misdemeanor cases filed in 2015 and 2016 belonged to one of the six carve-out categories, but this share steadily increased since then, reaching 35 percent in 2021. The share of carve-out cases somewhat declined in 2021 (31%).
- We find that the share of misdemeanor cases involving homeless persons has noticeably declined between 2015 (11%) and 2021 (6%), followed by a small increase in 2022 (8%).
- Among homeless arrestees, trespassing and theft account for a disproportionately large share of offenses. For example, 14 percent of misdemeanor cases filed against homeless persons in 2019 came from trespassing, while the corresponding rate was only 3 percent for non-homeless, non-mentally-ill misdemeanor arrestees.
- The share of misdemeanor cases involving a mental health problem (based on whether the hearing officer requested a mental health assessment within the past year) has gradually fallen between 2019 (25%) and 2022 (19%). These data, however, include only a portion of those who may have behavioral health needs.
- In 2022, 26 percent of arrestees with a mental health problem were charged with assault, while the corresponding share is 20 percent for homeless arrestees and 23 percent for other arrestees.

Bond Amounts and Holds

- Short pretrial detention, lasting two days or less, has become more common since 2015 (77% in 2015 vs. 85% in 2017).
- The share of longer pretrial detention lasting more than seven days has declined (12% in 2015 vs. 9% in 2017).
- Nearly 90 percent of the bond releases in 2022 involved either personal bonds or general order bonds, which should impose little financial costs on the arrestees. In contrast, 87 percent of the bond releases in 2015 involved secured bonds; this share fell to 21 percent in 2019 and 13 percent in 2022.

- In virtually all misdemeanor cases prior to 2019, the initial bond amount set was \$500 or more—in contrast, in 2022, bond amounts of \$100 or less were observed in about two-thirds of the cases.
- As of 2022, the sex, racial, and ethnic disparities in pretrial release on an unsecured bond only amount to 1 (female vs. male), 2 (black vs. white), and 3 percentage points (Latinx vs. Non-Latinx), respectively. In 2015, those disparities had ranged from 10-17 percentage points.
- In 50,000 misdemeanor magistration hearings that took place between March 2021 and December 2022, the hearing officer ordered a personal bond in 72% of misdemeanor bail hearings, a secured bond in 26% of cases, and denied bond in only 1 percent of cases.
- Indigence status information was available in only 60 percent of the hearings. In cases in which indigence status was recorded, the person was considered indigent in about 85 percent of cases.
- In 2021, homeless persons (47%) and persons with a mental health problem (41%) are more than twice as likely to experience a bond failure, compared to other arrestees (17%).

Case Outcomes

- The share of misdemeanor cases that resulted in a criminal conviction has substantially declined between 2015 (60%) and 2021 (19%), while the share of cases dismissed or acquitted has risen from 31 percent to 56 percent.
- Of misdemeanor cases filed in 2020, 13 percent remain undisposed, and 23 percent of the cases filed in 2021 remain undisposed.
- Once undisposed cases are excluded from the analysis, the rates of dismissal and conviction have remained very stable between 2019 and 2021.
- Misdemeanor guilty pleas have also been less common since 2015. While 33,644 misdemeanor cases filed in 2016 resulted in a conviction through a guilty plea, only 12,972 did so in 2019, 10,104 in 2020 and 9,280 in 2021.
- Misdemeanor cases filed against homeless persons are more likely to remain undisposed than other types of cases. Among homeless persons, the share of undisposed misdemeanor cases is 11 percent for cases filed in 2019, 16 percent for cases filed in 2020, and 27 percent for cases filed in 2021. These shares are considerably higher than the shares of undisposed cases among mentally ill persons (6% in 2019, 11% in 2020, and 20% in 2021) and non-homeless, non-mentally-ill persons arrested for misdemeanors (8% in 2019, 13% in 2020, and 23% in 2021).
- In most cases with pretrial supervision requirements (about 90 percent of the time), the arrestee was released on a bond shortly after the case filing date. However, despite this additional supervision, these supervised cases are more likely to result in a bond failure than unsupervised cases (30% vs. 17% in 2020; 29% vs. 18% in 2021). Moreover, cases with supervision conditions are more likely to result in a conviction than unsupervised cases (31% vs. 23% in 2020; 32% vs. 20% in 2021).

Repeat Offending

- The number of persons arrested for misdemeanors who had a new criminal case filed within a year has declined from 2015, when it was 11,381 persons, and 2021, when it was 9,141 persons.
- The share of persons arrested for misdemeanors who had a new criminal case filed within a year has changed minimally between 2015 (23%) and 2021 (23%).
- Persons flagged as homeless or mentally ill are much more likely to experience a new arrest within one year of the initial case filing date. For example, the one-year repeat arrest rates of homeless arrestees and mentally ill arrestees in 2019 (40% and 38%, respectively) are more than twice as high as the repeat arrest rate of other arrestees (18%). The magnitude of this re-arrest disparity is nearly constant across all years (2019, 2020, and 2021) and offense types considered (total arrest vs. felony arrest).

Programs to Increase Court Appearance

- Harris County has made positive progress on each of the three requirements of the Consent Decree to reduce court nonappearance. A study was completed by Ideas42 in July 2022 and a detailed plan for new evidence-based programming to mitigate nonappearance is set for approval by Commissioners Court.
- In November 2021 redesigned citations, bond forms, and case re-set forms were introduced for more user-friendly notification of court dates; and a court date reminder system including text, telephone, and email options was fully implemented in February, 2022.
- Between February 26, 2022 and January 26, 2023, a total of 18,486 misdemeanor-only cases representing 13,139 individuals were messaged at least once with a court date reminder message. However, notification rates seemed lower than expected. Of 34,468 first-time case bookings, fewer than one in three (31%) received court date reminders.
- In the process of examining what might explain low enrollment levels, it was uncovered that some people who had signed up for reminders were not present in the court notification system. Further investigation found several problems that are currently being addressed by stakeholders.
- Specific concerns include the following:
 - The role of law enforcement officers in signing up defendants for court date reminders is unclear.
 - There is no path for cases enrolled by Pretrial Services staff on GOB or personal bond forms to be transmitted to the JWeb Party record where notifications originate.
 - There is no opportunity for defendants being released from custody on a cash bond to enroll for court date reminders.
 - Surety bond companies currently use an expired bond form that does not contain the court date reminder signup option.
 - The court date reminder enrollment space on the case reset form is unused.
 - Defense attorneys are unable to check the enrollment status or content of court reminder messages on behalf of clients.
 - Without an affirmative “opt out” indicator it is not possible to be certain that every defendant has an opportunity to enroll for court date reminders.

- We find disproportionate court notification enrollment among the highest risk defendants and those with the most complex cases: people with mental illness and homelessness; who live furthest from the courthouse; who are denied bond and face lengthy detention; who have carveout charges, multiple bookings, bond failures, and warrants against their current charges; or who have a criminal past including felonies, misdemeanors or bond failures.
- Because these characteristics may increase propensity toward nonappearance, any analyses of the effect of court reminders on appearance rates would be skewed. Nonetheless, the effect of reminders on appearance and costs remains an important question that will be prioritized as the system is improved and more valid data becomes available.
- The County is presently addressing these issues.
- However, it is important to underscore that people may have been expecting to rely on these notifications for their court dates and did not receive them.
- These issues highlight the need for simpler ways for people to check on their upcoming court appearances and be notified of them.

- **Next Monitoring Steps:**

- Assist in further implementation of improvements to pretrial hearings and accompanying procedures to facilitate compliance with the Consent Decree.
- Review County plans that follow recommendations made in NAPD indigent defense study and Ideas42 court appearance study.
- Conduct further data analysis regarding vulnerable populations and cost analysis.

Table of Contents

<i>Introduction</i>	1
I. Community Viewpoints	1
II. Policy Assessment and Reporting	2
III. Data Analysis	11
IV. Cost Study and Project Management	50
V. Our Work in the Next Six Months	67
<i>Appendix</i>	68
A. The Monitorship Structure	70
B. Community Working Group	71
C. Monitor Team Bios	73
D. Organizational Chart	78
E. Year 3 Statement of Work	82
F. Forms Used to Enroll in Court Date Notifications	95
G. Court Notification Language by Communication Method Used	102
H. Consent Decree Tasks and Milestones	106

Introduction

On March 3, 2020, Professor Brandon L. Garrett at Duke University School of Law, was appointed to serve as Monitor for the ODonnell Consent Decree, along with Professor Sandra Guerra Thompson, University of Houston Law Center, who serves as the Deputy Monitor. The Monitor team includes research experts from the Public Policy Research Institute (“PPRI”) at Texas A&M University, and the Wilson Center for Science and Justice (“WCSJ”) at Duke University School of Law.

Our role is wholly independent of any of the parties in the ODonnell case. Our role is to report to the federal court regarding the progress of this Consent Decree. We were appointed because the prior system of misdemeanor bail was found unconstitutional after years of litigation, which we took no part in, and which the parties settled prior to our appointment. As such, our work pertains only to misdemeanor cases in Harris County.

The parties envisioned a seven-year term for the monitorship because the ODonnell Consent Decree sets out a comprehensive plan for misdemeanor bail reform. People mean different things by both the term “bail” and the phrase “bail reform.” Harris County is implementing a quite comprehensive model for misdemeanor cases, which governs more than just decisions whether to release a person or detain them pretrial. First, at the point of arrest, there are required releases for low-level misdemeanors. Second, for those defendants not entitled to release without a hearing, magistrates conduct bail hearings. The Consent Decree requires public defense representation, discovery and due process protections, making the hearings far more robust. Third, the Consent Decree aims to increase court appearance rates over time with sound rules and supports to help people comply with legal obligations, including new court appearance rules and electronic court notifications. Fourth, the Consent Decree calls for evaluations of the system, including third-party recommendations regarding indigent defense and court appearance, and a publicly accessible data portal, with responses in progress.

For those reasons, we emphasize that the Consent Decree is a long-term undertaking, with key pillars implemented, but others still in progress. These improvements will require assessment and implementation over time. Thus, while we have described in our reports highly positive results, we will continue to update our findings over time. In this sixth report, we describe how key pillars of the Consent Decree are now in place. Additional implementation remains in progress, including responses to recommendations regarding improving court appearance, court notifications, and indigent defense in misdemeanor cases in Harris County.

I. Community Viewpoints

The Role of Trauma in the Criminal Justice System: Women, Foster Children and Veterans

In this third edition of *Community Viewpoints*, the ODonnell Monitor team explores the topic of Harris County’s misdemeanor bail system and the effects of trauma on people who find themselves in jail, in particular, women, foster children and veterans. Deputy Monitor Sandra Guerra Thompson interviewed Sybil Sybille and Tara Grigg Green, two members of the Community Working Group, a group of community leaders who meet monthly to advise the Monitor team.



Sybil Sybille served as a Fellow for the Texas Advocates for Justice and Grassroots.org in Houston. She has recently taken a different position within the organization in Austin. Sybille is a military veteran and survivor of childhood sexual violence and stabbing, as well as sexual assault in the military. During her life, she nearly died of drug overdoses on seven occasions. Convicted of organized crime, she served time in a Texas prison. Since her release, she has completed a college certificate program and was certified in 2015 by the Texas Department of Health Services to provide Peer Recovery Coach Training. In 2017, she received a training certificate in Veterans Court Advocacy and Mentoring for Peers. In her work for Texas

Advocates for Justice she has testified before the Texas legislature regarding a bill to support trauma-informed training for staff within the criminal justice and juvenile justice systems. She has also advocated for policies to “ban the box” to eliminate the check box on job applications which requires disclosure of criminal convictions. She believes this practice poses the greatest barrier for those reentering society.



Tara Grigg Green is the Co-Founder and Executive Director of Foster Care Advocacy Center. Prior to founding Foster Care Advocacy Center, Green was a Staff Attorney and Skadden Fellow in the Houston office of Disability Rights Texas. There, she helped develop the Foster Care Team to provide direct representation to foster children with disabilities in state child welfare cases, special education litigation and Medicaid appeals. She authored an Amicus Brief in *M.D. v. Abbott*—class action litigation seeking to reform the Texas foster care system—cited by the Fifth Circuit in affirming the State’s liability.

She has consulted on child welfare policy issues for organizations such as Casey Family Programs, the ABA Center on Children and the Law, the Texas Children’s Commission, and the United States Children’s Bureau. Green has published law review articles and research papers on the constitutional rights of children and families and quality legal representation in child welfare proceedings. Her passion for this field comes from her family’s experience as a foster family caring for over one hundred foster children. She has received many awards and was recently named the National Association of Counsel for Children’s Outstanding Young Lawyer. Green clerked for the Hon. Micaela Alvarez of the U.S. Southern District of Texas in McAllen. She holds a J.D. from the University of Pennsylvania Law School where she was a Toll Public Interest Scholar, a M.P.P. from the Harvard Kennedy School of Government where she was a Taubman Fellow, and a B.A. from Rice University.

Considering The Full Spectrum of Safety Concerns Relating to Bail

The ODonnell Consent Decree requires the release of most people charged with misdemeanors without requiring that they pay money, except for people charged with some offenses that have public safety implications like domestic violence, a subsequent drunk driving charge, or someone already out on a bond or who has a pending warrant. The latter cases are decided initially by judicial magistrates. Sybille thinks the rule requiring that most people be released without having to pay in misdemeanor cases greatly promotes social justice and liberty: “Being afforded bond is a great thing. Poverty is not a crime, and denying a person a bond due to their poverty is unconscionable.”

Under a financial bail system, innocent family members often face hard choices in deciding whether to pay for a loved one's release. In her case, Sybille's mother had to decide whether to put up the title to her home as a means of affording Sybille's bail. She says, "This house had been in our family for all these years, and if I by any means I had slipped up [while out on bond] or there had just been a paperwork error—there goes everything my mother has worked for; there goes my family's homestead." Families often choose between their loved one's liberty and giving up the money they need to pay for basic necessities, and sometimes they put up their assets, such as cars, to afford a surety bond.

Constitutional law requires that the bail process release people who can be safely released. On rare occasions, violent crimes are committed by people out on bond. However, the ODonnell misdemeanor bail rules have been shown not to contribute to violent crimes. Moreover, Sybille worries that the media tends to highlight "just black and brown people . . . [this portrayal] is where the disparity lies" she says.

Green agrees that the media portrayal can give a skewed picture. She says, "We see this in the child welfare space [in coverage when there's] a dead child. You can always craft a narrative from the most extreme circumstances if those are the only stories that you're telling. You can craft a different narrative than what the data says." Similarly, in coverage of local crime, she says that the news reports will exclaim, "Oh, my gosh! That guy got released, and he killed someone—we need to lock everyone up!" The reality that she sees is more complicated than that. She recounts the story of a teenage foster child in Houston: "I have a client who got raped in jail and contracted HIV, and that experience ruined so much of his life." After being sexually assaulted by a man in the jail, Green's client "attempted suicide three times in the jail, and he starts acting like he has no ability to manage his emotions, even attempting arson in the jail and picking up more serious charges." She notes that the media focuses mostly on what happens when people are released without considering what happens when people are jailed pretrial. Under Texas law, a seventeen-year-old child is considered an adult and will be jailed alongside adults. The children Green works with typically have no one to bail them out if they are arrested. The result, she says, "are violent crimes happening to children and low-level offenders in jail that are way worse than any crime they would ever commit if released."

Another client she had was an 18-year-old with severe intellectual disabilities who was living in an institutional home for people with such disabilities. Green explains that one day she got agitated and got into a physical altercation, and the police were called. Before police arrived, she had been de-escalated and had gone to sleep, but she ended up being awakened and arrested anyway. A financial bail was required in her case, as was required in most misdemeanor cases before the ODonnell lawsuit. The home where the girl was living could not pay her bail, so Green says, "She stayed in jail for a very long time, months on end." Even worse, "she was secluded because she had an intellectual disability and a mental health illness, so they kept her by herself, essentially in solitary confinement." Green says that "it didn't take long for her to start unraveling, always crying, and, she had previously been pretty stable but now she's getting farther and farther from emotional and mental stability." Had this event occurred post-ODonnell, the girl, who had no prior arrests, would have been entitled to nonfinancial release, and she would have returned to the home promptly.

Regarding foster children arrested for minor crimes, Green says, "Thinking about their safety, they don't deserve to be in jail, they haven't been found guilty, so why would we expose them to great risk and great harm?" Green argues that when the media focuses only on crimes committed by

people who are released, an important part of the story “is really getting lost when all you hear are the extreme stories about people who get out and hurt someone.” She adds, “My heart breaks for those families and those victims and the survivors of those victims, but that is not the full spectrum of the story.” We should be mindful, she says, that violence and deaths happen too often in jails as well, and people can be detained for long periods before they get their day in court. “Then subsequently that trauma ruins their lives, and for what?”

Trauma: A Root Cause of Crime, Made Worse by Jail

As a military veteran, Sybille well understands the issues that can lead some veterans to be arrested. In her case, she says, “I have mental health issues, and because of the stigma associated with mental health issues a lot of people don’t get the help that they need.” She adds, “Many of the people, the veterans, who cycle in the system suffer from mental health problems like PTSD and depression.” Oftentimes “they’re self-medicating so we have those that are dual diagnosed: they’re not just dealing with mental health; they’re using substances as well.”

These mental health problems can affect how a person reacts when a police officer or jailer talks to them. Sybille, a certified trainer of trauma-informed communication, teaches the communication skills that one can use to help survivors of trauma to stay calm in a stressful situation. She explains, “It is all in the language of how you speak to people, to make them feel safe, to help them feel safe enough to give you the information that you’re requesting.” Further, she gives simple examples that public officials should understand, “When you’re talking to a person, don’t touch them. Don’t talk with your hands.” Instead of an authoritative encounter, she says, “Say ‘hi, let’s sit down,’ and have the environment be as relaxed as possible.” When dealing with a person who has suffered trauma, “we don’t want to show authoritative stature; you want to show mutuality—‘I’m the same as you.’” Proper communication can facilitate a better understanding of the veterans’ needs when they enter the jail. She explains that “without identification of the problem, we’re going to continue to cycle in and out because nobody is helping [these veterans] who don’t know how to ask for help themselves.”

Green explains that the experience of trauma is not a purely emotional experience; it has physiological effects. She says, “trauma literally changes people’s brain chemistry, especially for a young person.” This is true for all trauma survivors, but childhood traumas are especially problematic because “at a time when your brain is developing connections and executive function which is critical to manage emotions and impulse control, those neurological pathways are physiologically altered after a child has gone through trauma.”

For her part, Green has literally lived up close with survivors of trauma, as the daughter of parents who have dedicated their lives to caring for children in need. Green shared her childhood home with over a hundred children who her parents fostered, many with serious intellectual and emotional challenges. The children she grew up with had suffered many traumas that caused them to act out in different ways. These experiences inform her view of the ODonnell misdemeanor bail rules. As she explains, “rarely does even a low-level offense happen without the actor having some sort of underlying trauma, family disruption, victim of violence, or something that has led them even to a low-level offense. And so, I think we have to peel back even more and ask, ‘What trauma services are we giving for children who are sexually abused or otherwise traumatized?’”

Sybillie agrees that traumas often originate in the home, “when you have unaddressed childhood experiences, and you’ve never had therapy, your behavior on the outside is okay but everything is suppressed.” At a later point, she says, “Something major happens, and your behavior becomes erratic, and you’re no longer this person that everybody can depend on.” The problem for most people is they don’t know where to seek help, she says.

As an advocate for foster children, Green worries about the inaccessibility of services for child trauma survivors who have no supportive family unit. These children, she says, end up with “housing instability as young people—18, 19, 20, 21 years of age—it is such a crucial time. ”It’s so hard for them to get stable housing, especially once they’ve aged out of the foster care system” which happens at age 18. Predictably, Green says “a transient existence can often lead people into a survival mode.” Even children still in the foster system can end up essentially homeless, with no foster home available and only accommodations in hotels or church gymnasiums provided by the child welfare system. Removing children from their homes, itself a very traumatic event, means putting them in a system where they go in and out of foster placements. (Foster parents can terminate a placement for any reason. And all of this happens to them after they have experienced serious trauma in their homes, Green says. This is how children end up essentially on their own just trying to survive. The lack of a supportive, stable home life means “they steal because they need the money for survival; they break into cars to sleep in them.” The process can also create a “pipeline for children to be sexually exploited.”

Not surprisingly, as Green explains, these teens “also get in fights with other youth, and that is most often where the police are called, and then they go in jail, and jail is not a more appropriate place for them because we’re talking about 17 year olds.” When we hear about a young person who is arrested for a crime, Green urges that “we have to start asking collectively as a community, ‘but why?’ because it is very rarely true that they are just bad kids, with ruthlessness in their hearts who have no care for anyone else—that’s just not usually the answer.”

In the end, Sybillie reminds us that we should remember “the human component” when dealing with trauma victims. She says, “we have to be mindful that we’re all human beings, and we all have been traumatized by something at some point in our lives, just some not as much as others.”

Building a More Effective Justice System

Rather than emphasizing bail bonds as a way to protect the public, Sybillie believes that society can accomplish more through crime prevention. She explains, “One cannot predict with 100% accuracy whether a person will reoffend or not. So many pieces are moving and at play, so many barriers, and not enough support.” She notes disparities in the quality of representation between whites and people of color as a contributor of the system’s disparities that ultimately lead to hopelessness and more criminality. Sybillie says, “The public wants safety, but what is the public doing to set those marginalized, impoverished folks up for success?”

Sybillie envisions a different future for the justice system than continued reliance on an overcrowded jail. She says, “When we think about efficacy and the things we can do as a community, let me say first that we have to begin by having a forgiving mindset and heart because people make mistakes.” Rather than turning to jails as the solution, she urges “provide services by addressing the immediate need, such as employment.” She believes justice can best be achieved through a coordinated effort with community service providers. “We have community services within criminal

justice advocacy organizations, so we should set up connections with organizations like ours that could play a huge role.” By helping people to apply for jobs and to obtain proper clothes for interviews, Sybille argues that we can target the root causes of much criminality.

Green and Sybille both argue that society should provide more services, especially housing, for survivors of trauma who so often land in jail because of their traumatic experiences. Sybille also points to the need for programs to address substance abuse. She spends much of her time “being around other system-impacted people,” and, she has seen that “having people doing positive things for them can have a huge benefit.” She adds, “We must redirect from a punitive system to a rehabilitative system, providing alternative resources to fill the gaps in the needs.”

In the end, Sybille urges us all to support efforts to help system-involved people turn their lives around:

I know well the fight for dignity, mutuality, and respect. I have to fight for those things simply because I have a criminal record, but I am not my record. And it is up to me to change the narrative: People make mistakes, and people can change.

As for what society can do, she says, “We must be bridge-builders by embracing all our community. Let’s be a part of the solution for that.”

II. Policy Assessment and Reporting

In this sixth report, we describe our work, focusing on the time period following the completion of our fifth report on September 3, 2022.¹ Our goal is to assess the implementation of this Consent Decree and assist officials in Harris County in meeting their goal of making the Harris County misdemeanor system a national model. Our work continues to be informed by regular conversations with County stakeholders and an intensive analysis of court records, ranging from docket entries to videos. We have welcomed suggestions from Harris County officials, local stakeholders, and the public, and we look forward to future conversations. As our Monitor Plan described, during this time period, we have:

- (1) Conducted regular meetings with the parties to discuss progress under the Consent Decree, as well as conducted regular meetings with hearing officers, judges, and a wide range of stakeholders.
- (2) Conducted an in-person site visit.
- (3) Approved a proposal for the County to retain outside vendor to conduct refresher training, and reviewed a report by outside vendor concerning court appearance.
- (4) Continued to convene the Community Working Group.

¹ We started our work upon our appointment on March 3, 2020. In the motion to appoint us as Monitor, our submission to the Court included a Proposal and Budget for Year 1 of work, which describes our team members, timelines, an organization chart, and a budget for all participants. That information, and subsequent Work Plans, are available on our Monitor website (<https://sites.law.duke.edu/odonnellmonitor/>). Our Year 3 Work Plan is included here as Appendix E.

- (5) Continued data collection and analysis and incorporated this work into the sixth six-month Monitor Report, as well as advising on development of a public data dashboard.

A. Policy Assessment

This Report describes our work reviewing the implementation of a range of policies under the Consent Decree. We held our most recent site visit on October 7, 2022. We had valuable meetings with the parties and a wide range of professionals who work in the misdemeanor bail system in Harris County. We were particularly grateful to the District Attorney's Office and the Harris County Criminal Courts at Law Judges for inviting us to observe misdemeanor dockets.

Unfortunately, we have continued to see delays in processing individuals for release, as well as in conducting hearings and bail review. Though improvements have allowed us to better identify some of the cases featuring such delays, we are seeing unacceptable lags in responding to concerns about Consent Decree violations. Sadly, one of these delays turned fatal. A man named Jacoby Pillow was arrested on January 1, 2023, for a GOB-eligible misdemeanor trespassing charge and was referred for a mental health evaluation, according to public reporting. According to reporting on the case, he was to be released on a \$100 personal bond, but there was some delay during the release process. He was restrained, later found unresponsive, and taken to a hospital where he died.² We understand an investigation is underway concerning these events. As monitors, our focus is on the Consent Decree and the delay in processing the person's release in the first instance, as well as the failure to respond promptly when cases are brought to the parties' attention.

One common theme in the cases involving similar delays is that the individuals involved frequently belong to vulnerable populations. Often they are homeless, have behavioral health needs, or both. Even in the most low-level arrests, these persons spend far more time in the Joint Processing Center than other persons normally would. They may be unwilling or unable to sign a bond form or unsure of what they are being asked to sign. They may not be taken to a bail hearing or to court for a bond review, because they are deemed to be unresponsive or combative. Counsel may not be appointed as a result. Their cases may be delayed while a medical evaluation is occurring. We describe below data concerning persons who are homeless or persons for whom the magistrate ordered a mental health assessment (which serves as a proxy of an arrestee's mental health status). While additional medical screening and care for persons with behavioral health needs is certainly warranted, that process could be expedited. The delays that occur when handling cases involving vulnerable persons can and do result in Consent Decree violations.

In response to the growing number of cases involving delays, we began conducting daily reviews of the time log showing how many hours each misdemeanor arrestee has spent in the jail, to closely examine those in which a person spent over a day. We have regularly found cases in which people did not receive a timely release or bail review, as well as other processing problems that appear to have led to Consent Decree violations. As an initial step, in Fall 2022, the Office of Justice Safety (OJS) created a useful portal to report potential Rule 9 concerns and for the parties to share information and steps taken in response.

² Sam Gonzalez Kelly, *Man Held on \$100 Bond for Misdemeanor Arrest is First Harris County Jail Death of 2023*, Chronicle, Jan. 4, 2023.

The monitors and parties have long agreed on the need for better ways to detect and prevent these errors, since our own spot-checking is no substitute for a robust and automated system. In addition to potentially violating the Consent Decree, unnecessary detention of persons in the jail is harmful to individuals and quite costly to the County. Recently, we have had productive conversations with the parties regarding the creation of such a system. Presently, OJS is working on additional data that could be imported to flag cases in which a person did not receive a timely bail hearing or bail review, in order to more automatically flag such issues. More resources need to be dedicated to reviewing cases of persons who receive prolonged and unwarranted detention, including in violation of the Consent Decree. We are extremely grateful for the preliminary work to build an improved system to permit all of the County actors to prevent delays and errors in case processing.

These conversations have also included discussions of how to improve procedures when persons arrested have behavioral health needs. The interactions between Pretrial Services, the Harris County Sheriff's Office, and the judges are all important to treating such individuals with care and in compliance with the Consent Decree. Two larger goals have been discussed: (1) resources to review, ideally automatically, the list of individuals in intake for misdemeanors, to better prevent and detect delays and errors; and (2) improved procedures and resources for individuals with behavioral health needs. In addition, failure to timely appoint counsel has resulted in violations, where we have seen examples in which individuals' cases go forward and yet they have not received or seen a lawyer, and we continue to discuss ways to improve that process. Making system improvements would both ensure fairness and promote public safety.

Below we describe: (1) studying pretrial hearing outcomes and changes to the magistration hearing process; (2) work with agencies including the Harris County Sheriff's Office; (3) work with the CCCL and the Office of Court Management; and (4) Pretrial Services. We also describe engagement with nonparties, (5) the Harris County Public Defender's Office (HCPD) and the relatively new Office of Managed Assigned Counsel (MAC).

1. Studying Magistration Hearing Outcomes

We have continued to examine data regarding misdemeanor bail hearings as well as view videos from magistration hearings. We have continued to examine the text of Hearing Officers' pretrial rulings in misdemeanor cases. Among Hearing Officers, we have observed more detailed rulings that better track the process and requirements of Rule 9 and the Consent Decree from most of the magistrates. One ongoing area for improvement continues to be the need for factual findings regarding why or whether, when pretrial conditions are set, there is clear and convincing evidence that no less restrictive conditions can reasonably assure community safety and protect against flight from prosecution. We have shared a series of examples with the Hearing Officers to illustrate where inadequate or conclusory explanations persist. We underscore that we continue to be impressed by the way in which the vast majority of rulings display real attention and care.

We also continue to observe videos of misdemeanor pretrial hearings conducted, both selecting hearings at random and when individual cases are brought to our attention. We watched several dozen hearings from Fall 2022. By watching these videos, we have learned a great deal about the important and challenging work of hearing officers during these hearings. We note one ongoing theme that the parties and the Hearing Officer often do not discuss with any detail whether or which non-financial conditions of supervision should be imposed upon release. More broadly, we hope that the continued conversations and the new set of trainings on Rule 9 and the Consent Decree will

improve outcomes and consistency in bail hearings at magistration and also at bail review hearings in the Judges' courtrooms. We continue to explore the feasibility of additional changes that can improve the quality, fairness, and efficiency of the bail hearing process. We are extremely grateful for ongoing feedback and collaboration with the Hearing Officers.

2. Harris County Sheriff's Office

The Harris County Sheriff's Office ("HCSO") plays a central role in the Consent Decree's success, including by facilitating a wide range of logistics regarding booking, hearings, and release. We are grateful for their cooperation in implementing numerous improvements to the systems used in the past. We continue to discuss additional improvements, including implementing processes to quickly identify individuals who have not received a timely hearing or bail review, or who otherwise have not received the process due under this Consent Decree. As noted, we have continued to learn of cases in which persons did not receive the process that they are entitled to receive under this Consent Decree. Many have involved particularly challenging cases involving persons with behavioral health needs, and procedures that involve other actors, including Pretrial Services and judges. As noted, we have been combing data to examine cases and bring issues to the attention of the Sheriff's Office and the other parties. We have seen cases which should have been GOB releases, where the person was instead held for a bail hearing. We understand that the converse can also occur, where a carve-out case is erroneously designated as a GOB. We have seen cases in which a person did not receive a timely bail hearing within 48 hours. We have seen cases in which the person did not receive the bail review, as required, the next business day after a bail hearing, or the hearing was waived even though the person had not met with counsel. The information regarding cases that have not been timely processed should be communicated to all stakeholders so that the relevant agencies can respond on an urgent basis. Instead, to date, either we have identified issues ourselves, or public defenders or Class Counsel have identified them. It is imperative that a quality control process be implemented so that these delayed cases can be flagged within HCSO for urgent remedial action.

An improved and well-established process is needed to proactively identify errors or delays *before* they result in violations of the Consent Decree as well. The goal is for this Consent Decree to be self-implementing, without the need for monitoring. The systems needed to prevent and detect errors, however, are far from adequate at the present time. As described, we continue to discuss with all of the parties, plans for improving the procedures and interdepartmental communication to detect errors and reduce the time it takes to release people after making bond.

Regarding persons who are homeless and have behavioral health needs, we also hope Harris County further improves the availability of community reentry services so that people released will be safe and have a means of getting home or to a shelter, no matter the day or time they are released. We are impressed with the Pretrial Services pilot program in partnership with the Harris Center and related efforts during our last site visit. We are incredibly grateful and fortunate to work with such responsive county officials.

3. CCCL: Court Appearance and Notifications

An important pillar of the Consent Decree reforms has been the changed system for court appearance. The County is completing a non-appearance mitigation plan. County funds have already been secured to implement that plan, once it is finalized. We have reviewed that plan and find it to be well-designed and valuable.

The need for new supports for court appearance is highlighted by our recent discovery, detailed in Part III of this report, that when people have signed up for electronic court notifications, they have often not been receiving them, due to a series of system failures. The Office of Court Management (“OCM”) and the County are addressing these process failures now that they have come to our attention.

We also underscore the importance of having sound information regarding court appearance. We will also continue to work with the County and the Judges to improve the data collection system concerning court appearance, as well as improve court appearance outcomes. Further, OCM has conducted regular trainings on the new court appearance system and terminology with court coordinators and clerks, and will continue to do so, to improve the quality and consistency of data collection.

Aa central focus of our work under this Consent Decree are the magistration hearings which are overseen by the Judges. The County retained the National Association of Public Defense to conduct a study of Harris County’s indigent defense system. The report noted the need for prompt appointment of counsel at magistration. Currently, the Judges have not authorized magistrates or other judicial designees to appoint counsel prior to the first appearance. Thus, it often takes seven days for counsel to be appointed to handle misdemeanor cases, and we have seen that sometimes it has taken more time than that. Prompt appointment of counsel would enable the information obtained by the public defender at magistration to be promptly conveyed to whoever represents the person throughout the rest of the case. Prompt appointment of counsel will also have the highly beneficial effect of promoting appearance at the first appearance, as well as establishing a relationship with counsel that would promote appearance and sound representation during the entire process. Further, prompt appointment would prevent violations in which a person is wholly unrepresented at a bail review hearing or as a case proceeds. We have participated in ongoing discussions regarding the logistics involved in ensuring that counsel is appointed promptly and view this as a critical improvement that would provide enormous benefits to Harris County. We hope that the County and CCCL Judges will develop a plan for prompt appointment as soon as possible.

We also highlight the need for improved data concerning the bail review hearings that judges conduct. We are grateful for the assistance of the OCM and their collaboration with OJS in efforts to better flag cases that do not receive that bail review. We are extremely grateful for the feedback and collaboration with the CCCL Judges and OCM.

4. Pretrial Services

Pretrial Services has begun to develop a range of improvements to their work, including changes that importantly impact misdemeanor cases. We have discussed the importance of ensuring that only the least-restrictive conditions necessary are imposed and have provided information about how imposing excessive conditions of release can be counterproductive, making it more likely a person will miss court and/or reoffend.

A noteworthy study was released by the Government Performance Lab at Harvard’s Kennedy School, finding that CCCL judges and Harris County Pretrial Services reduced the use of punitive conditions for over 2,200 clients on pretrial supervision while observing steady compliance and rates

of rearrest.³ This pilot project, conducted from October 2020 to June 2022, involved both pretrial staff and judges in reviewing condition placement within 30-120 days to adjust condition intensity and frequency. They would “step down” these conditions of supervision, resulting in substantial cost savings to the County, maximizing the freedom of clients, and, they found, achieving positive public safety results. We hope that there is strong interest in continuing this work among judges and Pretrial Services. Further, the work has implications for Hearing Officer, as well, as they consider conditions of supervision.

Pretrial Services has also had valuable conversations with us concerning what data may be available in the future, as new case management systems are implemented. Further, as noted, we have discussed procedures and possible improvements when persons with behavioral health needs are booked in misdemeanor cases. We are extremely grateful for the collaboration and efforts of Pretrial Services.

5. Public Defender’s Office and the Office of the Managed Assigned Counsel (MAC)

The Consent Decree emphasizes that “zealous and effective representation at bail hearings is important to protecting arrestees’ right to pretrial liberty and right against wealth-based detention.”⁴ Rule 9 and the Consent Decree require that a public defender is available to represent all individuals at bail hearings. Further, the Consent Decree envisions a process of continuous improvement in the public defense services provided at these hearings, including the retention of an expert in holistic defense services and the development of a plan for improving indigent defense.⁵ The County retained the National Association for Public Defense (NAPD) to: (1) evaluate its current misdemeanor indigent defense systems in Harris County; and (2) determine the need for essential support staff and holistic services to promote zealous and effective indigent defense. The NAPD’s report made a series of detailed recommendations.⁶ Harris County is completing its plans to respond to these recommendations. Some of those recommendations have been responded to already, but other work is in the planning stages.

III. Data Analysis

The ODonnell Monitor team continues to do substantial work, jointly with OJS, to prepare and improve a data management system to permit analysis of misdemeanor cases in Harris County. Some of the key data extensions made since the last monitor report include the addition of information on arrestees’ mental health status and pretrial supervision conditions. The availability of mental health status and pretrial supervision data, combined with misdemeanor arrestee address information, enables us to explore the key disadvantages and challenges faced by the vulnerable arrestee population in Harris County, namely, those experiencing housing insecurity, mental health problems, and/or special supervision needs. We are extremely grateful to OJS for their hard work throughout these months.

³ Hena Rafiq, *Building a Responsive Pretrial Supervision System in Harris County, TX* (2023), at https://govlab.hks.harvard.edu/building-responsive-pretrial-supervision-system-harris-county-texas?admin_panel=1.

⁴ Consent Decree at ¶37.

⁵ Consent Decree at ¶41, 43.

⁶ See *National Association for Public Defense Harris County Misdemeanor Assessment Report* (July 6, 2021), at <https://www.publicdefenders.us/files/Harris%20County%20Report%20July%202021%20FINAL.pdf>.

In recent months, OJS has also worked with several county government agencies, including the Harris County Attorney's Office (CAO), Office of Court Management for the CCCL (OCM), Harris County Office of Management and Budget, and Harris County Pretrial Services, to obtain new data elements regarding misdemeanor cases and arrestees and improve the quality of existing and new data elements. We very much appreciate their support and guidance, which helped us significantly expand the scope of our data analysis and gain a better understanding of the new data elements. Below is the summary of key data improvements made since our last report.

A. Mental Health Problem Indicator

In our second monitor report, we presented a preliminary analysis which explored the prevalence of mental health problems and homelessness among misdemeanor arrestees in Harris County and showed that homeless arrestees and arrestees with a mental health problem tended to experience higher rates of repeat arrest than other misdemeanor arrestees. We intended to further examine other important challenges faced by those "vulnerable" misdemeanor arrestees, but as noted in our third monitor report, we experienced a disruption in the data management system in 2021, which prevented us from conducting further analysis in our subsequent reports. We used this period of data outage to better design and improve our measures of homelessness and mental health conditions while waiting for the original data elements to be restored.

One of the key limitations of the previously available homelessness and mental health data was that they were recorded at the person-level without any temporal information, such as *when* an arrestee moved in and out of homelessness and *when* a bail magistrate determined the arrestee may have a mental health disorder. Thanks to the hard work done by OJS, we have created a new, improved measure of homelessness by utilizing information on the last address observed at the time of *each* case filing. Our last monitor report presented the prevalence of housing insecurity among misdemeanor arrestees in Harris County based on this measure of homelessness.

Since the last monitor report, we have also managed to obtain an improved measure of arrestees' mental health status. Specifically, under Article 16.22 of the Texas Code of Criminal Procedure, once the Sheriff's Office notifies a bail magistrate that the arrestee may be mentally ill, the magistrate needs to determine its reasonable cause by either referring to an existing mental health assessment of the arrestee from the previous year (if available) or requesting a new assessment from a local mental health and mental retardation (MHMR) agency. For this monitor report, we use whether and when the magistrate ordered a mental health assessment as a proxy of arrestees' mental health condition, and examine whether persons deemed to have a mental health disorder systematically differ from other arrestees in terms of demographic characteristics, case outcomes, and repeat arrest patterns. Although the results of individual mental health assessments should provide even more accurate and detailed information on arrestees' mental health conditions, the assessment results are not available to us.

B. Pretrial Services Supervision Data

Another key data expansion is the availability of pretrial supervision records, linked to each associated misdemeanor cases filed in the County. We are extremely grateful to the Harris County Pretrial Services, who generously shared their data and met with us to explain the data structure and its elements. Our preliminary data analysis, presented below, reveals that misdemeanor arrestees subject to pretrial supervision conditions, such as alcohol monitoring and no-contact orders, tend to

have higher rates of repeat arrests and bond forfeiture/revocation, compared to other misdemeanor arrestees. One potential interpretation of this finding is that the court and Pretrial Services often successfully identified arrestees with greater risks who need additional pretrial supervision than other arrestees. The high repeat arrest and bond failure rates among arrestees with pretrial supervision conditions also suggest that there remains room for improvement. Pretrial supervision programs and interventions that can successfully and effectively improve arrestees' subsequent criminal justice outcomes would yield substantial social benefits to the County. We also note that the county's criminal justice system could have a more direct influence on the quantity and quality of pretrial supervision conditions imposed upon misdemeanor arrestees. In contrast, addressing the homelessness and mental health problems among misdemeanor arrestees may require greater cooperation and collaborative efforts by multiple stakeholders in the county.

In this report, our data analyses examine the following topics:

1. Number of misdemeanor cases and arrestees.
2. Demographic characteristics of misdemeanor arrestees.
3. Number of misdemeanor cases that belong to "carve-out" categories.
4. Duration of pretrial detention and holds placed.
5. Initial bond decisions.
6. Magistration hearing outcomes.
7. Case dispositions.
8. Repeat arrest rate.
9. Homelessness and mental health assessment.
10. Pretrial supervision conditions imposed.

1. Number of Misdemeanor Cases and Arrestees

Our main data source is the case-level records on all Class A and B misdemeanor cases filed in the Harris County Criminal Courts at Law (CCCL) between January 1, 2015 and December 31, 2022, which was downloaded from OJS's database on January 27, 2022.⁷ A noteworthy sample restriction is that out-of-county fugitive cases (N=10,641) are removed from our analysis. Most of these fugitive cases simply result in the arrestee sent back to the requesting agency and thus are not directly related to the misdemeanor bail reforms in Harris County. In our previous reports, we included these out-of-county fugitive cases in most data analyses except when computing the rate of repeat arrests. This time, we decided to remove the out-of-county fugitive cases from all analyses to ensure the consistency of the sample used across all analyses.⁸ As before, we also remove all Class C misdemeanor cases from the sample, as they only involve a fine of up to \$500 without any jail time.

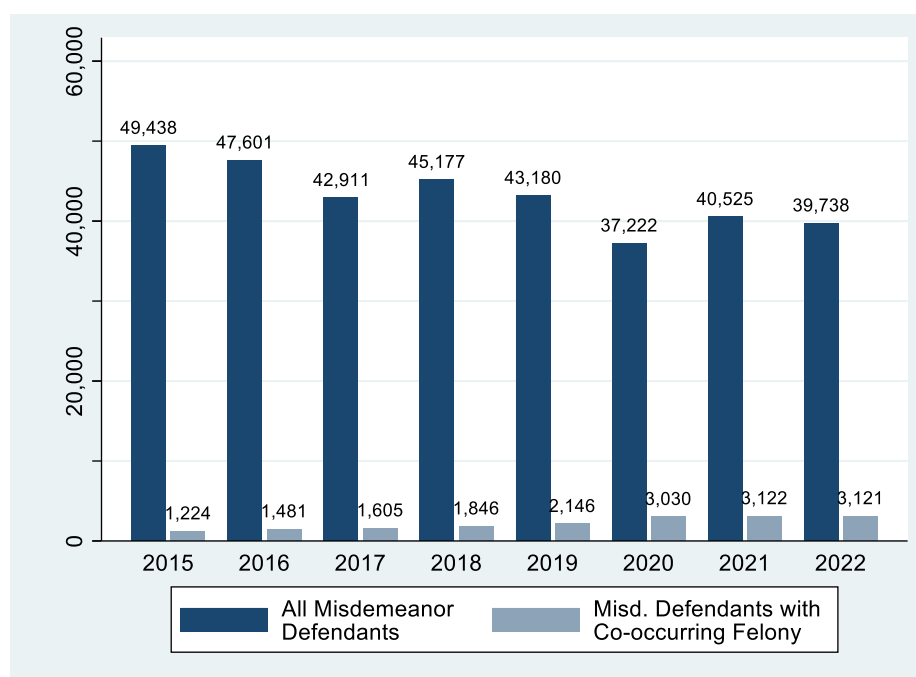
We begin our analysis by presenting the number of people arrested for misdemeanors in Harris County, by the year of case filing date. If a person is arrested multiple times during a calendar year, we count this person as a single observation. As shown in Figure 1, the number of misdemeanor arrestees has declined by approximately 20 percent between 2015 (N=49,438) and 2022 (N=39,738).

⁷ It is important to note the vintage date of our data, as a small number of cases may be sealed, expunged, or corrected over time, which will update and revise existing misdemeanor case records in the database.

⁸ Not surprisingly, removing these fugitive cases from the analysis slightly lowers the number of misdemeanor cases and arrestees but our findings remain very robust qualitatively.

Figure 1 also shows the number of people arrested for misdemeanors with co-occurring felonies, who were arrested for a misdemeanor *and* a felony on the same date and likely subject to different pretrial jail and bond policies from other misdemeanor arrestees. Unlike the total number of people arrested for misdemeanors, the number of people arrested for misdemeanors with co-occurring felonies has consistently increased during our study period and more than doubled between 2015 (N=1,224) and 2022 (N=3,121). It is also noteworthy that both the counts of total misdemeanor arrestees and the arrestees with co-occurring felonies changed remained very stable between 2021 and 2022.

Figure 1: Number of Persons Arrested for Misdemeanors by Year



The number of people arrested for misdemeanors, presented in Figure 1, understates the number of misdemeanor cases, as some individuals may be arrested multiple times during a calendar year, and some are charged with multiple offenses from a single arrest. In Figure 2, we present the number of misdemeanor cases filed each year between 2015 and 2022, as well as the number of misdemeanor cases with co-occurring felonies. The number of misdemeanor cases has also declined by nearly 20 percent between 2015 (N=60,727) and 2022 (N=47,750), while the number of misdemeanor cases with co-occurring felonies nearly tripled (1,324 in 2015 vs. 3,347 in 2022). Both numbers are higher than the person-level counts presented in Figure 1, but overall, it is evident that both the number of persons arrested for misdemeanors and the number of misdemeanor cases in Harris County have steadily declined in recent years.

Motivated by the offense categories used by the FBI's National Incident-Based Reporting System (NIBRS), we present the breakdown of the misdemeanor cases by the type of offense. Specifically, we linked the Texas offense codes to NIBRS offense codes using the crosswalk published by the Texas Department of Public Safety.⁹ Table 1 focuses on the five most commonly

⁹ The offense code crosswalk is available at: <https://www.dps.texas.gov/section/crime-records/nibrs-technical-documentation> (last accessed on February 5, 2023).

observed offense types, namely, assault, drug offense, theft, trespass, and weapon law violations, which together account for approximately one-half of all misdemeanor cases in Harris County. Despite the steady decline in the total number of misdemeanor cases (Figure 2), the changes in the offense type composition over time have been highly heterogeneous. For example, the shares of misdemeanor assault and weapon law violation cases have noticeably increased between 2015 (13% and 3%, respectively) and 2022 (23% and 9%, respectively), while drug offenses and theft have become less common.

Figure 2: Number of Misdemeanor Cases Filed by Year

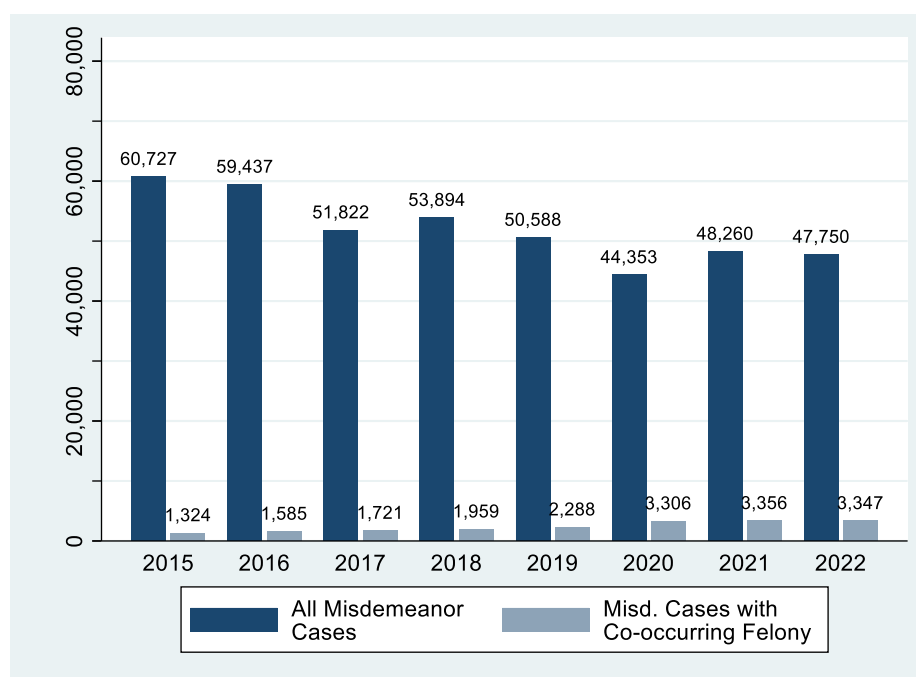


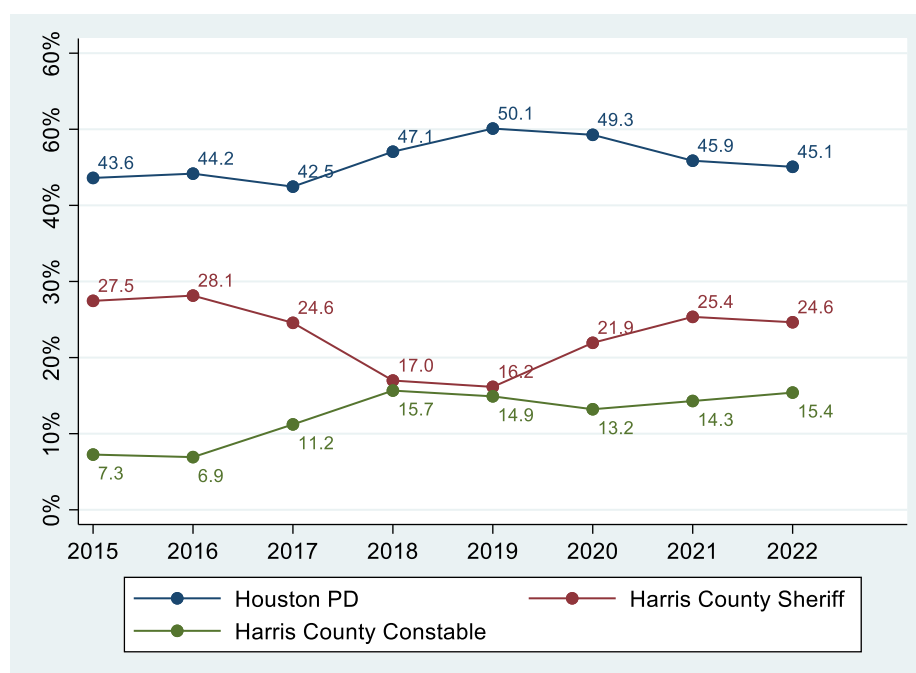
Table 1. Number of Misdemeanor Cases by Year and Offense Type

Year	Assault		Drug		Theft		Trespass		Weapon Violation		Others	
2015	7594	(13%)	9871	(16%)	9794	(16%)	5489	(9%)	1565	(3%)	26414	(43%)
2016	7779	(13%)	9499	(16%)	6843	(12%)	5860	(10%)	2156	(4%)	27300	(46%)
2017	7420	(14%)	4535	(9%)	5960	(12%)	5397	(10%)	2325	(4%)	26185	(51%)
2018	9752	(18%)	4747	(9%)	5464	(10%)	4600	(9%)	2322	(4%)	27009	(50%)
2019	9561	(19%)	2375	(5%)	6160	(12%)	2187	(4%)	2354	(5%)	27951	(55%)
2020	10682	(24%)	1008	(2%)	4051	(9%)	1575	(4%)	3486	(8%)	23551	(53%)
2021	11399	(24%)	987	(2%)	3706	(8%)	2167	(4%)	4718	(10%)	25283	(52%)
2022	11215	(23%)	726	(2%)	4399	(9%)	3056	(6%)	4251	(9%)	24103	(50%)

Figure 3 shows the share of misdemeanor cases by the originating law enforcement agencies (LEAs). The shares have somewhat fluctuated between 2015 and 2022, but for most of the time period considered, the Houston Police Department and Harris County Sheriff Office accounted for

nearly one-half and one-quarter of all the misdemeanor cases in Harris County, respectively, except that the cases originating from the Sheriff Office briefly declined in 2018 and 2019. While not shown in the figure, we also note that the share of misdemeanor cases originating from other municipal, school district, and university police departments (such as the Pasadena Police Department and University of Houston Police Department) has declined between 2015 (22%) and 2022 (15%). By contrast, the share of misdemeanor cases originating from the Harris County Constable has roughly doubled between 2015 (7%) and 2022 (15%). The Harris County Constable Precinct 4, one of the largest constable’s offices in the country, alone accounted for 6.4 percent of the misdemeanor cases in Harris County in 2022.

Figure 3: Share of Misdemeanor Cases by Originating Law Enforcement Agencies



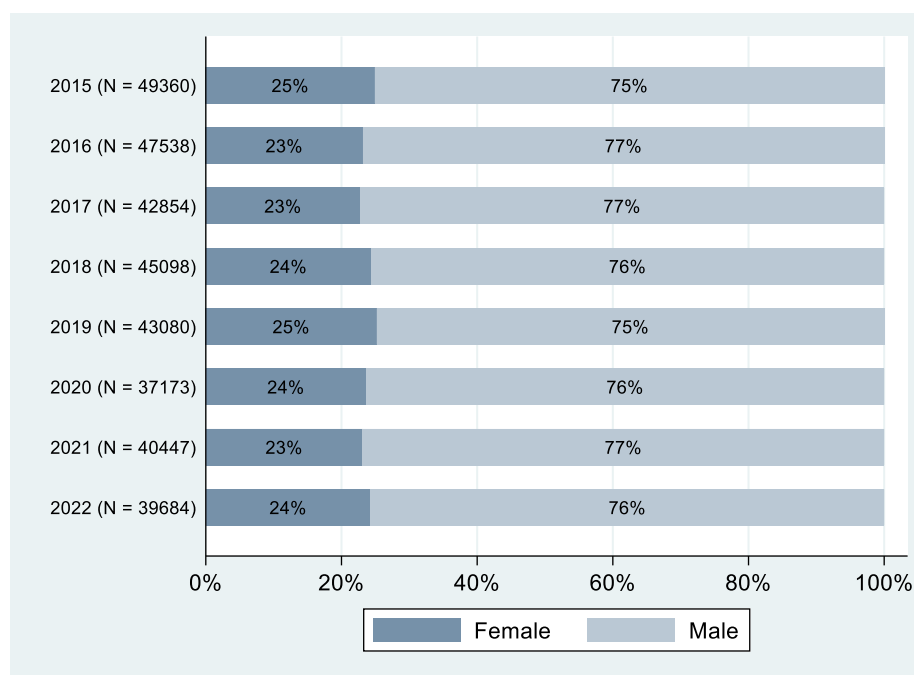
2. Demographic Characteristics of Misdemeanor Arrestees

We now examine the sex, race, and ethnic distributions of persons arrested for misdemeanors in Harris County and how they have changed over the last few years. Harris County follows the U.S. Census Bureau, in adhering to 1997 Office of Management and Budget definitions, in which a person may self-identify as having both races (with categories of White, Black or African American, American Indian or Native Alaskan, Asian, and Native Hawaiian or Other Pacific Islander) and ethnicity (Hispanic, Latino or Spanish).¹⁰ A person is allowed to choose one race category, and the existing data may not reflect how a person would self-identify if they were given the option to select more than one category or self-identify as a mixed race. Regarding ethnicity, we use the term Latinx throughout this report. As discussed in more detail below, information regarding ethnicity is not required to be filled out and is often not filled out by the Sheriff’s Office. As in Figure 1, we present in the figures below the sex, race, and ethnic distribution at the *person-level*.

¹⁰ More information about the race and ethnicity definitions used by the U.S. Census can be found at: <https://www.census.gov/topics/population/race/about.html>.

Sex information is available for virtually all misdemeanor arrestees in Harris County. For example, out of the 39,738 people arrested for a misdemeanor offense in 2022, sex information was missing for 54 people only (0.14%). As documented in our previous reports, the sex composition of the misdemeanor arrestee population in Harris County has been very stable over the past years. In each year between 2015 and 2022, males consistently made up about 75 percent of the misdemeanor arrestees. The sex composition among Harris County misdemeanor arrestees is very close to the nationwide average. According to the latest arrest statistics published by FBI, males accounted for 73 percent of misdemeanor arrestees nationwide in 2021.¹¹

Figure 4: Sex Distribution of Misdemeanor Defendants



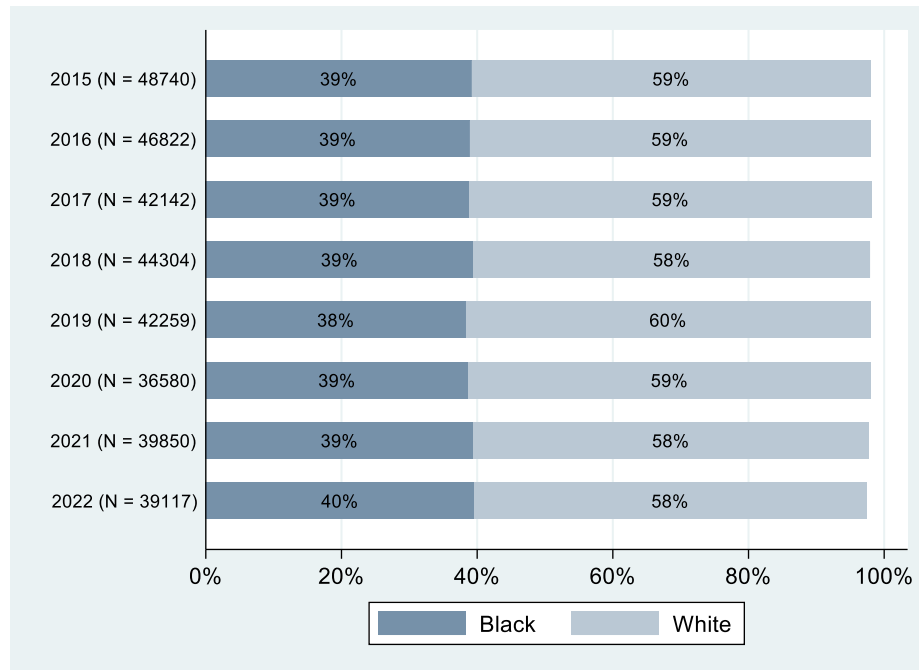
Race information is also available for nearly all misdemeanor arrestees in Harris County. For example, race information is available for 98.4 percent of the persons arrested for a misdemeanor offense in 2022. A misdemeanor arrestee in Harris County arrestee is assigned to one of the four racial groups, namely, African American, Asian, Native American, and White. However, African Americans and whites make up the vast majority of misdemeanor arrestees; Asians and Native Americans only make up roughly 2 percent of the misdemeanor arrestee population (2.0 percent for Asians and 0.1 percent for Native Americans).

Figure 5 shows the annual shares of African American and White misdemeanor arrestees. (For simplicity, the figure does not include the Asian and Native American shares, making the total share less than 100 percent.) As in the sex distribution, the racial distribution of misdemeanor arrestees has remained very stable in recent years, despite the large reduction in the number of total arrestees. In each calendar year considered, African Americans and Whites accounted for approximately 40 and 60 percent of the misdemeanor arrestees in Harris County, respectively. By contrast, according to the FBI's nationwide statistics from 2021, African Americans and Whites

¹¹ See Federal Bureau of Investigation, Crime Data Explorer, at <https://cde.ucr.cjis.gov/>

accounted for 28 and 69 percent of all arrestees in the U.S. (including both misdemeanor and felony arrestees).¹²

Figure 5: Racial Distribution of Misdemeanor Defendants



Unlike sex and race, information on defendant ethnicity is often not recorded and unobserved for many misdemeanor defendants. For example, ethnicity information is missing for nearly 60 percent of misdemeanor arrestees between 2015 and 2022. To overcome this data limitation, we implement an imputation technique which predicts individuals’ ethnicity based on their neighborhoods of residence and last names.¹³ More specifically, for each misdemeanor arrestee, we utilize the last address observed at the time of each case filing to identify the associated Census tract and use the tract-level ethnic composition, as well as their last names, to predict their ethnicity. In a small number of cases where the persons’ addresses were invalid or missing (N=34,206), we only use their last names as a predictor of their ethnicity. Our imputation method seems to yield reasonably accurate prediction results. Out of 132,157 misdemeanor defendants whose ethnicity information is available in the data, the predicted ethnicity correctly matched the actual ethnicity more than 94 percent of the time.

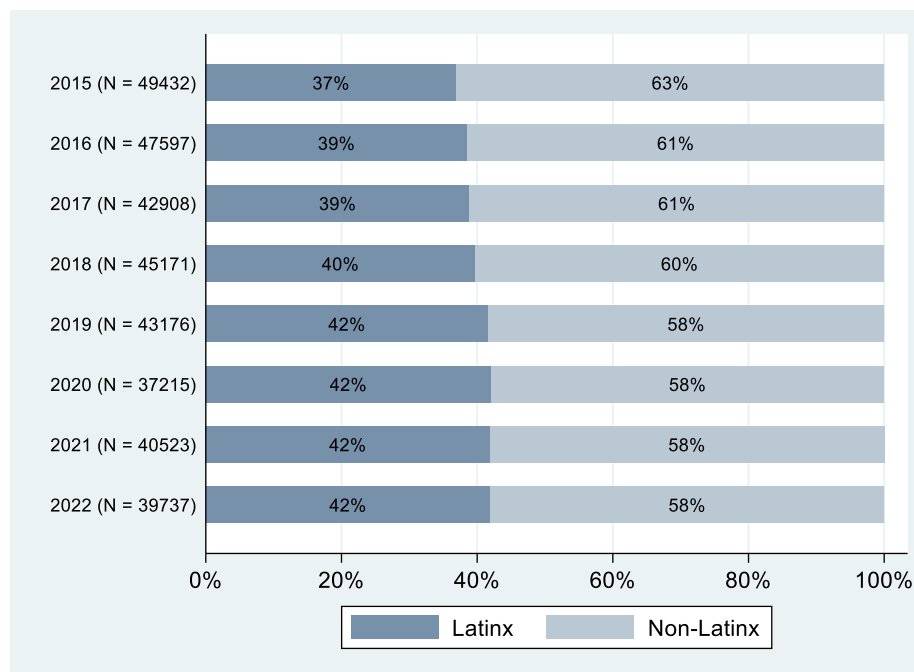
Figure 6 presents the ethnic composition of misdemeanor arrestees in Harris County by the year of case filing date. We find that the share of Latinx arrestees has gradually increased from 37 percent in 2015 to 40 percent in 2018 but has remained nearly constant at 42 percent since 2019. Unlike sex and race distributions, FBI’s public data portal (“Crime Data Explorer”) does not publish the arrestee ethnicity distribution. However, we note that the share of Latinx arrestees in

¹² See Federal Bureau of Investigation, Crime Data Explorer, at <https://cde.ucr.cjis.gov/>

¹³ We used the R package *wru* for this prediction. The package predicts individuals’ race and ethnicity by applying a well-established statistical technique, the Bayes’ Rule, to the U.S. Census Bureau’s Surname List from 2010, which contains information on the nationwide racial and ethnic composition associated with each last name, and the Decennial U.S. Census data, which include the racial and ethnic composition in each Census tract in 2010.

2021 (42%) is very close to the share of Latinx population in Harris County according to the U.S. Census 2021 Population Estimates (44%).¹⁴

Figure 6: Ethnic Distribution of Misdemeanor Defendants



Information on misdemeanor arrestees’ income and wealth levels are not available in our data, but we can indirectly explore their economic background based on the neighborhood of residence. Similar to the ethnicity imputation process, we use the last address observed at the time of each case filing to identify the associated Census tract and link it to the tract-level poverty rate from the U.S. Census 2015-2019 American Community Survey (ACS) 5-year Estimates. An important limitation here is that homeless arrestees without stable housing and those without a valid, geocodable street address are excluded from the analysis. (Below, we present a more in-depth analysis of the Harris County arrestees experiencing homelessness.) Nevertheless, the distribution of misdemeanor arrestees living in high-poverty neighborhoods and how it has changed since 2015 can shed light on the arrestees’ economic background.

U.S. Government Agencies often consider Census tracts with poverty rates over 20% as “poverty areas”, and those with poverty rates over 40% as “extreme poverty areas.”¹⁵ In Table 2, we report the number of misdemeanor arrestees from these high-poverty neighborhoods, as well as the total number of misdemeanor arrestees with a valid address in Harris County. Although the number of misdemeanor arrestees has gradually declined since 2015, the share of those living in high-poverty neighborhoods has remained largely stable. Specifically, across all years considered, roughly 80 percent of the misdemeanor arrestees had a valid street address in Harris County, and among them,

¹⁴ See United States Census Bureau, Quick Facts, Harris County, at <https://www.census.gov/quickfacts/harriscountytexas>.

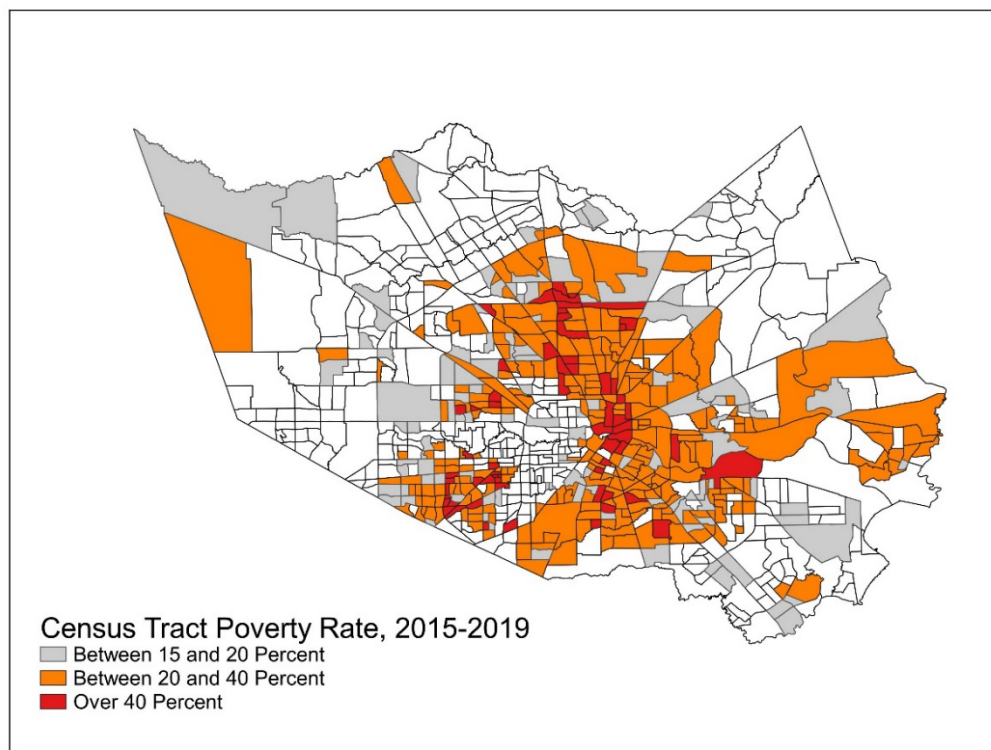
¹⁵ See Poverty Glossary from the U.S. Census Bureau (<https://www.census.gov/topics/income-poverty/poverty/about/glossary.html>) and Poverty Area Measures Documentation from the U.S. Department of Agriculture (<https://www.ers.usda.gov/data-products/poverty-area-measures/documentation/>)

approximately two-thirds of them lived in the Census tracts with poverty rates over 15%, one-half in the tracts with poverty rates over 20%, and one-tenth in the tracts with poverty rates over 40%. By contrast, according to the same 2015-2019 ACS 5-year Estimates data, only 52%, 37%, and 6% of the Harris County population lived in the Census tracts with poverty rates over 15%, 20%, and 40%, respectively. These population shares are notably lower than the corresponding shares from the misdemeanor arrestees, which indicates that disproportionately many arrestees come from economically disadvantaged neighborhoods. Figure 7 visually illustrates the high poverty Census tracts in Harris County based on the 2015-2019 ACS 5-year Estimates data.

Table 2. Number of Misdemeanor Arrestees from High-poverty Neighborhoods

Year	Number of Misd. Arrestees With Valid Address in Harris County	Census Tract Poverty Rate in 2015-2019		
		Over 15%	Over 20%	Over 40%
2015	39181	26456 (68%)	20479 (52%)	3947 (10%)
2016	38168	25899 (68%)	20020 (52%)	3910 (10%)
2017	34446	22850 (66%)	17656 (51%)	3420 (10%)
2018	36495	24850 (68%)	19327 (53%)	3804 (10%)
2019	35797	23973 (67%)	18568 (52%)	3769 (11%)
2020	30765	20472 (67%)	15784 (51%)	3061 (10%)
2021	32874	21436 (65%)	16485 (50%)	3068 (9%)
2022	32022	20713 (65%)	15801 (49%)	2922 (9%)

Figure 7: High-poverty Census Tracts in Harris County, 2015-2019



3. Number of misdemeanor cases that belong to “carve-out” categories

Under Local Rule 9, which became effective on February 16, 2019, all persons arrested for misdemeanors must “have unsecured bail amounts set initially at no more than \$100 and be promptly released on a personal bond with or without other non-financial conditions as soon as practicable after arrest”, except for those who belong to the following “carve-out” categories:

9.4.1 Individuals arrested and charged for protective order and bond condition violations.¹⁶

9.4.2 Individuals arrested and charged for domestic violence (namely, assault or terroristic threat against family and intimate partners).

9.4.3 Individuals arrested and charged for repeat DWI within the past five years.

9.4.4 Individuals arrested and charged with any new offense while on any form of pretrial release.

9.4.5 Individuals arrested on a *capias* issued after a bond forfeiture or bond revocation.

9.4.6 Individuals arrested while on any form of community supervision for a Class A or B misdemeanor or a felony offense.

The first three carve-out categories concern the type of offense committed (such as domestic violence and repeat DWI), while the last three concern the person’s status at the time of an arrest (such as pretrial release and community supervision). These categories are not mutually exclusive, and a single case may belong to more than one carve-out category. For example, a person arrested for a repeat DWI while under community supervision would belong to the third and sixth carve-out categories at the same time. With the cooperation of the OCM, OJS worked very hard to build a logic which determines the carve-out status of a given case based on the offense penal code and existing pre-trial conditions, such as pre-trial release, bond forfeiture, and community supervision. We are extremely grateful to OJS and OCM data teams for their hard work, but at the same time, we note that more work needs to be done to improve the data so that the carve-out status of a given misdemeanor case can be accurately recorded.

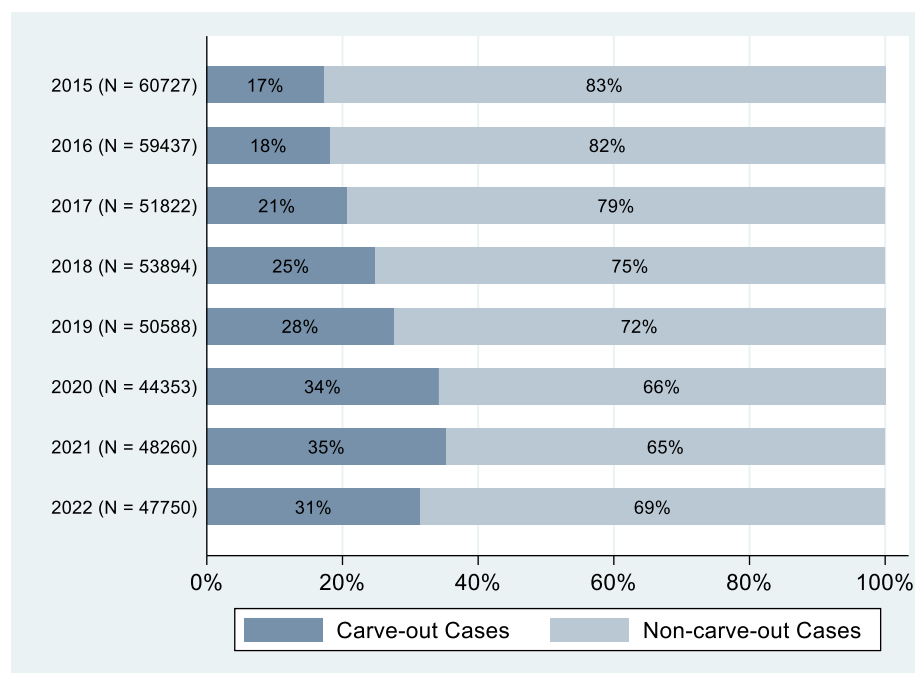
One important data limitation is our inability to determine exactly which cases belong to the carve-out domestic violence cases. More specifically, the currently available data do not allow us to distinguish between 1) terroristic threats against family (Penal Code 22.07(c)(1)) which make up the bulk of domestic violence carve-out cases and 2) other types of terroristic threats that should not be considered as domestic violence. In the absence of this full penal code information, we consider the count of *Class A misdemeanor* terroristic threat cases (Penal Code 22.07) as the proxy for the true count of domestic terroristic threats. This is likely an imperfect measure of the domestic violence carve-out case counts, but it should be a reasonably accurate estimate of the true count because terroristic threats against a family member is a Class A misdemeanor offense while all other types of terroristic threats (e.g., against the public transportation and services) are considered as a third-degree felony, state jail felony, or Class B misdemeanor.

With this caveat in mind, we present the annual share of carve-out cases in Figure 8. Less than 20 percent of the misdemeanor cases filed in 2015 and 2016 belong to one of the six carve-out

¹⁶ We note that noncompliance with conditions of pretrial release is likely more common than is reflected by the number of charges filed for alleged violations of bond conditions because not every observed violation may result in a report of noncompliance.

categories, but this share has steadily increased since then, reaching 35 percent in 2021.¹⁷ It is noteworthy that the share of carve-out cases has somewhat declined between 2021 and 2022 (from 35% to 31%), for the first time during our analysis period. We also note that nearly one-thirds of the misdemeanor cases filed in 2022 belong to the carve-out categories, indicating that a non-negligible number of misdemeanor arrestees are likely not affected by the “prompt release with an unsecured bail amount” policy established in Local Rule 9.

Figure 8: Share of Carve-out Misdemeanor Cases by Year



As described above, a misdemeanor case may be considered as a carve-out due to either the type of offense or the bond/supervision status at the time of case filing. And it may be helpful to break down the prevalence of carve-out cases by each carve-out category to better understand the recent changes in the number of carve-out cases. To this end, we present the annual share of each carve-out category in Table 3.

Three key patterns emerge. First, the distribution of carve-out cases is highly uneven. In 2022, domestic violence cases and arrests while out on bond made up 47% and 39% of the carve-out cases, respectively, while protective order violations and repeat DWIs accounted for 7% and 9% of the cases. Second, the number of carve-out cases has steadily increased over time for most of the carve-out categories, with the only exception being “arrest while on supervision.” Specifically, between 2015 and 2022, the number of protective order violations has increased from 265 to 1,000, domestic violence cases from 4,128 to 7,093, but arrests while on supervision fell from 2,642 to 1,784. Third, the reduced number of carve-out cases in 2022 is primarily driven by a 32% decline in the number of arrests while out on bond (8,676 in 2021 vs. 5,896 in 2022). The causes of this decline are unclear, but it may have been driven by changes in the likelihood of new bond approvals, length of bond

¹⁷ We present the share of misdemeanor cases filed before 2019 that belonged to one of the “carve-out” categories. However, there should have been little difference in pretrial bail practices between these cases and other non-carve-out misdemeanor cases, as the Local Rule 9 only became effective in 2019.

duration, and/or changes in the probability of repeat arrests while on bond. In any case, it is of great interest whether the reduced number of arrests while on bond in 2022 reflects the beginning of a long-term trend or a temporary anomaly in the data.

Table 3: Distribution of Carve-out Cases, by Category and Year

	Year							
	2015	2016	2017	2018	2019	2020	2021	2022
Carve-out Categories								
Protective Order Violation	3%	3%	3%	3%	4%	5%	7%	7%
Domestic Violence	39%	39%	39%	47%	44%	45%	42%	47%
Repeat DWI	8%	8%	9%	8%	9%	10%	10%	9%
Arrest while out on Bond	33%	35%	36%	36%	43%	47%	51%	39%
Arrest after Bond Failure	13%	13%	14%	16%	17%	22%	25%	22%
Arrest while on Supervision	25%	24%	23%	17%	14%	11%	10%	12%
Number of Carve-out Cases	10498	10814	10736	13394	13964	15170	17050	15035

4. Pretrial Detention and Holds Placed

Next, we examine the length of pretrial detention experienced by persons charged with misdemeanors by taking the time in days between booking and release dates. As in our previous reports, our focus is the length of *initial* pretrial detention has changed after recent misdemeanor bail reforms. To be clear, for the initial pretrial detention, we consider whether a misdemeanor arrestee was detained within 7 days of the case filing date and if so, the length of that initial detention. As noted in our previous reports, the currently available booking and release data appear to be somewhat incomplete, especially for the cases filed in the earlier years. To some extent, this data limitation is likely to be driven by the fact that, prior to the opening of the Joint Processing Center (JPC) in 2019, some arrestees were able to bond out before reaching the Harris County Jail without leaving a booking record.¹⁸ Even after 2019, it remains possible for some persons to post a pre-arranged bond without being booked at JPC.

Over the past months, we have collaborated with OJS and OCM to gain a better understanding of this issue and improve the quality of our booking data. The work is still ongoing, but by utilizing booking records from both OJS and OCM's data management systems, we have been able to identify misdemeanor cases in which the person was able to post a bond before being formally booked into the county jail or JPC. We now assign zero days of initial pretrial detention to these cases (because they were never formally detained in jail), rather than considering them as missing observations.

Table 4 presents the distribution of pretrial detention duration. Short pretrial detention, lasting two days or less, have become more common since 2015 (77% in 2015 vs. 85% in 2017). It is also noteworthy that the distribution of initial pretrial detention length has remained largely stable since

¹⁸ Before 2019, law enforcement agencies would initially transport the arrestees to their local jail or substation and then transport them to the Harris County Jail, but if an individual had a bond amount set in the system, the person could post a surety bond from that location and get released before reaching the Harris County Jail. Since JPC opened in February 2019, all arrestees are transported by the arresting officer directly to the JPC. Even after the opening of JPC, some of the defendants who are not in custody but have an active warrant are allowed to post unsecured personal bonds (if approved) without being admitted to the JPC's intake section.

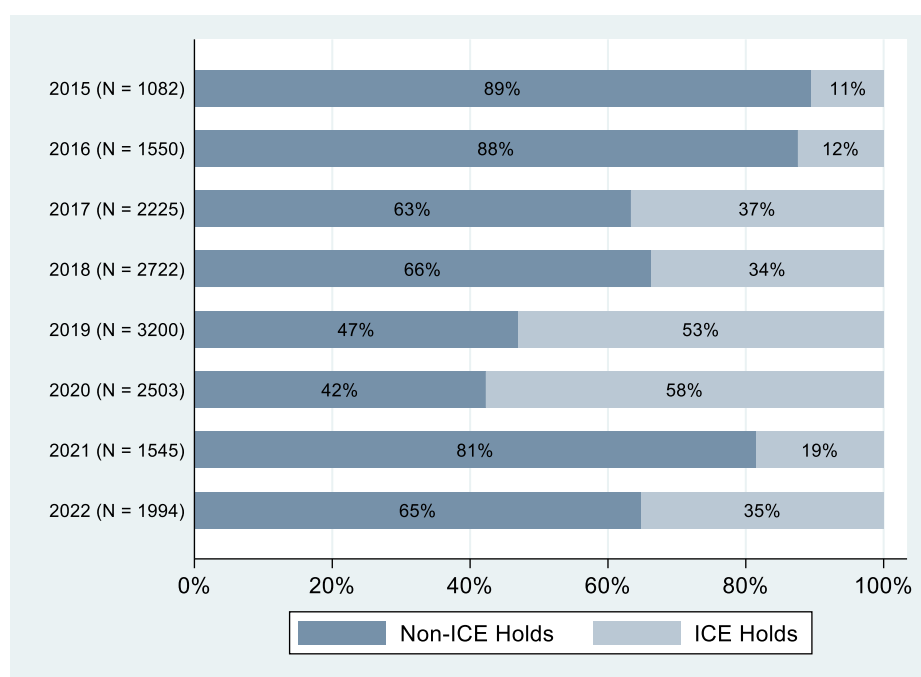
the implementation of misdemeanor bail reforms in Harris County since 2017, when the first preliminary injunction was adopted.

Table 4: Distribution of Initial Pretrial Detention Duration

Initial Pretrial Detention Length							
Year	0-2 Days		3-7 Days		> 7 Days		Obs.
2015	44801	(77%)	6766	(12%)	6830	(12%)	58397
2016	43932	(76%)	6741	(12%)	7153	(12%)	57826
2017	42847	(85%)	3141	(6%)	4286	(9%)	50274
2018	45628	(88%)	2200	(4%)	4306	(8%)	52134
2019	43085	(88%)	2231	(5%)	3686	(8%)	49002
2020	35863	(86%)	1786	(4%)	4037	(10%)	41686
2021	39425	(86%)	2054	(5%)	4102	(9%)	45581
2022	37312	(87%)	2193	(5%)	3628	(8%)	43133

Changes in the pretrial bail policy likely have a large impact on the duration of pretrial detention. Another factor that can substantially influence duration of pretrial detention is whether the arrestee is subject to an existing hold, which may be placed by other agencies such as the U.S. Immigration and Customs Enforcement (ICE), Texas Board of Pardons and Paroles (BOPP), or law enforcement agencies from other jurisdictions. (The last type of hold may be less relevant because out-of-county fugitives are excluded from our main data.) We note that the frequency and composition of holds have greatly fluctuated during our analysis period. The number of cases in which the arrestee was subject to an active hold nearly tripled from 1,082 in 2015 to 3,200 in 2019, primarily driven by a 15-fold increase in ICE holds (114 in 2015 vs. 1,696 in 2019). Since then, however, the number of total and ICE-related holds declined, reaching 1,994 and 701 in 2022.

Figure 9: Share of Misdemeanor Cases with an Active Hold

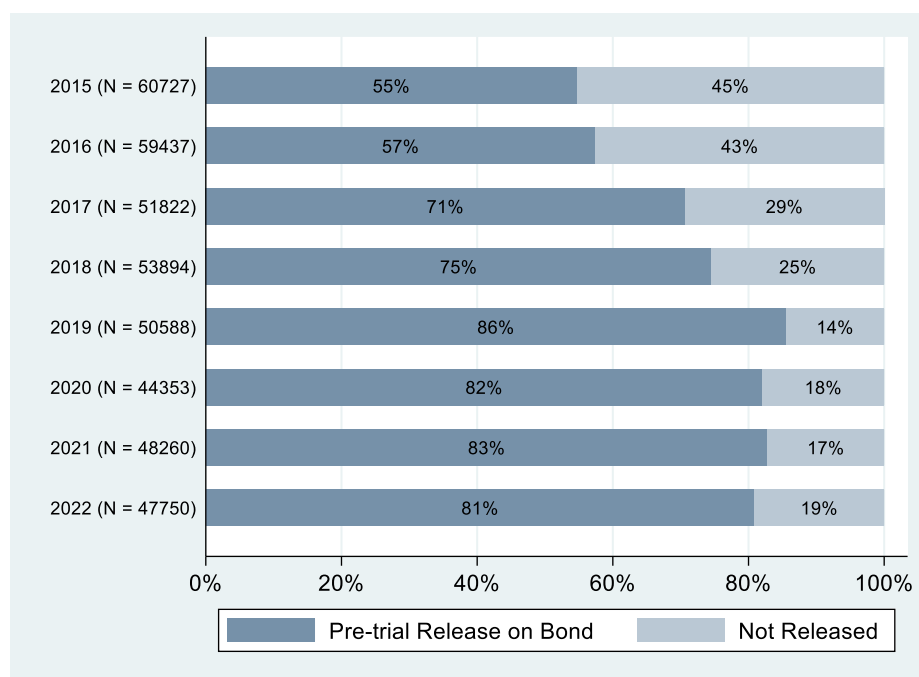


5. Initial Bond Decisions

As noted above, one of the most important consequences of Rule 9 is that most misdemeanor arrestees who do not belong to one of the carve-out categories are now eligible to be released on an unsecured personal bond or general order bond with an initial unsecured bond amount of \$100 or less. We examine whether this change is in line with the actual bond decisions observed in the data. To focus our analysis on the initial stage of the criminal justice process, our bond decision analysis only considers the first bond decision associated with a given case. For the same reason, we also omit from the analysis a small number of the cases in which the first bond decision took place after the first setting date.

Figure 10 presents the share of misdemeanor cases in which defendants were released on a bond before the first setting, by the year of case filing. We find that the release rate has substantially increased since 2017 (the year that the first preliminary injunction was in effect, in June 2017 to August 2018) and reached 86 percent in 2019 (the year when Local Rule 9 became effective). Since then, the release rate has slightly declined and reached 81 percent in 2022.

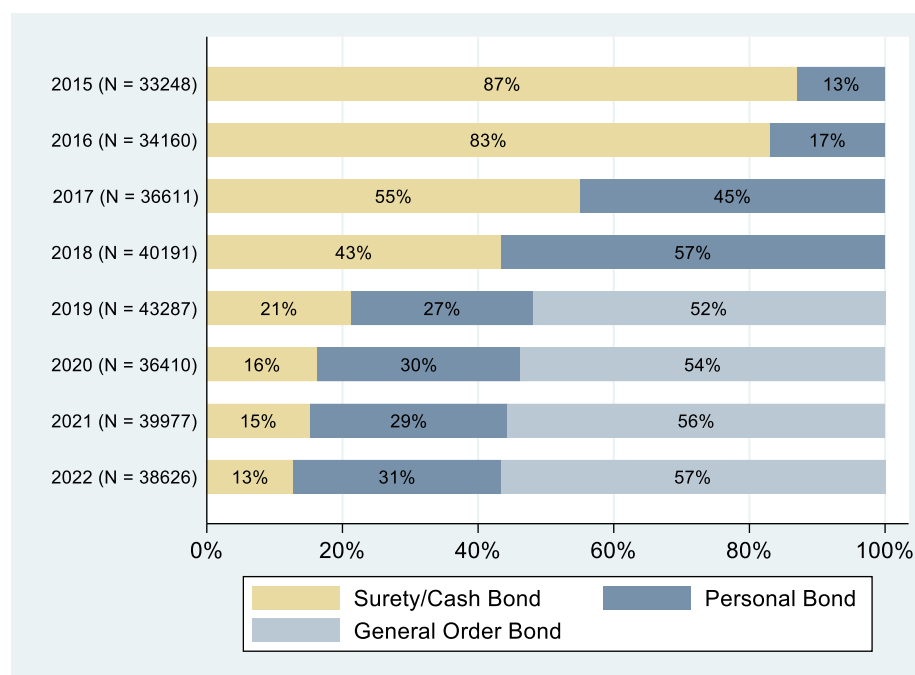
Figure 10: Share of Misdemeanor Cases in which Defendants Were Released on a Bond before First Setting



The level of financial burden associated with bail decisions likely depends on whether arrestees are released on a secured bond (cash or surety) or an unsecured bond (personal or general order bonds). In Figure 11, we observe a clear reduction in the use of secured cash and surety bonds over time, with the largest reductions taking place in 2017 and 2019, which coincide with the timing of the preliminary injunction (2017) and Local Rule 9 (2019). Specifically, 87 percent of the bond releases in 2015 involved secured bonds, but this share fell to 21 percent in 2019 and 13 percent in 2022. We note that nearly 90 percent of the cases filed in 2022 involved either personal bonds or general order bonds, which should impose little financial costs on the arrestees. Overall, the observed

patterns in the initial bond decisions show that the level of financial burden associated with pretrial release has greatly diminished in recent years.

Figure 11: Types of Initial Bond Approvals



Next, we examine the distribution of initial bond amounts set and posted. If a person is ordered to be released on a secured bond (but not a personal bond or general order bond), the bond amount set can have a significant impact on whether the person can actually be released or not. Prior to Rule 9, many misdemeanor arrestees routinely remained in jail even though their bonds were approved, because they could not afford the set bond amount. Rule 9, however, required most misdemeanor defendants (barring a small number of exceptional cases) to be released with an unsecured bond amount of \$100, and the Consent Decree requires the arrestees' financial information to be reviewed before a secured bond is given and the bond amount is set. It is of great importance to examine whether these changes are in line with the distribution of bond amounts set actually observed in the data.

We present in Table 5 the distribution of initial bond amounts set and posted by misdemeanor arrestees, by the year of case filing. The top panel of Table 5 suggests that Rule 9 has reduced the bond amount set initially for most misdemeanor cases. In virtually all misdemeanor cases prior to 2019, the initial bond amount was \$500 or more—which is consistent with the bail schedules that were in place during those years. But since then, bond amounts of \$100 or less have become more common and are now observed in about two-thirds of the cases filed in 2022.

The bottom panel of Table 5 shows the distribution of initial bond amounts posted. We note that the number of observations in the bottom panel is often lower than in the top panel, suggesting that some of the surety and cash bond approvals that required people to pay to be released did not actually result in a release. Prior to 2019, the number of initial bonds that were approved but not

posted (that is, the difference in the number of observations between the two panels) was very high, which is likely explained by the widespread use of surety and cash bonds during that period of time. Perhaps not surprisingly, we also observe that a large share of bonds that were approved but not posted involves very high bond amounts (\$3,000 or more). However, bond approvals with the set amount equal to \$3,000 or more have become less common, leaving fewer bond approvals that were never posted.

Table 5: Distribution of Initial Bond Amount Set and Posted

Initial Bond Amount Set									
Year	\$100 or Less		\$101-\$499		\$500-\$2999		\$3000 or More		Obs.
2015	7	(0.01%)	1	(<0.01%)	33461	(60%)	22523	(40%)	55992
2016	18	(0.03%)	7	(0.01%)	34458	(60%)	22501	(39%)	56984
2017	228	(0.48%)	18	(0.04%)	34406	(72%)	13289	(28%)	47941
2018	552	(1.17%)	102	(0.22%)	40661	(86%)	6008	(13%)	47323
2019	29333	(62%)	332	(0.7%)	12941	(28%)	4422	(9%)	47028
2020	26513	(66%)	413	(1.0%)	8570	(21%)	4699	(12%)	40195
2021	29557	(67%)	467	(1.1%)	10041	(23%)	3829	(9%)	43894
2022	28598	(68%)	537	(1.3%)	9915	(23%)	3272	(8%)	42322

Initial Bond Amount Posted									
Year	\$100 or Less		\$101-\$499		\$500-\$2999		\$3000 or More		Obs.
2015	7	(0.02%)	1	(<0.01%)	25726	(77%)	7514	(23%)	33248
2016	18	(0.05%)	6	(0.02%)	26767	(78%)	7369	(22%)	34160
2017	192	(0.52%)	16	(0.04%)	29775	(81%)	6628	(18%)	36611
2018	459	(1.14%)	64	(0.16%)	35867	(89%)	3801	(9%)	40191
2019	28618	(66%)	238	(0.5%)	10810	(25%)	3622	(8%)	43288
2020	25486	(70%)	311	(0.9%)	7083	(19%)	3530	(10%)	36410
2021	28728	(72%)	364	(0.9%)	8516	(21%)	2369	(6%)	39977
2022	27917	(72%)	413	(1.1%)	8387	(22%)	1910	(5%)	38627

The results presented so far suggest that recent bail reforms have significantly changed the patterns of pretrial release and bond approvals, helping more misdemeanor arrestees to be released from jail on a personal or general order bond and reducing the associated financial burden. A closely related question is whether the increased use of unsecured personal and general order bonds has led to an increase in non-appearance. In the absence of consistent and reliable data on non-appearance, we computed the share of initial bonds that “failed,” defined here as the bond approvals that resulted in bond forfeiture, bond surrender, or bond revocation within a year of the bond approval date.¹⁹

We underscore, however, that bond-failure data may be a poor proxy for assessing nonappearance rates. Bond forfeiture, bond surrender, and bond revocation all reflect discretionary judicial decisions about whether a person missed court or violated a bond condition and, separately, whether the person’s reasons for doing so warranted a forfeiture, surrender, or revocation. Different judges will make different decisions given the same real-world facts. However, beginning in

¹⁹ Most bond failures seem to take place within the first few months after they are issued. Among all initial bonds in our data that were approved between 2015 and 2022 and failed within 365 days, 50 percent of the bond failures were observed within 45 days of the approval date, and 90 percent of bond failures within 215 days.

December 2020, a new set of definitions were adopted as the Consent Decree’s court appearance policy was operationalized by OCM, which should help us obtain a more reliable measure of non-appearance in the future.

Figure 12 presents the one-year misdemeanor bond failure rate, defined as the share of bonds that failed within 365 days of the bond approval date. The overall bond failure rate was relatively low for cases filed in 2015 and 2016 (16%). The rate then rose to 29 percent in 2018, and has gradually declined since then, reaching 26 percent in 2019, and 23 percent in 2021. Note that the bond failure rates could not be computed for cases filed in 2022 because these cases cannot be followed up for a year yet.

Figure 12: Rate of Bond Failures within 365 Days, by Bond Types

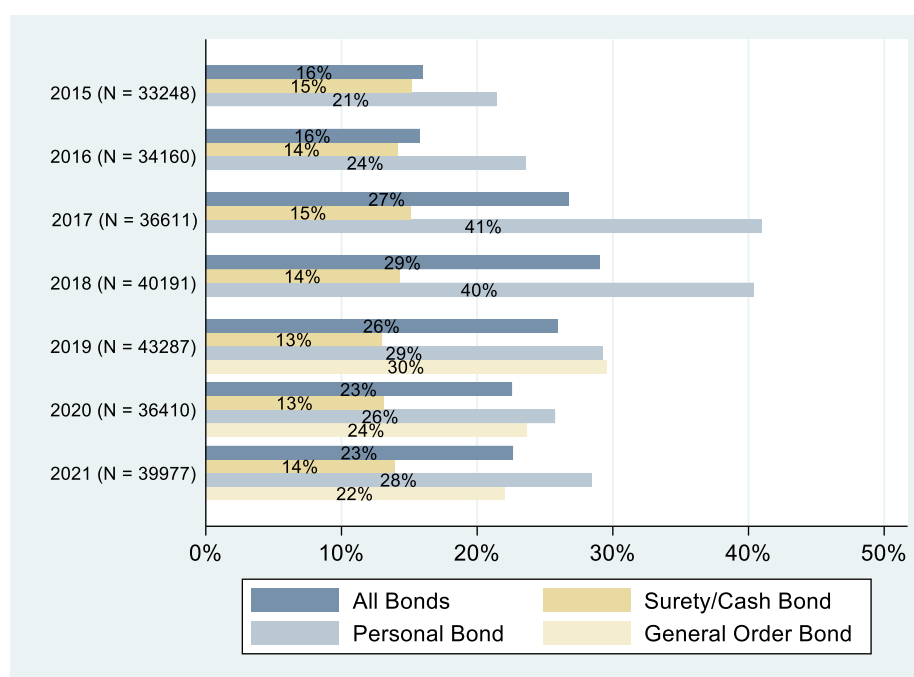


Figure 12 also shows the bond failure rates by the type of bond approved, namely, surety and cash bonds, personal bonds, and general order bonds. Across all years analyzed, surety and cash bonds had the lowest one-year failure rate, which has remained stable at around 15 percent. By contrast, the personal bond failure rate fluctuated more, increasing from 21 percent in 2015 to 40 percent in 2018, before dropping to 28 percent in 2021. Since the general order bond was adopted in 2019, its one-year failure rate can only be computed for 2019, 2020, and 2021. During this three-year period, the rate declined from 30 percent in 2019 to 24 percent in 2020 to 22 percent in 2021.

Lastly, we consider whether and how initial bond decisions vary across different demographic groups. Specifically, we explore the pattern of pretrial release for each sex, race, and ethnic group, and examine whether the disparity in pretrial release rates across these groups has changed since the implementation of the bail reforms.

In panel (A) of Table 6, we present the rate of pretrial release, defined here as the share of misdemeanor cases in which a person was released on a bond before the first setting, for each sex,

race, and ethnic group. It appears that there existed a substantial gap in pretrial release rates between females and males, blacks and whites, and Latinxs and non-Latinxs. For example, in 2015, females arrested for a misdemeanor offense were more likely to be released than their male counterparts by 10 percentage points, whites were more likely to be released than blacks by 17 percentage points, and Latinxs were also more likely to be released than non-Latinxs by 16 percentage points. These female/male, black/white, Latinx/non-Latinx gaps have rapidly narrowed between 2015 and 2019 and stabilized since then. Overall, the sex, race, and ethnic disparities in the overall pretrial release rates in 2022 (0.5, 6, and 5 percentage points, respectively) remain considerably smaller than in 2015.

Panel (B) of Table 6 shows the rate of pretrial release on an *unsecured* bond for each sex, race, and ethnic group. Consistent with the drastic increase in the use of personal and general order bonds over time, we find that the rate of pretrial release on an unsecured bond has also increased dramatically for all demographic groups considered, especially when one compares the years before and after bail reforms. For example, unsecured releases were mostly uncommon before the adoption of Rule 9 in 2019, whereas they have remained at approximately 66% for all demographic groups since then. Moreover, the differences between sex, race, and ethnic groups have been rather modest and remained mostly stable. As of 2022, the sex, racial, and ethnic disparities in pretrial release on an unsecured bond only amount to one (female vs. male), two (black vs. white), and three percentage points (Latinx vs. Non-Latinx), respectively.

Table 6: Initial Pretrial Release Rate by Sex, Race, and Ethnicity

Year	By Sex		By Race		By Ethnicity	
	Female	Male	Black	White	Latinx	Non-Latinx
(A) Pretrial Release on Any Bond						
2015	62%	52%	44%	61%	65%	49%
2016	68%	55%	48%	63%	67%	52%
2017	76%	69%	64%	74%	76%	67%
2018	79%	73%	69%	78%	80%	71%
2019	88%	85%	83%	87%	88%	84%
2020	83%	82%	79%	84%	85%	80%
2021	85%	82%	79%	85%	86%	81%
2022	81%	81%	77%	83%	84%	79%
(B) Pretrial Release on PR/GOB						
2015	12%	6%	8%	7%	7%	7%
2016	16%	8%	11%	9%	9%	10%
2017	35%	31%	35%	30%	29%	33%
2018	47%	41%	46%	40%	40%	44%
2019	68%	67%	69%	66%	67%	67%
2020	69%	69%	68%	69%	71%	67%
2021	72%	70%	69%	71%	72%	69%
2022	70%	71%	69%	71%	72%	69%

6. Magistration Hearing Outcomes

Since Rule 9 became effective in February 2019, many misdemeanor arrestees have been released on a general order bond without a formal bail hearing. Still, in more than 40 percent of cases,

a misdemeanor arrestee was not eligible for a general order bond and had to attend a magistration hearing, where the hearing officer determines the probable cause for further detention and sets the bond type and amount. During the hearing, ADA and defense counsel (either a Harris County public defender or a private attorney) may also request a specific bond type (for example, by requesting or opposing a personal bond) and the bond amount. Analysis of bond hearing data thus can shed light on the disparity between bond requests made by ADA and defense counsel and how they compare to the actual bond decision made by the hearing officer.

Below, we analyze approximately 50,000 misdemeanor magistration hearings that took place between March 2021 and December 2022. This sample restriction is driven by data availability. An electronic magistration hearing form was revised on March 10, 2021 and has been used by all hearing officers since then, which allowed all bond requests and decisions made during this time period to be recorded consistently.

Table 7 compares the types of bond set by the hearing officer, as well as the requests made by the defense counsel and ADA. Considering the bond request and outcomes in 2021, we find that the hearing officer released the arrestee on a personal bond in most misdemeanor bail hearings (72%), and denied the bond in only 1 percent of the time.²⁰ Turning to the bond requests made, we find that the defense counsel and ADA made no explicit bond request in nearly 50 percent of the time. However, when a bond request is made, the two sides' requests are usually considerably different from each other. The defense counsel is much more likely to request a personal bond (38%) than a secured bond (7%). On the contrary, ADA usually requests a secured bond (43%) and very rarely makes a request for a personal bond (0.3%) or bond denial (2%).

Table 7: Bond Type Request and Outcome in Magistration Hearing

	Personal Bond	Secured Bond	Bail Denied	No Request Made	Obs.
(A) Year = 2021					
Actual Outcome	72.1%	25.7%	0.9%		22119
Defense Request	37.7%	6.9%		53.3%	22119
ADA request	0.3%	42.5%	2.2%	49.7%	22119
(B) Year = 2022					
Actual Outcome	77.4%	20.7%	0.3%		28767
Defense Request	28.5%	6.2%		48.5%	28767
ADA request	0.1%	33.9%	1.5%	44.3%	28767

In 2022, the distribution of bond requests and outcomes remained similar, but the share of personal bonds approved by the magistrate rose to 77%. Meanwhile, the type of bond requests made by the defense counsel and ADA is missing in many more cases from 2022. The defense counsel and ADA's bond type requests were missing in only 2% and 5% of misdemeanor cases in 2021, respectively. However, these shares have risen to 17% and 20% in 2022. It remains to be seen whether this reflects an actual systematic change in the defense counsel and ADA's bond request patterns, or a decline in the data quality and/or collection effort.

²⁰ The shares of a secure bond, personal bond, and bail denial do not add up to 100 percent because the bail magistrate may order the defendant to be further detained "until further order of the Court."

To further examine the disparity between the defense counsel and ADA's request, we show in Table 8 how the bond amounts requested by the two sides compare to the actual bond amount set by the hearing officer. Again, both the defense attorney and ADA made no explicit request about the bond amount in more than 50 percent of time. When they do make a request, however, the defense counsel usually asks for a lower bond amount than the actual bond amount set by the hearing officer, whereas ADAs tend to request a higher bond amount than the actual bond amount.

Table 8: Bond Amount Request in Magistration Hearing

	Same as Actual Amount	Higher than Actual Amount	Lower than Actual Amount	No Request Made	Obs.
(A) Year = 2021					
Defense Request	17.7%	2.1%	22.7%	57.0%	22119
ADA Request	23.1%	17.5%	1.5%	57.6%	22119
(B) Year = 2022					
Defense Request	12.3%	2.1%	19.7%	65.7%	28767
ADA Request	17.3%	15.5%	1.1%	66.1%	28767

Table 9 provides a more detailed look at the distribution of bond amount requests by the defense and ADA, as well as the actual bond amount set by the hearing officer. We observe a clear disparity between the bond amounts requested by the defense counsel and ADA, with the actual bond amount set located somewhere in the middle. For example, in 2022, the defense counsel requested bond amounts of \$1,000 or less in nearly 80 percent of the time, while ADA did so in only 23 percent of the time. By comparison, the actual bond amount set was \$1,000 or less in approximately 60 percent of the magistration hearings.

Table 9: Distribution of Bond Amount Requests in Magistration Hearing

	Bond Amount Set	ADA Request	Defense Request
(A) Year = 2021 (N = 22,119)			
\$100 or Less	13.6%	6.0%	16.5%
\$500 or Less	42.3%	20.0%	50.2%
\$1000 or Less	59.4%	26.0%	75.7%
\$3000 or Less	82.7%	42.7%	92.5%
\$5000 or Less	94.1%	80.5%	97.8%
\$10000 or Less	98.4%	94.8%	99.6%
(B) Year = 2022 (N = 28,767)			
\$100 or Less	14.9%	5.3%	24.4%
\$500 or Less	42.4%	17.3%	56.7%
\$1000 or Less	59.6%	22.7%	79.4%
\$3000 or Less	83.0%	36.8%	93.3%
\$5000 or Less	93.5%	71.1%	97.6%
\$10000 or Less	98.1%	90.1%	99.5%

A hearing officer also determines the arrestee’s indigence status during the bail hearing. Under Rule 9, indigent arrestees are entitled to representation by a public defender or other court-appointed counsel and are exempted from paying for a bond-related fee and the cost of a release condition, such as electronic monitoring and an interlock device. Therefore, whether an arrestee is determined indigent or not likely influence the bail decisions, as well as the eventual case outcomes. In spite of its importance, we find that the indigence status information is available in only 60 percent of the hearings. When focusing on the cases in which the indigence status was recorded, we find that the arrestee was considered indigent in roughly 85 percent of the time.

Table 10: Indigence Status

Year	Indigent	Not Indigent	Unable to Determine	Missing Data	Obs.
2021	50.8%	4.3%	5.7%	39.2%	22119
2022	51.2%	4.2%	4.8%	39.9%	28767

7. Case Disposition Outcomes

As documented above, the recent misdemeanor bail reforms significantly changed the patterns of pretrial detention and bond decisions, which in turn may have influenced the disposition outcomes of misdemeanor cases filed during this time period. We begin our analysis by presenting the distribution of case disposition outcomes for the cases filed between 2015 and 2021 in Figure 13. Misdemeanor cases filed in 2022 are again dropped from the analysis because most of them (61%) are not disposed yet.

We find that the implementation of the bail reforms coincided with a reduced rate of criminal conviction. The share of misdemeanor cases that resulted in a criminal conviction has substantially declined between 2015 (60%) and 2021 (19%), while the share of cases dismissed or acquitted has risen from 31 percent to 56 percent. Disposition outcomes are observed for most cases filed prior to 2020, but 13 percent of the cases filed in 2020 and 23 percent of the cases filed in 2021 still remain undisposed. We also note that the use of deferred adjudication, a court-imposed diversion agreement which places the defendant under community supervision, have become less common over time, with the share gradually falling from 8 percent in 2015 to 2 percent in 2021. Unlike probation, deferred adjudication is not considered as a criminal conviction if the community supervision is successfully completed.

Figure 14 repeats the analysis, this time removing cases that are not disposed yet and instead focusing on cases in which the disposition outcomes are observed. Not surprisingly, this sample restriction reduces the number of observations, especially for cases filed during the last two years (2020 and 2021), but the overall pattern remains mostly unchanged. Again, we observe more cases dismissed and fewer cases convicted since 2015. It is also noteworthy that, once undisposed cases are excluded from the analysis, the rates of dismissal and conviction have remained very stable between 2019 and 2021. Approximately 25 percent of misdemeanor cases result in a conviction, while roughly 70 percent are either dismissed or acquitted.

Figure 13: Case Disposition Outcomes

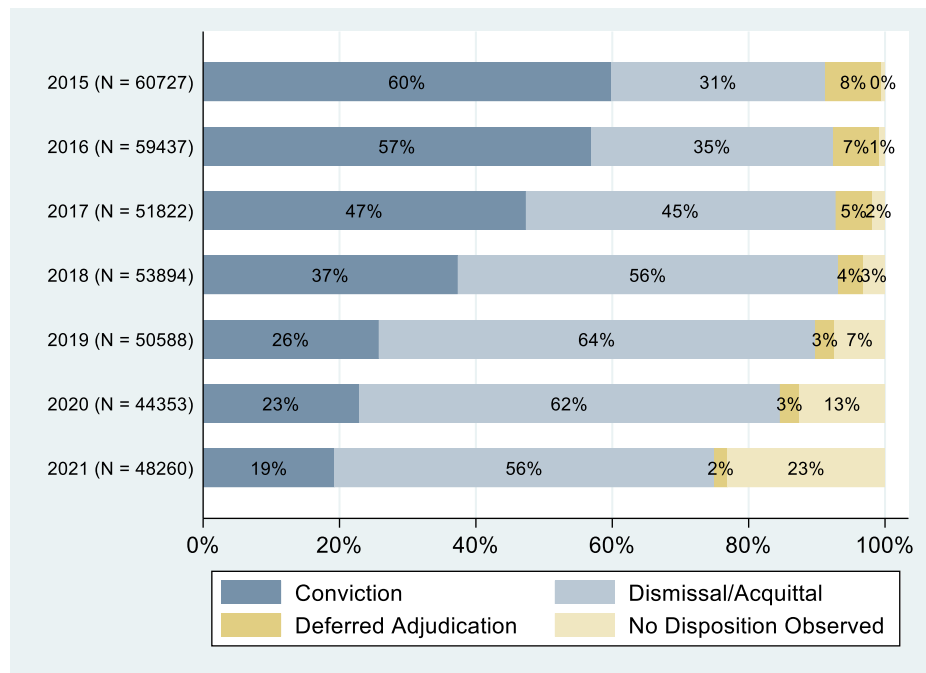


Figure 14: Case Disposition Outcomes, Cases with Observed Disposition Only

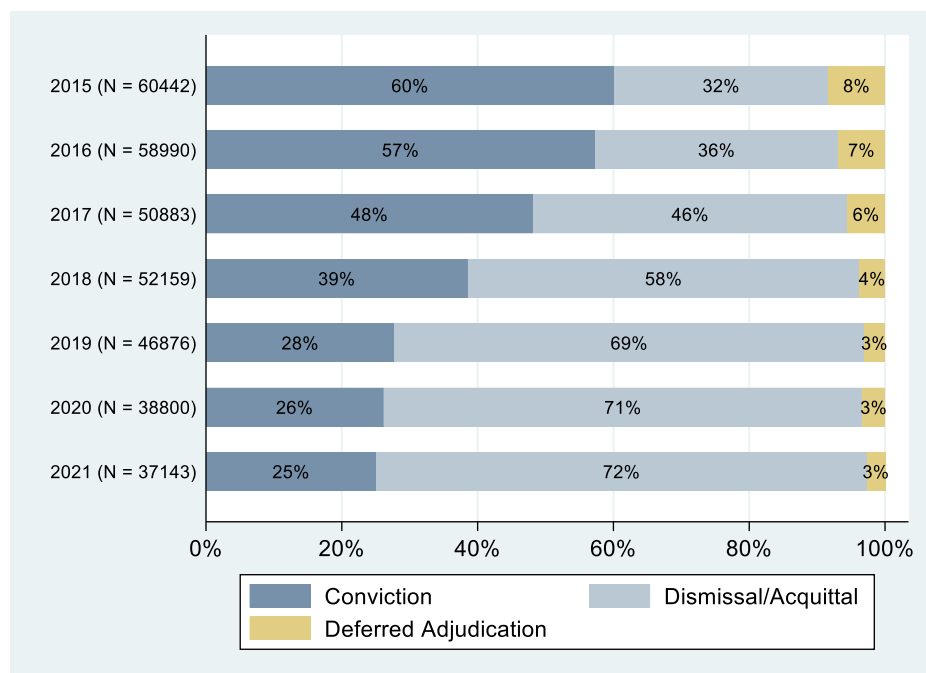
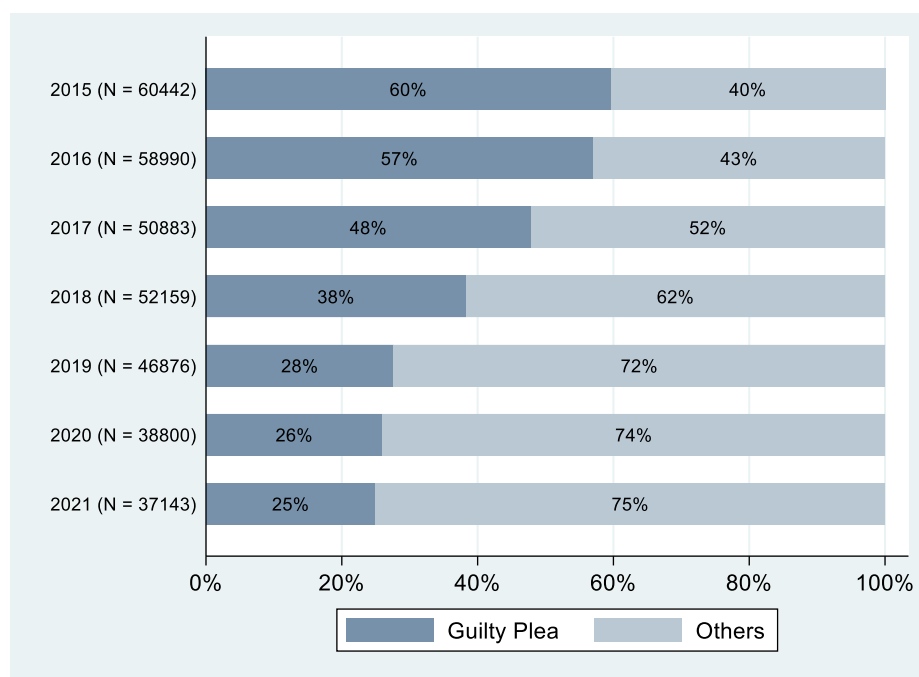


Figure 15 demonstrates that the rate of guilty pleas has followed a nearly identical trend as the rate of conviction since 2015, which should not be surprising as more than 99 percent of the misdemeanor convictions between 2015 and 2021 came from a guilty plea. Similar to the trend in conviction rates, guilty pleas have also been less common since 2015. More specifically, 33,644 misdemeanor cases filed in 2016 resulted in a conviction through guilty plea, but only 12,972 in

2019. The number further declined in 10,104 in 2020 and 9,280 in 2021. Overall, Figures 13, 14, and 15 provide evidence that suggest the recent misdemeanor bail reforms likely led to substantial changes in case disposition outcomes.

Figure 15: Share of Guilty Pleas among All Dispositions



We also explore whether and how misdemeanor sentencing outcomes have changed over time in Table 11. In line with the declining conviction rate over time, the share of misdemeanor cases that ended up with a jail sentence has substantially fallen since 2015. Out of 60,442 misdemeanor cases that were filed in 2015 and were eventually disposed, the arrestee was sentenced to a jail term in 62 percent of time. By contrast, only 25 percent of such cases resulted in a jail sentence.

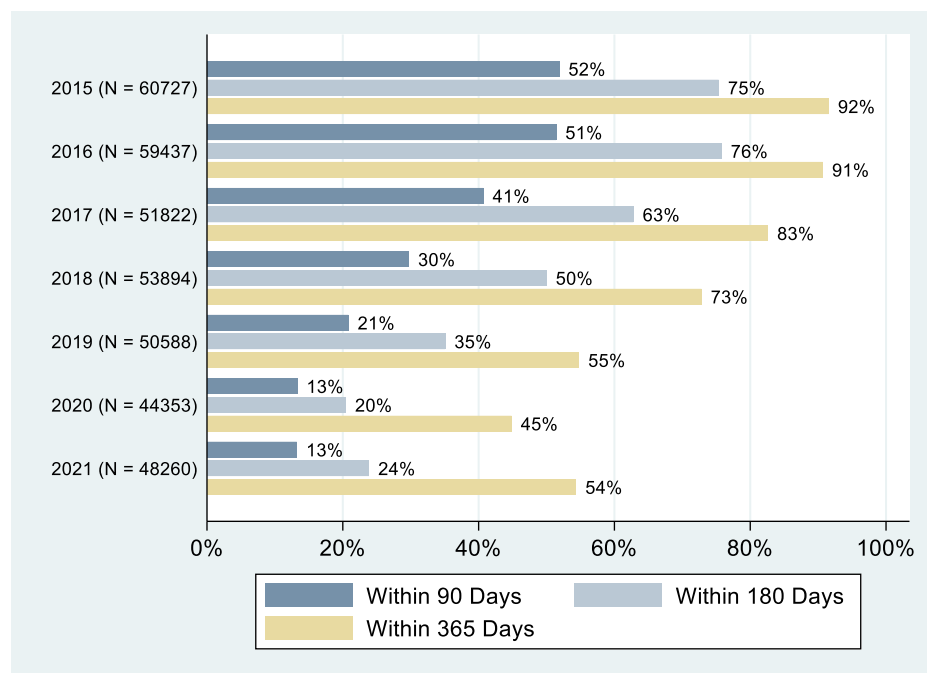
Despite this change, once the arrestee is sentenced to a jail term, the distribution of jail sentencing length has remained relatively stable. Across all years considered, approximately 70 percent of jail sentences involved jail time of 30 days or less, 80 percent involved 90 days or less, and 90 percent involved 180 days or less.

Table 11: Distribution of Jail Sentences

Year	Case Count	Non-zero		Length of Jail Sentence					
		Jail Sentence		30 Days or Less		90 Days or Less		180 Days or Less	
2015	60442	37489	(62%)	26194	(70%)	31562	(84%)	34718	(93%)
2016	58990	34710	(59%)	24605	(71%)	29328	(84%)	32176	(93%)
2017	50883	24884	(49%)	16655	(67%)	20368	(82%)	22768	(91%)
2018	52159	20266	(39%)	13495	(67%)	16672	(82%)	18788	(93%)
2019	46876	13137	(28%)	8554	(65%)	10602	(81%)	12237	(93%)
2020	38800	10194	(26%)	6521	(64%)	7847	(77%)	9346	(92%)
2021	37143	9345	(25%)	6362	(68%)	7308	(78%)	8576	(92%)

Another important disposition-related question we consider is how the length of time it takes for misdemeanor cases to be disposed has changed since Rule 9 went into effect. To explore this question, we compute the time in days between case filing and initial case disposition and present in Figure 16 the share of cases disposed within 90, 180, and 365 days. The figure demonstrates that cases filed in recent years tend to remain open for a longer period of time. For example, most cases (52%) in 2015 were disposed within three months of the case filing, but this share fell down to 13% in 2021. Likewise, about 90 percent of the cases filed in 2015 and 2016 were disposed within a year, but the number fell to 55 percent in 2021. Some of these delays are likely explained by Hurricane Harvey (in 2017) and the COVID-19 pandemic (in 2020 and 2021), as they caused a major disruption in the criminal justice system, increasing the backlog of criminal cases, reducing the setting of trial dates, and lengthening the time between court appearances.

Figure 16: Time in Days between Case Filing and Disposition



8. Repeat Arrest

In this section, we explore the pattern of repeat offenses by persons charged with misdemeanors using several different measures, namely, 1) the share of *persons* charged with misdemeanors and then with a new offense within a year of the initial case filing date (person-level repeat-offense), 2) the share of misdemeanor *cases* in which the same person was charged with a new crime (case-level repeat-offense) within a year of the initial case filing date, and 3) the share of misdemeanor cases filed each year that were charged against former misdemeanor arrestees from the previous year.

Consider the first two measures first. To obtain the case-level repeat-arrest rate, we follow all misdemeanor cases filed during a calendar year and compute the share of cases followed by a new criminal case filing within 90, 180, and 365 days. To compute the person-level repeat-arrest rate, we follow all misdemeanor cases filed against the same person during a calendar year and consider whether any of these cases was followed by a new criminal case filing with 90, 180, and 365 days. The case-level rate should be higher than the person-level rate, as multiple cases filed against the same person on the same day will be double-counted under the case-level measure. For example, if a person was charged for two separate offenses on the same day and again charged for a new offense a month later, this is counted as two cases with a new case filed under the case-level measure but a single person with a new case filed under the person-level measure.

It is important to note that just because a case is *filed* does not mean that the person is found guilty or convicted. Our analysis shows only *new cases filed*. It does not reveal whether the person was actually guilty or convicted of the offense in question. At the same time, we note that our person-level measure of repeat offending closely resembles the one used in the influential study by Heaton, Mayson, and Stevenson, which examined the share of persons charged with misdemeanors and then charged with a new offense within eighteen months of the initial bail hearing.²¹ Although the two measures use slightly different reference dates (initial case filing date vs. initial bail hearing date), they are similar in the sense that both prospectively follow each misdemeanor case for a given period of time and look for a new criminal case filed against the same person during this follow-up period.

We also emphasize that both person-level and case-level measures consider all misdemeanor cases as the denominator, regardless of intermediate case outcomes such as pretrial release on a bond. This is noteworthy because separately computing the number of new cases filed against those who did and did not bond out on a prior charge, for example, confounds the overall trend in new case filings by misdemeanor defendants with the trend in hearing officers' propensity to approve pretrial release on a bond. As pretrial release on a bond has become far more common since the preliminary injunction in 2017 and Rule 9 in 2019, all else equal, the number of new cases filed while on bond should mechanically increase even if there were no actual change in the total number of new cases filed against persons facing misdemeanor charges.

We begin our repeat offense analysis in Table 12 by presenting the person-level rate of repeat arrest within 90, 180, and 365 days. The share of misdemeanor arrestees who had a new criminal case filed within a year has changed minimally between 2015 (23%) and 2021 (23%). In fact, the rates of new cases filed within 90, 180, and 365 days have remained remarkably stable between 2015 and 2021, except for a small and temporary decline in the three repeat arrest rates in 2019. As before, persons arrested for a misdemeanor offense in 2022 are dropped from this analysis as they cannot yet be followed up for a year.

²¹ Paul Heaton, Sandra Mayson & Megan Stevenson, *The Downstream Consequences of Misdemeanor Pretrial Detention*, 69 Stan. L. Rev. 711 (2017).

Table 12: Number of Misdemeanor Arrestees with a New Case Filed within 90, 180, and 365 Days

New Case Filed							
Year	Within 90 Days		Within 180 Days		Within 365 Days		Arrestee Count
2015	5224	(11%)	7754	(16%)	11381	(23%)	49438
2016	5218	(11%)	7641	(16%)	10913	(23%)	47601
2017	4643	(11%)	6700	(16%)	9586	(22%)	42911
2018	4912	(11%)	6998	(15%)	9857	(22%)	45177
2019	4437	(10%)	6370	(15%)	8894	(21%)	43180
2020	3962	(11%)	5818	(16%)	8399	(23%)	37222
2021	4482	(11%)	6427	(16%)	9141	(23%)	40525

Table 13 breaks down the distribution of one-year re-arrests by offense type. For brevity, we divided new cases filed into a few key offense categories, some of which include both felony and misdemeanor offenses: homicide, robbery, assault (including both aggravate and simple assault), theft (including motor vehicle theft), drug-related offense, and weapon law violation. Although the overall rate of one-year re-arrest has remained nearly constant, we find that some of the offense-specific re-arrest rates have changed rather significantly. For instance, the share of misdemeanor defendants re-arrested within a year for assault have increased between 2015 (4.8%) and 2021 (7.8%), while re-arrests involving a drug offense have become less common (7.2% in 2015 vs. 3.7% in 2021). Throughout the analysis period, misdemeanor arrestees charged with a homicide within a year has remained rare, with numbers varying somewhat in each year. For example, out of 40,525 persons who were arrested for a misdemeanor in 2021, 88 of them (0.22%) were re-arrested for murder (including criminally negligent homicide) within one year of their initial misdemeanor arrest.

Table 13: Number of Misdemeanor Arrestees with a New Case Filed within 1 Year, by Offense Type

Year	Murder		Robbery		Assault		Arrestee Count
2015	68	(0.14%)	435	(0.9%)	2367	(4.8%)	49438
2016	58	(0.12%)	399	(0.8%)	2397	(5.0%)	47601
2017	52	(0.12%)	376	(0.9%)	2434	(5.7%)	42911
2018	71	(0.16%)	437	(1.0%)	2761	(6.1%)	45177
2019	64	(0.15%)	461	(1.1%)	2779	(6.4%)	43180
2020	96	(0.26%)	434	(1.2%)	3069	(8.2%)	37222
2021	88	(0.22%)	438	(1.1%)	3168	(7.8%)	40525
Year	Theft		Drug		Weapon		Arrestee Count
2015	2240	(4.5%)	3567	(7.2%)	521	(1.1%)	49438
2016	1957	(4.1%)	3310	(7.0%)	611	(1.3%)	47601
2017	1778	(4.1%)	2315	(5.4%)	543	(1.3%)	42911
2018	1747	(3.9%)	2260	(5.0%)	553	(1.2%)	45177
2019	1748	(4.0%)	1598	(3.7%)	618	(1.4%)	43180
2020	1291	(3.5%)	1442	(3.9%)	905	(2.4%)	37222
2021	1506	(3.7%)	1511	(3.7%)	947	(2.3%)	40525

Table 14 presents the shares of new cases filed within 90, 180, and 365 days of the initial case filing date, this time measured at the case level. As expected, this case-level measure yields a

slightly higher rate of repeat-arrest than the person-level measure, but the difference is rather modest. For example, 26 percent of misdemeanor *cases* filed in 2021 were followed by a new criminal case filing within a year, while 23 percent of misdemeanor *arrestees* in 2021 had a new criminal case filed within a year. Similar to the person-level analysis, the rates of repeat arrest within 90, 180, and 365 days all have remained stable between 2015 and 2021. In addition, we also present the share of misdemeanor cases followed by another case before the initial case was disposed (“pretrial repeat arrest rate”), which has increased from 8 percent in 2015 to 25 percent in 2020. Given that 90-day, 180-day, and one-year repeat arrest rates have all remained nearly constant during this time period, it is highly likely that lengthening of time-to-disposition is mainly responsible for the increase in the pretrial repeat arrest rate over time.

Table 14: Number of Misdemeanor Cases with a New Case Filed within 90, 180, and 365 Days

Year	New Case Filed								Case Count
	Within 90 Days		Within 180 Days		Within 365 Days		Before Disposition		
2015	7423	(12%)	11257	(19%)	16435	(27%)	5090	(8%)	60727
2016	7676	(13%)	11405	(19%)	16135	(27%)	5243	(9%)	59437
2017	6730	(13%)	9756	(19%)	13776	(27%)	7106	(14%)	51822
2018	6947	(13%)	9994	(19%)	13894	(26%)	8976	(17%)	53894
2019	5892	(12%)	8684	(17%)	12077	(24%)	10006	(21%)	50588
2020	5273	(12%)	7898	(18%)	11394	(26%)	9805	(25%)	44353
2021	6100	(13%)	8877	(18%)	12582	(26%)	8550	(23%)	48260

Tables 15 and 16 expand on the above analyses regarding new cases filed, by breaking down the number and share of re-arrests, this time by whether a bond was filed for the initial misdemeanor case and the type of bond filed. These tables highlight how, prior to the Rule 9 changes in early 2019, most persons facing misdemeanor charges who had a new case filed, did not receive bond. Many pleaded guilty after being denied bond and being detained in the jail. However, subsequent to the Rule 9 changes, far more persons received bond, and therefore, most who reoffended, received some type of bond. The composition of the bond types among those who had new cases filed changed a great deal as a result of the misdemeanor bail reforms, but as described, the rate of new case filings within each bond type did not.

Table 15. Number of Misdemeanor Cases with New Cases Filed by Bond or No Bond Filed

Year	Bond Filed	Case Count	Number of Misd. Cases with a New Case Filed Within					
			90 Days		180 Days		365 Days	
2015	No	27479	5296	(19%)	7709	(28%)	10689	(39%)
2016	No	25277	5439	(22%)	7793	(31%)	10451	(41%)
2017	No	15211	3407	(22%)	4624	(30%)	6118	(40%)
2018	No	13703	2906	(21%)	3963	(29%)	5302	(39%)
2019	No	7301	1327	(18%)	1911	(26%)	2560	(35%)
2020	No	7943	1450	(18%)	2043	(26%)	2810	(35%)
2021	No	8283	1701	(21%)	2347	(28%)	3126	(38%)
2015	Yes	33248	2127	(6%)	3548	(11%)	5746	(17%)

2016	Yes	34160	2237	(7%)	3612	(11%)	5684	(17%)
2017	Yes	36611	3323	(9%)	5132	(14%)	7658	(21%)
2018	Yes	40191	4041	(10%)	6031	(15%)	8592	(21%)
2019	Yes	43287	4565	(11%)	6773	(16%)	9517	(22%)
2020	Yes	36410	3823	(10%)	5855	(16%)	8584	(24%)
2021	Yes	39977	4399	(11%)	6530	(16%)	9456	(24%)

Table 16. Number of Misdemeanor Cases with New Cases Filed by Bond Type or No Bond Filed

Year	Bond Type	Case Count	Number of Misd. Cases with a New Case Filed Within					
			90 Days		180 Days		365 Days	
2015	Cash	28975	1884	(7%)	3126	(11%)	5068	(17%)
2016	Cash	28379	1883	(7%)	3026	(11%)	4697	(17%)
2017	Cash	20172	1127	(6%)	1835	(9%)	2926	(15%)
2018	Cash	17450	962	(6%)	1550	(9%)	2389	(14%)
2019	Cash	9249	544	(6%)	872	(9%)	1341	(14%)
2020	Cash	5945	407	(7%)	659	(11%)	1036	(17%)
2021	Cash	6100	489	(8%)	768	(13%)	1166	(19%)
2015	PR	4273	243	(6%)	422	(10%)	678	(16%)
2016	PR	5781	354	(6%)	586	(10%)	987	(17%)
2017	PR	16439	2196	(13%)	3297	(20%)	4732	(29%)
2018	PR	22741	3079	(14%)	4481	(20%)	6203	(27%)
2019	PR	11567	1524	(13%)	2266	(20%)	3175	(27%)
2020	PR	10913	1636	(15%)	2421	(22%)	3444	(32%)
2021	PR	11646	1858	(16%)	2634	(23%)	3694	(32%)
2015	GOB	N/A	N/A			N/A	N/A	
2016	GOB	N/A	N/A			N/A	N/A	
2017	GOB	N/A	N/A			N/A	N/A	
2018	GOB	N/A	N/A			N/A	N/A	
2019	GOB	22471	2497	(11%)	3635	(16%)	5001	(22%)
2020	GOB	19552	1780	(9%)	2775	(14%)	4104	(21%)
2021	GOB	22231	2052	(9%)	3128	(14%)	4596	(21%)
2015	No Bond	27479	5296	(19%)	7709	(28%)	10689	(39%)
2016	No Bond	25277	5439	(22%)	7793	(31%)	10451	(41%)
2017	No Bond	15211	3407	(22%)	4624	(30%)	6118	(40%)
2018	No Bond	13703	2906	(21%)	3963	(29%)	5302	(39%)
2019	No Bond	7301	1327	(18%)	1911	(26%)	2560	(35%)
2020	No Bond	7943	1450	(18%)	2043	(26%)	2810	(35%)
2021	No Bond	8283	1701	(21%)	2347	(28%)	3126	(38%)

One notable limitation of these prospective measures of repeat arrest is that they can be strongly influenced by trends in the overall number of criminal cases filed. For example, the one-year re-arrest rate is lower for people arrested for a misdemeanor in 2019, but this likely reflects the temporary drop in misdemeanor cases filed in 2020. (See Figure 2.) To address this potential confounder, we explore a complementary measure of repeat offending by computing the share of criminal cases each year that were charged against former misdemeanor arrestees in the year before

the current case. Specifically, we first count the number of criminal cases filed each year that were charged against former misdemeanor arrestees (namely, those arrested for a misdemeanor offense within the previous 365 days of the current case) and then divide it by the total number of criminal cases filed each year. Note that this measure is retrospective, as we start from each case's filing date and go backward, looking for a previous case filed against the same person within a one-year period. Cases filed in 2015 are dropped from this analysis, because we cannot observe whether a misdemeanor case was filed against the same person in 2014.

Table 17 presents the results. As shown in Figure 2, the number of misdemeanor cases has steadily declined since 2016, while the number of felony cases has gradually increased between 2016 (N=36,834) and 2022 (N=44,185). Although these numbers have followed opposite trends over time, we find that the shares of both misdemeanor and felony cases filed against former misdemeanor arrestees have remained similar. Less than 20 percent of the criminal cases filed in 2022 (18% for misdemeanors and 19% for felonies) were filed against persons charged with a misdemeanor in the previous year. Overall, we find little evidence that the risk of repeat arrest by persons with prior misdemeanor charges has significantly changed over the past few years.

Table 17. Number of Criminal Cases Filed Against Persons Charged with Misdemeanor Cases in the Previous Year

Year	Current Offense Type	Case Count	Former Misd. Arrestees
2016	Misdemeanor	59437	12004 (20%)
2017	Misdemeanor	51822	10024 (19%)
2018	Misdemeanor	53894	9961 (18%)
2019	Misdemeanor	50588	8367 (17%)
2020	Misdemeanor	44353	7300 (16%)
2021	Misdemeanor	48260	8115 (17%)
2022	Misdemeanor	47750	8413 (18%)
2016	Felony	36834	7583 (21%)
2017	Felony	34064	6966 (20%)
2018	Felony	35465	6952 (20%)
2019	Felony	36755	7309 (20%)
2020	Felony	40457	8017 (20%)
2021	Felony	43249	8264 (19%)
2022	Felony	44185	8431 (19%)

9. Homelessness and Mental Health

As noted above, our data access to misdemeanor arrestees' homelessness and mental health status information was briefly disrupted in 2021. Since then, we have worked on restoring original data elements, as well as building more refined measures related arrestees' homelessness and mental health status. Compared to our earlier vulnerability measures presented in the second monitor report, a significant improvement in our current homelessness and mental health outcome measures is that they now contain a temporal element. In other words, we have information on the time when a person has moved in and out of homelessness, and the time when a person was deemed to have a mental health issue by the bail magistrate.

As reported in the fifth monitor report, we consider a person as “homeless” if the person’s last reported address at the time of case filing was either homeless or invalid. The former corresponds to the cases in which the person’s listed address explicitly indicates homelessness, such as “homeless,” “sleeps in car,” “streets,” and “vagrant,” or matches one of the homeless shelter addresses in Harris County.²² The latter corresponds to the cases in which the person’s listed address is an invalid street address that cannot be matched to a specific geographic location with a pair of latitude-longitude coordinates. Examples of such invalid address entries include “00000,” “Houston, TX,” “does not know,” “does not remember,” and “unknown.” These invalid addresses may simply reflect less-than-perfect address data quality, but some of them likely come from homeless individuals who did not have a valid street address to report.

Similarly, we built a new measure of mental health status, based on whether and when the magistrate requested a mental health assessment from a local mental health and mental retardation (MHMR) agency. More specifically, we consider an arrestee to have a mental health disorder at the time of their case filing, if the magistrate requested the person’s mental health assessment within one year prior to the case filing date. As noted above, this measure is motivated by Article 16.22 of the Texas Code of Criminal Procedure. Once the Sheriff’s Office notifies a bail magistrate that the arrestee may be mentally ill, the magistrate is required to determine its reasonable cause by either referring to an existing mental health assessment of the arrestee from the previous year (if available) or requesting a new assessment from a local MHMR agency.

An important caveat is that this mental health assessment measure has been consistently recorded only since October 2018. Due to this data limitation, our analysis of misdemeanor arrestees with mental health problems is confined to the period between 2019 and 2022. Our data only enables us to determine when and whether a mental health assessment was ordered by the magistrate; it does not contain information on the outcomes of individuals’ mental health assessments.

Table 18. Homelessness among Misdemeanor Arrestees in Harris County, Case-level

Year	Case Count	Homeless	Mental Health Assessment
2015	60727	6464 (11%)	
2016	59437	5676 (10%)	
2017	51822	4884 (9%)	
2018	53894	4698 (9%)	
2019	50588	2992 (6%)	13469 (27%)
2020	44353	2686 (6%)	9252 (21%)
2021	48260	2915 (6%)	10220 (21%)
2022	47750	3791 (8%)	9793 (21%)

Table 18 presents the number of misdemeanor cases that involved persons flagged as homeless or mentally ill under the two measures described above. We find that the share of misdemeanor cases involving homeless persons has noticeably declined between 2015 (11%) and

²² For the list of homeless shelters in Harris County, we used the list of homeless shelters published by the Coalition for Homeless in 2014 and 2021.

2021 (6%), followed by a small increase in 2022 (8%). Similarly, the share of misdemeanor cases involving a mental health problem has gradually fallen between 2019 (27%) and 2022 (21%).

In Table 19, we aggregate the case-level distribution of homelessness and mental health problems up to the person-level. Specifically, if the same person was arrested for multiple misdemeanor offenses over a calendar year, we count this person as a single observation. Moreover, if this person was ever flagged as homeless or mentally ill in any of the arrests made during a given calendar year, we consider this person as homeless or mentally ill. For example, if a person was arrested in March 2021 and reported a valid home address but was arrested again in September 2021 and listed homeless this time, we consider this person as a homeless person in 2021. Not surprisingly, the person-level counts of total, homeless, and mentally ill misdemeanor arrestees are lower than the case-level counts presented in Table 18, but the prevalence of homelessness and mental health problems at the person-level is remarkably similar to that at the case-level.²³ The share of Harris County misdemeanor arrestees flagged as mentally ill is also broadly consistent with national estimates; according to the Bureau of Justice Statistics' (BJS) 2011-12 National Inmate Survey (NIS-3), 26 percent of jail inmates across the country reported serious psychological distress in the 30 days prior to the survey.²⁴

Table 19. Homelessness among Misdemeanor Arrestees in Harris County, Person-level

Year	Arrestee		Mental Health	
	Count	Homeless	Assessment	
2015	49438	5232 (11%)		
2016	47601	4511 (9%)		
2017	42911	4030 (9%)		
2018	45177	3886 (9%)		
2019	43180	2528 (6%)	10887 (25%)	
2020	37222	2221 (6%)	7445 (20%)	
2021	40525	2428 (6%)	8239 (20%)	
2022	39738	3039 (8%)	7626 (19%)	

Next, we examine commonly observed offense types among misdemeanor arrestees who are flagged as homeless or mentally ill. For brevity, we only consider the four most common misdemeanor offense types, namely, assault, theft, trespass, and weapon law violation. Table 20 presents that the shares of these four offense types among homeless arrestees, arrestees with a mental health problem, and other misdemeanor arrestees who are flagged as neither homeless nor mentally ill. (Note that we only present the offense composition since 2019, when the information on mental health status first became available.)

²³ Continuums of Care (CoCs) across the U.S. conduct a point-in-time homeless count in January each year to determine the number of people experiencing homelessness in their communities, and the U.S. Department of Housing and Urban Development (HUD) compiles these regional homeless counts and reports them in the Annual Homelessness Assessment Report (AHAR) to Congress. In "The Way Home" CoC, which covers Houston, Pasadena, Harris County, Fort Bend County, and Montgomery County, the point-in-time homeless counts has noticeably declined over the years: 8,471 in 2011, 4,609 in 2015, and 3,974 in 2020.

²⁴ See *Indicators of Mental Health Problems Reported by Prisoners and Jail Inmates, 2011-12* (published by the Bureau of Justice Statistics), at <https://bjs.ojp.gov/library/publications/indicators-mental-health-problems-reported-prisoners-and-jail-inmates-2011>

The three groups exhibit distinct differences in the distribution of offense types. Among homeless arrestees, trespassing and theft account for a disproportionately large share of offenses. For example, 14 percent of misdemeanor cases filed against homeless persons in 2019 came from trespassing, while the corresponding rate was only 3 percent for non-homeless, non-mentally-ill misdemeanor arrestees. Furthermore, we find that misdemeanor arrestees with a mental health disorder were more likely to be arrested for assault than the other two groups. In 2019, 23 percent of arrestees with a mental health disorder were charged with assault, while the corresponding share was 17 percent for both homeless arrestees and the “other” arrestees. Although the exact shares have somewhat fluctuated over the years, the overall pattern has remained consistent.

Table 20. Types of Misdemeanor Cases Filed, by Homeless and Mental Health Status

Year	Type	Case Count	Assault	Theft	Trespass	Weapon
2019	Homeless	2992	512 (17%)	485 (16%)	408 (14%)	92 (3%)
	Mental Health	13469	3124 (23%)	1843 (14%)	957 (7%)	485 (4%)
	Others	35303	6158 (17%)	4040 (11%)	1034 (3%)	1798 (5%)
2020	Homeless	2686	576 (21%)	363 (14%)	358 (13%)	116 (4%)
	Mental Health	9252	2597 (28%)	966 (10%)	607 (7%)	494 (5%)
	Others	33285	7710 (23%)	2866 (9%)	777 (2%)	2891 (9%)
2021	Homeless	2915	602 (21%)	348 (12%)	474 (16%)	165 (6%)
	Mental Health	10220	2784 (27%)	979 (10%)	932 (9%)	612 (6%)
	Others	36156	8236 (23%)	2521 (7%)	1018 (3%)	3969 (11%)
2022	Homeless	3791	773 (20%)	510 (13%)	785 (21%)	206 (5%)
	Mental Health	9793	2551 (26%)	994 (10%)	1390 (14%)	500 (5%)
	Others	35464	8148 (23%)	3078 (9%)	1283 (4%)	3573 (10%)

Tables 21 and 22 present the race and sex distributions among misdemeanor arrestees who are homeless or mentally ill. Homelessness and mental health disorders seem to be somewhat more prevalent among blacks, and the magnitude of this black-white disparity has been very stable. About 45 percent of homeless arrestees and arrestees with a mental health disorder were blacks, who make up less than 40 percent of the misdemeanor arrestee population. We also note that, compared to the sex composition of the non-homeless and non-mentally-ill arrestees, the proportion of males is higher among homeless arrestees and the proportion of females is higher among mentally ill arrestees.

Table 21. Race Distribution of Misdemeanor Arrestees, by Homeless and Mental Health Status

Year	Type	Arrestee Count	Race Info. Available	Black	White
2019	Homeless	2528	2494	1109 (44%)	1334 (53%)
	Mental Health	10887	10744	4910 (46%)	5727 (53%)
	Others	31503	30748	11130 (36%)	18891 (61%)
2020	Homeless	2221	2199	993 (45%)	1183 (54%)
	Mental Health	7445	7358	3484 (47%)	3809 (52%)

	Others	29036	28493	10458	(37%)	17395	(61%)
2021	Homeless	2428	2394	1055	(44%)	1283	(54%)
	Mental Health	8239	8128	3670	(45%)	4354	(54%)
	Others	31659	31110	11920	(38%)	18422	(59%)
2022	Homeless	3039	3008	1429	(48%)	1518	(50%)
	Mental Health	7626	7528	3522	(47%)	3897	(52%)
	Others	31112	30605	11624	(38%)	18091	(59%)

Table 22. Sex Distribution of Misdemeanor Arrestees, by Homeless and Mental Health Status

Year	Type	Arrestee Count	Sex Info. Available	Male		Female	
2019	Homeless	2528	2514	1955	(78%)	559	(22%)
	Mental Health	10887	10867	7850	(72%)	3017	(28%)
	Others	31503	31435	23761	(76%)	7674	(24%)
2020	Homeless	2221	2215	1810	(82%)	405	(18%)
	Mental Health	7445	7440	5578	(75%)	1862	(25%)
	Others	29036	28997	22219	(77%)	6778	(23%)
2021	Homeless	2428	2424	1955	(81%)	469	(19%)
	Mental Health	8239	8226	6130	(75%)	2096	(25%)
	Others	31659	31598	24472	(77%)	7126	(23%)
2022	Homeless	3039	3035	2359	(78%)	676	(22%)
	Mental Health	7626	7615	5505	(72%)	2110	(28%)
	Others	31112	31070	23787	(77%)	7283	(23%)

Table 23 presents the number of misdemeanor filed against homeless and mentally ill persons by the originating law enforcement agencies. Compared to the total misdemeanor cases (presented in Figure 3), misdemeanor cases against homeless persons are somewhat more likely to originate from the Houston Police Department. For example, in 2022, 45 percent of all misdemeanor cases, 62 percent of the misdemeanor cases against homeless persons, and 53 percent of the misdemeanor cases against mentally ill persons originated from the Houston Police Department.

Table 23. Number of Misdemeanor Cases Filed against Homeless and Mentally Ill Persons, by Originating Law Enforcement Agencies

	Case			Harris County		Harris County	
Year	Count	Houston PD		Sheriff		Constable	
(A) Homeless Arrestees							
2015	6464	3694	(57%)	1621	(25%)	339	(5%)
2016	5676	3096	(55%)	1504	(26%)	280	(5%)
2017	4884	2294	(47%)	1291	(26%)	409	(8%)
2018	4698	2421	(52%)	877	(19%)	585	(12%)
2019	2992	1955	(65%)	348	(12%)	294	(10%)

2020	2686	1651	(61%)	527	(20%)	234	(9%)
2021	2915	1792	(61%)	513	(18%)	266	(9%)
2022	3791	2367	(62%)	631	(17%)	397	(10%)
(B) Mentally Ill Arrestees							
2019	13469	7197	(53%)	2381	(18%)	1798	(13%)
2020	9252	5010	(54%)	2007	(22%)	1109	(12%)
2021	10220	5334	(52%)	2410	(24%)	1261	(12%)
2022	9793	5147	(53%)	2139	(22%)	1321	(13%)

Table 24 presents a comparison of initial bond posting rates and one-year bond failure rates among three groups: homeless arrestees, mentally ill arrestees, and non-homeless, non-mentally-ill arrestees. Homeless arrestees had the lowest likelihood of being released on bond and the highest likelihood of experiencing bond forfeiture, revocation, or surrender. Mentally ill arrestees also had relatively low pretrial release rates and high bond failure rates, but the differences were not as pronounced. The magnitude of the gap in bond failure rates is particularly noteworthy. In 2021, homeless arrestees (47%) and mentally ill arrestees (41%) were more than twice as likely to experience bond failure, compared to non-homeless, non-mentally-ill arrestees (17%).

Table 24. Initial Bond Posting and One-year Bond Failure, by Homeless and Mental Health Status

Year	Type	Case		Bond Posted	Bond Failure
		Count			
2019	Homeless	2992	2349	(79%)	1137 (48%)
	Mental Health	13469	11123	(83%)	4355 (39%)
	Others	35303	30721	(87%)	6308 (21%)
2020	Homeless	2686	1909	(71%)	821 (43%)
	Mental Health	9252	7269	(79%)	2847 (39%)
	Others	33285	27848	(84%)	4923 (18%)
2021	Homeless	2915	2232	(77%)	1039 (47%)
	Mental Health	10220	8079	(79%)	3310 (41%)
	Others	36156	30436	(84%)	5215 (17%)
2022	Homeless	3791	2942	(78%)	N/A
	Mental Health	9793	7853	(80%)	N/A
	Others	35464	28830	(81%)	N/A

In Table 25, we explore the distribution of disposition outcomes for cases involving homeless persons, persons with a mental health disorder, and those who do not fall into either category. As before, cases filed in 2022 are excluded from the disposition analysis because many of them are not disposed yet.

In all three years considered, we find that cases filed against homeless persons are more likely to remain undisposed than other types of misdemeanor cases. The share of undisposed cases among homeless arrestees increased from 11% in 2019 to 17% in 2020 and to 29% in 2021. These shares are considerably higher than the shares of undisposed cases among mentally ill arrestees (6% in 2019, 11% in 2020, and 20% in 2021) and non-homeless, non-mentally-ill arrestees (8% in 2019, 13% in 2020, and 23% in 2021).

Turning to disposed cases, we find that homeless arrestees and arrestees with a mental health disorder tend to have a slightly higher conviction rate (and a lower rate of case dismissal) than non-homeless, non-mentally-ill arrestees. At the same time, the conviction rate gap associated with residential and mental health disadvantages appears to have gradually narrowed down since 2019.

Table 25. Case Disposition by Homeless and Mental Health Status

Year	Type	Case Count	Among Observed Disposition						
			Disposition Observed	Dismissed		Convicted		DADJ	
2019	Homeless	2992	2668 (89%)	1776 (59%)	828 (28%)	63 (2%)			
	Mental Health	13469	12722 (94%)	8314 (62%)	4051 (30%)	356 (3%)			
	Others	35303	32595 (92%)	23002 (65%)	8538 (24%)	1053 (3%)			
2020	Homeless	2686	2247 (84%)	1603 (60%)	610 (23%)	34 (1%)			
	Mental Health	9252	8221 (89%)	5341 (58%)	2669 (29%)	211 (2%)			
	Others	33285	29096 (87%)	20922 (63%)	7123 (21%)	1051 (3%)			
2021	Homeless	2915	2127 (73%)	1539 (53%)	557 (19%)	31 (1%)			
	Mental Health	10220	8151 (80%)	5585 (55%)	2399 (23%)	166 (2%)			
	Others	36156	27676 (77%)	20269 (56%)	6613 (18%)	793 (2%)			

Finally, we examine the rate of one-year repeat arrests among homeless arrestees, mentally ill arrestees, and those who do not fall into either category. Table 26 shows that arrestees identified as homeless or mentally ill are significantly more likely to be re-arrested within one year of the initial case filing date. For example, the one-year repeat arrest rates among homeless and mentally ill arrestees in 2019 were 40% and 38%, respectively, which are more than double the repeat arrest rate among other arrestees (18%). This repeat arrest disparity remains mostly consistent across all years (2019, 2020, and 2021) and offense types considered (total arrest vs. felony arrest).

Table 26. One-year Repeat Arrest Rates, by Homeless and Mental Health Status

			New Case Filed		New Felony Filed	
Year	Type	Count	Within One Year		Within One Year	
(A) Case-level						
2019	Homeless	2992	1182	(40%)	686	(23%)
	Mental Health	13469	5168	(38%)	2936	(22%)
	Others	35303	6371	(18%)	3237	(9%)
2020	Homeless	2686	1172	(44%)	730	(27%)
	Mental Health	9252	3883	(42%)	2291	(25%)
	Others	33285	6838	(21%)	3695	(11%)
2021	Homeless	2915	1189	(41%)	687	(24%)
	Mental Health	10220	4317	(42%)	2530	(25%)
	Others	36156	7684	(21%)	4179	(12%)
(B) Person-level						
2019	Homeless	2528	907	(36%)	528	(21%)

2020	Mental Health	10887	3750	(34%)	2130	(20%)
	Others	31503	5165	(16%)	2609	(8%)
	Homeless	2221	876	(39%)	545	(25%)
2021	Mental Health	7445	2863	(38%)	1714	(23%)
	Others	29036	5502	(19%)	2963	(10%)
	Homeless	2428	876	(36%)	505	(21%)
	Mental Health	8239	3126	(38%)	1836	(22%)
	Others	31659	6115	(19%)	3323	(10%)

10. Pretrial Supervision

Thanks to the collaboration and hard work by OJS and Pretrial Services, we gained access to pretrial supervision data from Pretrial Services in November 2022. The data contain a list of arrestees and case numbers subject to pretrial supervision conditions, the type of pretrial supervision conditions imposed, and the supervision start and end dates. Pretrial supervision conditions, such as random drug testing and electronic monitoring requirements, are more likely to be imposed upon arrestees with a higher risk of repeat offense and/or greater pretrial needs. By comparing the characteristics and outcomes of cases with and without pretrial supervision, we hope to better understand their underlying differences and how pretrial supervision resources can help reduce the risks of repeat offenses and non-appearance.

A noteworthy data limitation is that the Pretrial Services recently transitioned to a new external case management system on November 4, 2022, making it challenging to link their old and new datasets before and after this transition. In addition, we were informed during an interview with Pretrial Services that the quality of supervision data may have been less than ideal in earlier years, but it has steadily improved over time. Due to these data limitations, our analysis below is limited to misdemeanor cases filed between January 1, 2020 and November 3, 2022.

Table 27 presents the number of misdemeanor cases filed each year that involved pretrial supervision. At the case level, we find that nearly 40 percent of misdemeanor cases filed in 2020 and 2021 involved one of the pretrial supervision conditions, but this share fell to 27 percent in 2022. No contact order and drug testing requirements were two of the most common supervision conditions imposed. The prevalence of overall pretrial supervision and the composition of supervision types are nearly identical when the case-level data (top panel) are aggregated up to the person-level (bottom panel). We note that the reduced number of pretrial supervision may have been partly driven by the pilot program run by the Harvard Kennedy School's Government Performance Lab between October 2020 and June 2022, which reduced the use of restrictive court conditions imposed upon over 2,200 Harris County arrestees pretrial released on bond.

Table 27. Pretrial Supervision among Misdemeanor Arrestees, by the Year of Case Filing

Year	Count	Any Supervision		Ignition Interlock		No Contact Order		Phone for Urine Test		No Drug	
(A) Case-level											
2020	44353	17642	(40%)	1852	(4%)	7093	(16%)	5626	(13%)	8562	(19%)
2021	48260	18872	(39%)	2376	(5%)	8294	(17%)	6191	(13%)	11471	(24%)

2022	40229	10728	(27%)	1976	(5%)	4650	(12%)	3590	(9%)	7002	(17%)
(B) Person-level											
2020	37223	15497	(42%)	1678	(5%)	6019	(16%)	4897	(13%)	7433	(20%)
2021	40526	16634	(41%)	2200	(5%)	6981	(17%)	5434	(13%)	10110	(25%)
2022	33827	9432	(28%)	1869	(6%)	3826	(11%)	3194	(9%)	6239	(18%)

Tables 28 and 29 present racial and sex distributions of misdemeanor arrestees under pretrial supervision. In contrast to the notable differences observed between homeless and mentally ill arrestees and other arrestees (Tables 22 and 23), the racial and sex disparities between individuals with and without pretrial supervision conditions are rather modest.

Table 28. Race Distribution of Misdemeanor Arrestees, by PTS Supervision Status

Year	PTS	Person	Race Info.					
	Supervision	Count	Available	Black		White		
2020	No	21726	21332	8088	(38%)	12783	(60%)	
	Yes	15497	15249	6066	(40%)	8927	(59%)	
2021	No	23892	23471	9368	(40%)	13499	(58%)	
	Yes	16634	16380	6335	(39%)	9735	(59%)	
2022	No	24395	24017	9856	(41%)	13477	(56%)	
	Yes	9432	9271	3397	(37%)	5670	(61%)	

Table 29. Sex Distribution of Misdemeanor Arrestees, by PTS Supervision Status

Year	PTS	Person	Sex Info.					
	Supervision	Count	Available	Male		Female		
2020	No	21726	21691	16407	(76%)	5284	(24%)	
	Yes	15497	15483	11978	(77%)	3505	(23%)	
2021	No	23892	23837	18168	(76%)	5669	(24%)	
	Yes	16634	16611	12929	(78%)	3682	(22%)	
2022	No	24395	24361	18277	(75%)	6084	(25%)	
	Yes	9432	9422	7423	(79%)	1999	(21%)	

On the other hand, Tables 30 and 31 reveal stark disparities in pretrial release, bond failure, and case disposition outcomes between cases with and without pretrial supervision conditions. Perhaps not surprisingly in the majority of cases with pretrial supervision requirements (about 90 percent of the time), the arrestee was released on a bond shortly after the case filing date. However, despite this additional supervision effort by the county, these cases are more likely to end in a bond failure compared to cases without supervision conditions (30% vs. 17% in 2020; 29% vs. 18% in 2021). Moreover, cases with supervision conditions are more likely to result in a conviction compared to those without supervision conditions (31% vs. 23% in 2020; 32% vs. 20% in 2021).

Table 30. Initial Bond Posting and One-year Bond Failure, by PTS Supervision Status

Year	PTS Supervision	Case Count	Bond Filed	Bond Failure
2020	No	26711	20632 (77%)	3522 (17%)
	Yes	17642	15778 (89%)	4697 (30%)
2021	No	29388	23231 (79%)	4280 (18%)
	Yes	18872	16746 (89%)	4773 (29%)

Table 31. Case Disposition and Bond Failure by PTS Supervision Status

Year	PTS Supervision	Case Count	Disposition Observed	Among Observed Disposition					
				Dismissed		Convicted		DADJ	
2020	No	26711	23041 (86%)	17129 (74%)	5204 (23%)	708 (3%)			
	Yes	17642	15759 (89%)	10234 (65%)	4944 (31%)	581 (4%)			
2021	No	29388	21964 (75%)	16945 (77%)	4464 (20%)	553 (3%)			
	Yes	18872	15179 (80%)	9886 (65%)	4859 (32%)	434 (3%)			

Table 32 presents the one-year repeat arrest rates for misdemeanor cases with and without pretrial supervision conditions. We again observe a substantial difference in the repeat arrest rate between the two groups of cases. Specifically, at the case-level (top panel), about 30 percent of cases with pretrial supervision requirements were followed by a new arrest within one year, while the corresponding rate for unsupervised cases is only 22 percent. As before, the disparity remains mostly unchanged when we aggregate the data up to the person-level (bottom panel).

Table 32. Rate of Repeat Offense by PTS Supervision Status

Year	PTS Supervision	Count	New Case Within One Year	New Felony Within One Year
(A) Case-level				
2020	No	26711	5839 (22%)	3332 (12%)
	Yes	17642	5555 (31%)	3080 (17%)
2021	No	29388	6693 (23%)	3708 (13%)
	Yes	18872	5889 (31%)	3325 (18%)
(B) Person-level				
2020	No	23697	4763 (20%)	2672 (11%)
	Yes	15497	4498 (29%)	2511 (16%)
2021	No	26163	5441 (21%)	2991 (11%)
	Yes	16634	4680 (28%)	2653 (16%)

IV. Cost Study and Project Management

This section of the Monitor report considers two responsibilities performed by the Public Policy Research Institute (PPRI) at Texas A&M University. The first, evaluating costs associated with implementation of the Consent Decree, is addressed in Part A, “Overview of Programs to Increase Court Appearance” and Part B, “Court Date Reminder System Evaluation.” Part C offers an update on recent milestones associated with Consent Decree implementation.

We thank a number of departments for their assistance with understanding and documenting the operation of the court date notification and reminder system described in Parts A and B. We are grateful to the Office of Court Management, the District Clerk’s Office, the Sheriff’s Office, the Pretrial Services Department, the Public Defender’s Office, the County Attorney’s Office, and the Office of Justice and Safety. Without their input and guidance it would have been impossible to understand patterns observed in the data or to identify opportunities for system improvements.

Major findings show good progress meeting two of the three Consent Decree requirements for mitigation of nonappearance, while also pointing to the urgent need for improvements in the court date reminder system. Issues affecting court reminder sign-up described in Part B2 include:

- Unclear role for law enforcement officers (Issue 1);
- Failed pathways to enrollment for GOB and personal bonds (Issue 2), cash bonds (Issue 3), and secured bonds (Issue 4);
- Limitations in how the case reset form is being used (Issue 5);
- Lack of information available to defense attorneys (Issue 6); and
- Need for an affirmative “opt out” indicator to distinguish whether non-enrollments are voluntary or systemic (Issue 7).

Analyses in Part B3 also show that the cases most likely to be enrolled for court date reminders are disproportionately high-risk or complex involving the challenges of mental illness or homelessness, as well as more serious past and current criminal charges. Due to significant selection bias in the sample, we refrain from analyzing the impact of reminders on court appearance. Instead, we reserve this inquiry along with cost impacts for future study.

A. Overview of Programs to Increase Court Appearance

Section VIII of the Consent Decree, “Promoting Pretrial Release Through Programs to Increase Court Appearance,” asks Harris County to adopt new practices that help misdemeanor defendants be present in court. Investment in such systems can generate positive returns for both the jurisdiction and the accused by reducing the frequency and expense of bond forfeitures; new arrests, bookings, and detentions; court backlogs; and increased convictions and sentencing associated with failures to appear. As systems to encourage appearance are improved and more fully integrated into court processes, it will be possible to quantify their impacts on costs. For the current report, our focus is on progress implementing three stipulated nonappearance strategies:

- **A study of nonappearance**²⁵ that investigates and identifies primary causes of nonappearance; produces evidence-based recommendations for cost-effective and actionable strategies to mitigate nonappearance; and guides implementation of new programs and services to assist arrestees to be present in court. The study should inform an investment of more than \$6 million over seven years in programs and services designed to mitigate possible causes of nonappearance.
- **Uniform notice of scheduled court appearances**²⁶ that provides easily understood information about date, time, and location along with a telephone number and website to obtain additional information; describes the consequences of nonappearances; states Judges' policies relating to attending, missing, and rescheduling court appearances; and explains that indigent arrestees will have a lawyer appointed to further explain and assist with their duty to be present at hearings.
- **A court date reminder system**²⁷ that issues at least one-way messages to misdemeanor arrestees by texts and telephone; notifies recipients of the date, time, and location of upcoming court dates; notifies recipients of missed appearances with information about next steps for rescheduling or resolving the nonappearance; offers arrestees the chance to affirmatively opt out of reminders through a written waiver; and encourages arrestees to appear in court on the date scheduled.

The following sections describe the current status of these reforms with an in-depth focus on implementation of the court date reminder system in particular.

1. Study of Nonappearance to Inform Mitigation Initiatives

In August of 2020, Ideas42, a nonprofit research organization, was contracted to generate evidence-based recommendations toward fulfillment of all three Consent Decree court appearance objectives. Their findings and suggestions for Harris County, summarized in a July 2022 report,²⁸ have formed the foundation for court appearance reforms. Results demonstrate that people need help to overcome obstacles created by poverty such as transportation, childcare, housing instability, inflexible work schedules, lack of access to a telephone or computer, and physical or behavioral health concerns such as mental health problems, substance use disorders, and medical emergencies. Several initiatives to mitigate the causes of nonappearance have arisen from their work.

Since June 2021, \$250,000 per year has been spent on the Community Assistance Referral Program (CARP) for arrestees with mental illness who are released on GOBs. During the five highest jail release days – Thursdays through Mondays – Harris Center mental health professionals help people exiting detention to access needed services in the community, then provide follow-on through the disposition of the court case.

²⁵ Sec. 51-56

²⁶ Sec. 46-48

²⁷ Sec. 49-50

²⁸ McAuliffe, Shannon, Samantha Hammer, Alissa Fishbane, and Andrea Wilk (July 2022). *Navigating the Real-Life Challenges of Appearing in Court: Recommendations for addressing wealth-based barriers to court appearance in Harris County*. New York, NY: Ideas42.

In January 2023, the county released an expanded plan²⁹ pending approval from Commissioners Court to invest \$850,000 each of the next three years for additional programs to:

- Enhance the existing CARP program;
- Improve communication with defendants about charges, hearings, and warrants through the MyHarrisCountyCase.com web portal and smartphone application;
- Develop and widely disseminate easy-to-understand videos and literature about attending court;
- Provide better signage and interactive kiosks at the courthouse to help people find their way, and offer phone charging stations to help them stay in contact with their family, transportation, and workplace; and
- Train court personnel to improve accuracy and consistency of nonappearance data recording.

2. Notice of Scheduled Court Dates

To design new messaging about required court dates, Ideas42 first reviewed nearly 4,000 client interviews conducted by Harris County Public Defender attorneys prior to bail revocation hearings. “Confusion regarding the court appearance” was among the main reasons court dates were missed. Defendants frequently said they were unaware of the court date, did not remember receiving the information, or did not know they were expected to attend. People with multiple active cases also got appearance requirements confused. Poor communication with defense attorneys – including attorney non-response to inquiries – also contributed to their misunderstanding.

As a partial remedy to these problems, working with the Office of Court Management and other stakeholders, Ideas42 designed a new clearer notification for the first required court date to appear on personal, GOB, surety, and cash bond forms as well as on case reset forms. The complete set of approved forms is presented in Appendix F. Bond forms were selected as a means of delivery because every defendant signs and receives a copy upon release from pretrial detention. The language and format of the notice are shown in Figure 17.

Figure 17. Court Date Notice Language and Format on the Bond Form

<p>If the defendant misses any dates when he/she must appear in court, the defendant may be arrested and held in custody, and the defendant and the surety may forfeit the sum above.</p> <div><p><u>YOUR NEXT COURT DATE IS:</u></p><p>COURT# _____ at the Criminal Justice Center, 1201 Franklin Street, Houston, Harris County, TX on the</p><p>DATE _____ of _____ 20____, at ____:____ A.M.</p><p><small>DAY MONTH</small></p></div>

²⁹ Harris County, Texas Nonappearance Plan: Presented to the ODonnell Monitor on January 18, 2023 in accordance with Section 55(a) of the Consent Decree; Subject to final approval by Commissioners Court. Harris County, TX: Harris County Attorney’s Office.

IMPORTANT INFORMATION ABOUT YOUR COURT APPEARANCE

★ Helpful Tip: Put date in phone ASAP/ Take photo of this form now to remember court date and info ★

- Most cases will have additional steps and court dates. You must go to the court date listed above.
- You can ask for a lawyer at no cost to you, if you cannot afford one. The judge will determine if you qualify.
- Arrive early, because you will need to wait in line and go through security.

Help and questions: Call Court # ____ (____-____-____) or Justice Navigators (713-274-4357), or go to www.ccl.hctx.net/cr

If you miss court, you may have a warrant for your arrest. To clear your warrant for missing the court date above, call your lawyer for advice and either: 1) Call Court # ____ (____-____-____) immediately, **OR** 2) Go to the next Open Hours Court on Thursdays 8:30am-3pm, 1201 Franklin St. Open Hours Court schedule is at www.ccl.hctx.net/cr, and you can see any judge available that day.

→ **HOW TO PREVENT BEING ARRESTED AND/OR LOSING THIS BOND:**

- Go to all court dates where you must appear.
- Do not commit a crime or do anything that could get you arrested.
- Follow any conditions the judge may give you in the future. These conditions can be changed at any time, and you can ask the judge to make changes. You will receive a new form any time your conditions change.

Importantly, however, even though people receiving citations in lieu of arrest can still be penalized for missed court dates, the Citation and Notice to Appear in Court Form was not included in this redesign process. Figure 18 shows dense text and complex terminology that may be hard to follow for people with low literacy. Advice such as “arrive early” and requirements to prevent re-arrest are not provided, and guidance to access help from Justice Navigators or appointed counsel (except to assist at Open Hours Court) is also omitted.

Figure 18. Court Date Notice Language and Format on the Citation and Notice to Appear in Court Form

I have received this written notice to appear at my first appearance on _____ at _____. I promise to appear at 49 San Jacinto, Houston, Texas 77002 on the date and time designated in this citation to receive further admonishments and, potentially, have additional conditions of my release set in accordance with Local Rule 9.

I understand that my presence is required. If I do not show for this first appearance, I must report to the next available Open Hours Court. Open Hours Court is held every Thursday and the schedule will be posted at the courthouse, 1201 Franklin, Houston, Texas, at the jail, 700 North San Jacinto, Houston, Texas, and on the following website <http://www.ccl.hctx.net/criminal/>.

If you miss your first appearance, meaning that you have not appeared in court within one hour of the time set for your first appearance or by the time the docket has concluded, and good cause does not exist for the nonappearance, then a warrant for your arrest shall be issued. However, even if a warrant is issued, you are encouraged to appear at Open Hours Court or in the assigned court to reschedule the missed first appearance. If you voluntarily appear in the assigned court or in the Open Hours Court after a warrant has been issued for failing to appear at first appearance, the warrant will be recalled, and you will be permitted to reschedule the missed first appearance. An assistant public defender or private appointed counsel will be available at the Open Hours Court docket to assist you if you do not have a lawyer and wish to be represented by counsel. Questions about Open Hours Court dates and location may be directed to 713-274-HELP (4357).

After the first court date is stated on the bond or citation form, information about subsequent appearances is given on the redesigned Case Reset Form (Figure 19) given to defendants by court coordinators at each subsequent court appearance. Still, it may be easy for people to lose track of scheduled appearance dates if an appearance is missed or after a series of settings where attendance is not required. For this reason, the form offers clear tips for getting help from the court, justice navigators, online, or from a lawyer if people are unsure of what is expected.

Figure 19. Case Reset Form Court Date Notification Language and Format

IMPORTANT INFORMATION ABOUT YOUR NEXT COURT DATE

★ Helpful tip! Put date in phone ASAP / take photo now to remember court date and info. ★

Your next court date is on _____ at ____ : ____ .M. at the
Criminal Justice Center, 1201 Franklin St., Houston. FLOOR #: _____ **COURT #:** _____ .

On the court date above, you: ☐ **MUST APPEAR** ☐ **DO NOT NEED TO APPEAR.** For next steps,
to avoid arrest warrant check in with your lawyer after the court date above.

HELPFUL INFORMATION

- AVOID AN ARREST WARRANT:** Go to ALL court dates where you MUST APPEAR and follow any conditions from the judge. The court will notify you if there is a change to your requirements to appear.
- HELP AND QUESTIONS:** Call your lawyer or Justice Navigators (713-274-4357), or go to www.ccl.hctx.net/criminal/. You can ask for a lawyer at no cost to you, if you cannot afford one. The judge will determine if you qualify.
- RESCHEDULING:** You may request to reschedule "regular" court dates up to two times. A "required" court date cannot be rescheduled unless the Judge approves. See Notice of Next Court date form for your court date "setting type."
- MISSED COURT DATES:** If you miss your court date, you may have a warrant for your arrest and lose your bond. Call your lawyer first for advice on next steps, and then to clear your warrant for missing the court date above, take action right away by either:

⇒ **CALL:** immediately the Court Coordinator for your Court #.

You can find the phone number by calling Justice Navigators at 713-274-4357 or using the Court Directory on top right page at www.ccl.hctx.net/cr

OR

⇒ **GO:** next Thursday to Open Hours Court from 8:30am-3pm at 1201 Franklin Street.

There, you can see any judge available that day.
Open Hours Court schedule is at www.ccl.hctx.net/cr

3. Court Date Reminder System

Even if the court appearance date is clearly communicated, Ideas42 found “forgetting” is among the top reasons appearances can still be missed. People who forgot a court date often explained they had lost notification paperwork and did not know how to find the information from other sources. Importantly, Ideas42 identified these obstacles as a secondary consequence of the more fundamental challenge of scarcity as court users described other priorities competing for attention – jobs or job loss, arranging childcare, evictions or homelessness, medical crises, and mental health challenges as examples. For this reason, in addition to clear notifications, the Consent Decree also requires a system of court date reminders.

Figure 20. Court Reminder Signup Language and Format on Bond and Case Reset Forms

GOB, Personal, Cash, and Surety Bond Forms	Case Reset Form
<p>★ REMINDERS help many people remember to go to court and avoid re-arrest. Sign up for BOTH below:</p> <p>_____ <input type="checkbox"/> Yes, send reminders! CELL PHONE</p> <p>_____ <input type="checkbox"/> Yes, send reminders! EMAIL ADDRESS</p>	<p>★ REMINDERS help many people remember to go to court and avoid re-arrest. Sign up here:</p> <p>_____ <input type="checkbox"/> Yes, send reminders! CELL PHONE or HOME PHONE (circle).</p> <p>_____ <input type="checkbox"/> Yes, send reminders! EMAIL ADDRESS</p>

With court reminder signup available on bond forms at intake and on case reset forms at each court appearance (Figure 20), defendants have multiple chances to enroll. Again, however, people who receive citations are at a disadvantage. As shown in Figure 21, the citation form in current use offers no information about reminders or why consent for text and emails is being requested. Although the re-designed court date notification forms are only required for arrestees who are in custody or have appeared in person, the Consent Decree nonetheless asks that third party agencies have access to the forms. Presumably arresting officers inform defendants about the court date reminder option though it is not clear how training is being provided or what talking points are being used across 39 Harris County law enforcement agencies.

Figure 21. Court Reminder Signup Language and Format on Citation and Notice to Appear in Court Form

PERSONAL INFORMATION					
Last: _____		First: _____		MI: _____	
Address: _____				City: _____	
State: _____	Zip: _____	Race: _____	Sex: _____	DOB: _____	
DL/ID Number: _____		State: _____			
Phone: _____		Cell <input type="checkbox"/>	Home <input type="checkbox"/>	SPN: Yes <input type="checkbox"/>	No <input type="checkbox"/>
Email: _____					
Consent for Text: Yes <input type="checkbox"/> No <input type="checkbox"/>		Consent for Email: Yes <input type="checkbox"/> No <input type="checkbox"/>			

For people who were successfully entered in the court reminder database, text, email, and voice messaging became operational on February 26, 2022. Milestone dates marking the development of the court date reminder system are reviewed below. Note, however, that significant problems described more fully in Sections B2 and B3 have limited the effectiveness of the system.

- **Prior to 2016 – Present: Pretrial Services’ Legacy Court Date Reminder System:** The new court date reminder system is not the first in Harris County. In the years before the ODonnell lawsuit was filed, the Pretrial Services Department texted court date notifications

to misdemeanor defendants on their supervision caseload. These were primarily people with personal bonds³⁰ and people with secured bonds who had monitoring requirements.

- **December 2019 – November 2021: PTS Reminders Expanded to GOB Bonds:** After the Consent Decree was entered on November 21, 2019, PTS expanded their court date reminder service to include *unsupervised* defendants released on General Order Bonds.³¹ A nightly computer program sent notifications to cellphone numbers retrieved from an electronic GOB form stored in the District Clerk’s Office (DCO). It appears, however, that GOB cases stopped getting reminders when the DCO’s electronic bond form was disabled in November 2021. Defendant contact numbers now reside in electronic GOB forms in Pretrial Service’s own new CSS case management system, though it is not clear whether the PTS reminder system has been reprogrammed to access this new data source.
- **August 2020 – November 2021: New Reminder System - Technical Development:** In August of 2020, Harris County’s Universal Services (US) submitted a technical blueprint for the reminder system required by the Consent Decree. System construction occurred over the next 18 months.
- **December 2020 – June 2021: New Reminder System - Message Development:** At the same time Universal Services was building out the technical infrastructure, in December 2020 Harris County Commissioners approved the Ideas42 contract to develop notice and reminder messages. Following an extensive process of stakeholder input, form and script development, user testing, graphic design, and language translation, by June 28, 2021 the final designs were approved for use.
- **November 2021 – February 26, 2022: Court Date Reminder System Pilot and Launch:** By November 2021, the Ideas42 court date notification messages were fully integrated into the technical platform created by Universal Services. In the ten days between November 11 and November 21 2021, test reminders were piloted to 2,774 individuals who had previously enrolled 3,747 cases for notification.³² Following this test and a roughly three-month pause for refinements, on February 26, 2022 the comprehensive pretrial notification system was fully launched.³³

Harris County’s comprehensive court date notification system has now experienced nearly a full year of operation, yielding data that has enabled the Monitor team to test the system’s robustness. In the next section, we describe system usage to date and identify opportunities for improvement.

³⁰ Harris County CCCL Courts have historically set conditions of supervision for virtually every defendant released on a personal bond, a practice that continues today.

³¹ People who are unsupervised with a secured bond have never been included in the PTS court date reminder system.

³² An additional 4,215 individuals received notifications for 4,761 misdemeanor cases that have a co-occurring felony charge.

³³ People who received notifications during the November-December 2021 pilot phase did not continue to receive future notifications if their case remained active after the testing interval.

B. Court Date Reminder System Evaluation

1. Reminder System Usage

Between February 26, 2022 and January 26, 2023, a total of 18,486 misdemeanor-only cases representing 13,139 individuals were messaged at least once. The number of communications issued by type is shown in Table 32 along with the message wording used in texts. Wording used for emails and voice messages is available in in Appendix G.

Additionally, people are encouraged on the bond forms to sign up for multiple delivery methods. The data reflect that 1,810 cases – fewer than 1% – have received notifications through more than one method.³⁴ Voice notifications are not an choice on the sign-up form and are only available upon special request to the District Clerk’s Office.

Table 32. Number of Messages by Notification Type
(February 26 to January 26, 2023 Representing 18,486 Cases and 13,139 Individuals)

	Text Notification Language	# Texts	# Emails	# Voice Messages
Opt In Welcome Message (<i>NOT USED</i>)	Welcome! You will now receive court date reminders for Case ###. For more info, call 713-274-4357 or go to www.[insert weblink]. Reply STOP to end texts.	0	0	0
Setting Date Creation	You have a new court date on Mon Jun 03 8:30AM for Case ### at 1201 Franklin. Mark your calendar and plan ahead. We will text again to help you remember. For more info, call your lawyer, or the court ###-###-#### or visit www.[insert weblink].	20,583	1,571	129
Upcoming Court Date Reminder (7 -Day)	You have court Mon Jun 03 8:30AM. Make plans now: work, transport, childcare? Mark calendar, set alarm. Go to avoid arrest warrant. Call 713-274-4357 or go to www.[insert weblink] for more info.	35,260	2,774	148
Upcoming Court Date Reminder (1 -Day)	Court is tomorrow at 1201 Franklin, Court # __. Case ###. Plan when to leave to be in court by 8:30AM. Missing can lead to arrest. Call 713-274-4357 or go to www.[insert weblink] for more info.	51,213	3,975	278
Missed Court Date	You missed court on Jun 03 (Case ###). Act now! Call Court # __ at XXX-XXX-XXXX or go to next Open Hours Court (Thurs 8:30-3pm, 1201 Franklin St.). Open Hours Court schedule is at www.[insert weblink]. You can see any judge available that day.	21,027	1,615	69
Setting Date Reschedule	Court Update: there has been a schedule change. You now must appear in court on Mon Jun 03 at 8:30AM at 1201 Franklin St for Case #####. For more info, call your lawyer, or the court ###-###-#### or visit www.[insert weblink].	43,795	3,295	180
Court Transfer	Court Update: Your case is moved from Court #XX to Court #XX. You now must appear in court on Mon Jun 03 at 8:30AM at 1201 Franklin St for Case ###. For more info, call your lawyer, or the court ###-###-#### or visit www.[insert weblink].	522	37	1

³⁴ Of 1,810 cases with multiple notification delivery methods, all were sent texts. Additionally, 1,656 were sent email reminders, 128 got voice reminders, and 26 cases were sent reminders in all three formats.

Appearance Waived at Next Setting (<i>NOT USED</i>)	Court Update: You do not need to appear at your court date on x.xx.xxx. We will text you before your next court date. For more info, call your lawyer, or the court ###-###-#### or visit www.[insert weblink].	0	0	0
Opt Out Message (<i>NOT USED</i>)	You have opted out of court reminders for Case ###. If you would like to sign up again, you can at your next court date. For more info, call 713-274-4357 or go to www.[insert weblink].	0	0	0

2. Opportunities to Strengthen the Court Date Reminder System

As the court date notifications required in Consent Decree Sections have been completed and put into use, we now have perspective on how the system is working, and can begin to assess impacts and needs. The discussion that follows considers anomalies that have been uncovered in structure and operation.

ISSUE 1: The role of law enforcement officers in signing up defendants for court date reminders is unclear.

Background: People can sign up for court date reminders on the Citation and Notice to Appear Form used by law enforcement officers in non-arrest cases. However, since the new redesigned court date and reminder messaging is not being used (see Figures 18 and 21), it seems left to the officer to explain why consent to send texts or emails is being requested. It is not clear how training for this duty is provided across 39 law enforcement agencies, or what talking points are being communicated to defendants.

If people receiving citations consent to get texts or emails, the officer enters the information in the DIMS screen at intake. Additionally though, some regular (i.e., *un-cited*) arrestees have also been enrolled through that same DIMS system. Yet, there is no uniform policy about *detainee* signup by the officer, and unlike citations, there is no written documentation of the opt-in decision for arrestees. This could conflict with the county policy that defendants must opt in to receive notices that may incur charges, as texts sometimes do.

Clearer messaging on citation forms about court dates and reminders, combined with training for law enforcement officers, would improve communication to defendants about the court process. In cases of arrest, the officer's role in reminder signup needs to be clarified, and documentation of the arrestee's opt-in decision may also need to be developed.

ISSUE 2: Signups for court date reminders on GOB and personal bonds are entered by PTS staff into electronic forms,³⁵ but there is no path for the entry to be transmitted to the JWeb Party record where notifications originate.

³⁵ Manual Bond Forms are used when the electronic system is down, or when defendants are not available to complete the electronic form (e.g., if they are in medical treatment or a holding tank).

Background: Since November 2021, using the new CSS case management system, Pretrial Services staff complete electronic GOB or personal bond forms entirely “on screen.” Court reminder contact information is typed in, and signatures are collected on electronic pads. However, once entered, rather than being saved to a data table that can be exported directly into JWeb, it appears the enrollment information is being stored as a fillable form then filed with the DCO as a scanned image.

The Office of Court Management is working with the District Clerks Office to create a “shortcut” key leading to the PTY screen where clerks can type the court notification signup information directly into JWeb when they make the bond entry.

ISSUE 3: There is no path for defendants being released from custody on a cash bond to enroll for court date notifications.

Background: When individuals visit the Sheriff’s Records Division to post *their own* cash bond, when the bond is keyed into JWeb, records clerks are prompted to enter court reminder signups. But the same notification enrollment prompt does not appear when a cash bond being posted *by friends or family* for defendants already in custody. This procedure seems intended to ensure that only defendants can self-enroll, thereby agreeing to accept costs of notifications such as texts.

However, there is no other opportunity for the person being released from custody to sign themselves up. After the friend or family posts the cash amount, the bond form is printed along with other release paperwork and walked to the releasing unit for signature. Even if the defendant writes in their intent to enroll for court reminders on the cash bond form, from there the document is transmitted directly to the DCO and filed as a scanned image. There is no current protocol for data-entering the person’s signup information in the Party record to trigger reminder messages.

The Office of Court Management is working with the Sheriff’s Office to develop a means to enter court notification signup information for defendants in custody who are released on cash bond.

ISSUE 4: Surety bond companies currently use an expired bond form that does not contain a court date reminder signup option.

Background: Surety bond companies print bonds at their office using software that extracts publicly available data fields to fill in the required information. To date, few (if any) bond companies have had their software updated to reflect the redesigned forms with the notification signup option included. When defendants sign the outdated form at release, they are not made aware that court date reminders are an option. Moreover, even if the correct bond form is used, similar to cash bonds, there is no procedure for entering the defendants’ enrollment choice into the JWeb record that will initiate notifications.

A strategy is needed to require surety bond companies to adopt the current misdemeanor bond form approved by the CCCL judges.

ISSUE 5: The court date reminder enrollment space on the case reset form is currently unused.

Background: The case reset form provided to defendants at each court appearance contains a space to sign up for court date reminders (see Figure 18, above). However, the form neither accepts data entry for new enrollment nor displays the information on file if people have previously enrolled.

Court coordinators take ad hoc signup requests from defendants or their attorneys, then transmit the information to the court clerk in the form of docket notes or email. Because the coordinators and clerks of each court work closely together these enrollments seem to be reliably entered into the JWeb Party record where they can be accessed by the reminder system. However, the inability for all defendants to view their current enrollment status on the reset form is a missed opportunity for people to make changes if desired.

If case reset forms could provide defendants with information about their current enrollment status at each appearance, courtrooms could be a more effective venue for people to routinely review and update their enrollment decision and contact information.

ISSUE 6: Defense attorneys are unable to check the enrollment status or content of court reminder messages on behalf of clients.

Background: When defendants have missed court appearances, they have sometimes explained to attorneys that they were not receiving the reminders they signed up for, or that the court date shown was incorrect. Yet, without access to the notification record, it is difficult to verify the claims or to raise them in court. Likewise, judges need accurate information about reminders in order to make an informed decision whether to forfeit bond.

Docket notes or the case activity tab on the District Clerk's website are commonly used to track the events of a case and have been suggested as a place to post the notification record. Moreover, if information about enrollment status was available to attorneys, they could more readily encourage clients to use the service to ensure appearance.

Defense attorneys and judges need access to information about the operation and content of court date reminders that could put defendants at risk of bond failure.

ISSUE 7: Without an affirmative "opt out" indicator, it is not possible to be certain that every defendant has an opportunity to enroll for court date reminders.

Background: The current court date reminder system documents defendants' choice to sign up for notifications. However, there is no record made if people opt out of the service. With declinations unrecorded, it is impossible to determine if people are invited but refused, or if they were never aware of the option. The inclusion of an affirmative "opt out" indicator on the citation, bond, and case reset forms used for signup would help address this problem and allow a means to monitor the system to promptly identify failures.

As court date reminder systems and procedures are being amended, the addition of an affirmative “opt out” indicator would provide a means to affirm that all defendants are being given the same chance to enroll and to validate overall system operation.

3. Descriptive Analyses of Enrollment in the Court Date Reminder System

As noted above, the evidence shows some people intending to sign up for court date reminders are not being successfully registered in the system, but precisely quantifying the extent of this omission is challenging. At present, finding failed enrollments requires looking up individual scanned images of bond and court reset forms posted in the District Clerk’s website then checking to see if the corresponding case number is present in the notification database. This manual verification approach is useful to spot-check system operation but is not feasible to validate enrollment for a large volume of defendants and cases.

Because of these difficulties identifying people who signed up but are *not enrolled*, instead we describe the attributes of people who *are* represented in the messaging system overall and by subgroups of interest. The following graphics show differences in case enrollment based on arrestee demographics, bond and detention status at arrest, current and past criminal charges, and court- and attorney-related attributes. Enrollment differences based on these characteristics offer clues about which people are being favored by or exempted from the current enrollment protocol.

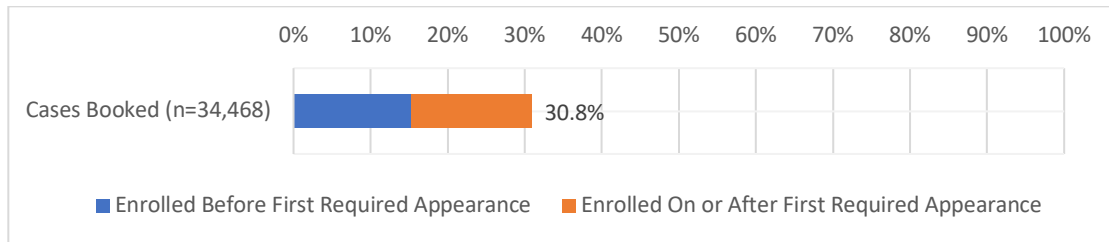
Notably, without an affirmative opt-out procedure we cannot say to what extent the differences observed are due to variation in individuals’ voluntary choice willingness – or ability – to receive notifications versus systematic omissions caused by shortcomings in the enrollment system itself. Still, these data offer clues about where attention needs to be focused to equalize opportunity for all defendants with open court cases.

If the chance of enrollment is the same for all defendants, we would find no differences in signup rate across different types of cases. Instead, what we find is that cases involving the most complicated concerns such as mental illness or homelessness, serious cases where bond has been denied, and those involving people with an extensive criminal past are the most likely to be registered in the reminder system. The reasons for this anomaly are not fully understood. We speculate that repeated encounters across multiple venues in the Harris County criminal justice departments may increase the chance that court date reminder signup will eventually be successful.

Importantly, though, if people with the most complex and serious criminal charges are disproportionately represented in the court notification system, any consideration of the effect of reminders on court appearance would be biased. For this reason we delay analyses of the effect of court date reminders on nonappearance and focus instead on systemic changes so all defendants have equal opportunity to register.

a. Total Enrollment

Figure 22. Court Date Reminder Enrollment
(Cases with First Booking February 26, 2022 to January 26, 2023)



To begin, Figure 22 shows overall reminder enrollment for misdemeanor-only cases booked³⁶ between the date the court date reminder system was fully implemented (February 26, 2022) and the most recent data download date (January 26, 2023). Of 34,468 cases with a first booking during that timeframe,³⁷ not quite one in three (30.8%) have received notifications. Of those, roughly half (15.2%) seem to have signed up at arrest or booking because the first notification was sent in advance of the first court setting. The remainder (15.6%) initiated notifications after at least one court appearance, suggesting they signed up in court or during a re-arrest.

b. Demographics

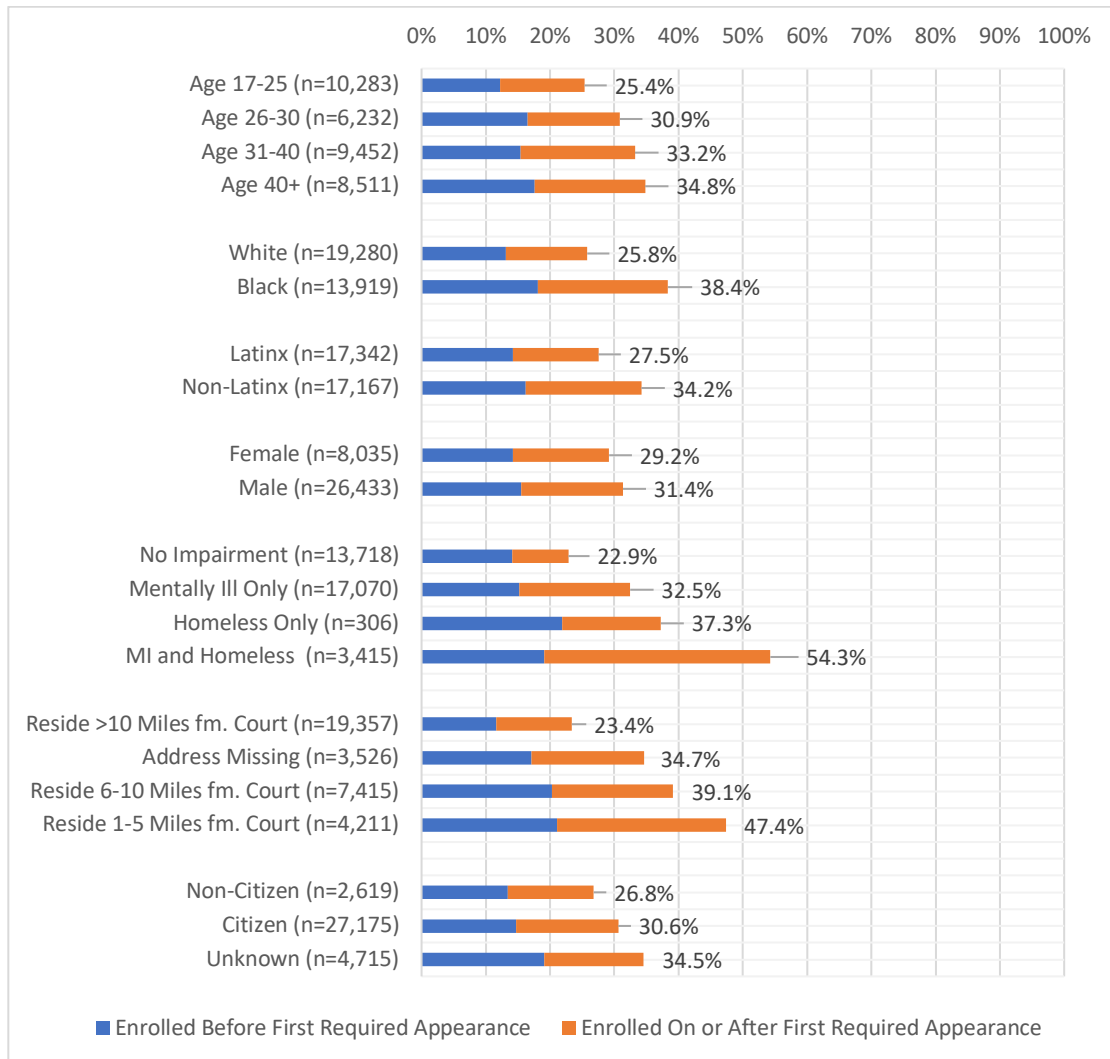
Demographic descriptors in Figure 23 reveal that court date reminders are more common among people who are older, Black, and non-Latinx, while males and females are about equally likely to be enrolled. Interestingly, where the defendant is experiencing *both* mental illness and homelessness the enrollment rate is about 50% higher than for cases involving only one of these concerns; and cases against people with no impairments are the least likely to be enrolled.

Living in close proximity to the courthouse (within 5 miles) is also a benefit, more than doubling reminders participation rates relative to people living more than 10 miles away. Additionally, cases against people with unknown citizenship are more likely to receive notifications than cases against either citizens or non-citizens. We can speculate that missing citizenship data, distance from the courthouse, homelessness and mental illness all indicate more complex personal circumstances. If complexity generates more contacts with the courts, community advocates (e.g., homeless, mental health, or immigrant service providers), or defense attorneys, these factors may raise the odds of successful court reminder signup.

³⁶ Booking was considered the earliest chance for a person to encounter an opportunity to sign up for court date reminders; if booking date was missing, case filing date was substituted.

³⁷ It should be noted that the source for booking data is currently being updated. Results could be slightly different after all data updates have been fully implemented, but overall findings are not expected to change.

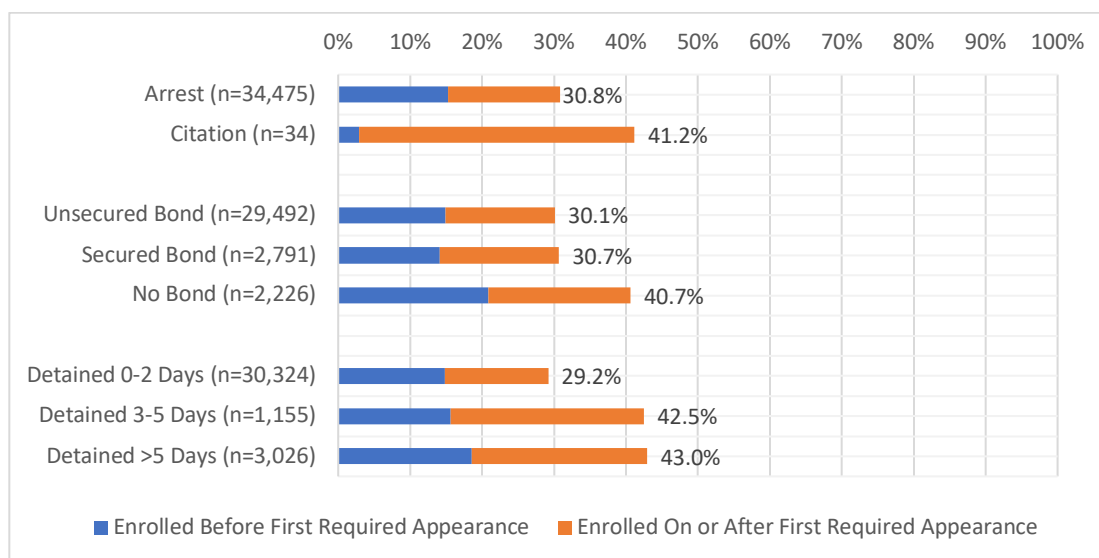
Figure 23. Reminder Enrollment by Demographics
(Cases with First Booking February 26, 2022 to January 26, 2023)



c. Bond and Detention Status at Arrest

Although an extremely small number of cases in the analysis sample receive citations in lieu of arrest (n=34), cited cases have a somewhat greater chance of entering the notification system compared to arrests (Figure 24). The process whereby people self-enroll on the citation form and officers record their choice when the case is filed in DIMS seems to increase the chance of successful registration relative to the traditional arrest and booking procedure.

Figure 24. Reminder Enrollment by Bond and Detention Status at Arrest
(Cases with First Booking February 26, 2022 to January 26, 2023)



Surprisingly, cases that do not post bond, and those that are detained the longest after initial arrest, are also more likely to get court date reminders than bonded cases with prompt pretrial release. This finding is not intuitive because reminder signup is expected to occur primarily on the bond form. Higher notification rates where bond is not posted could be driven by the most extreme cases in which people *signed up for reminders then absconded* prior to their first appearance. Following re-arrest on a warrant, they might be subject to longer pretrial detention based on risk of flight. Alternately, there could be a path for court notification enrollment while in jail, though jail-based registration has not been named by stakeholders as a significant source of court date reminder signup.

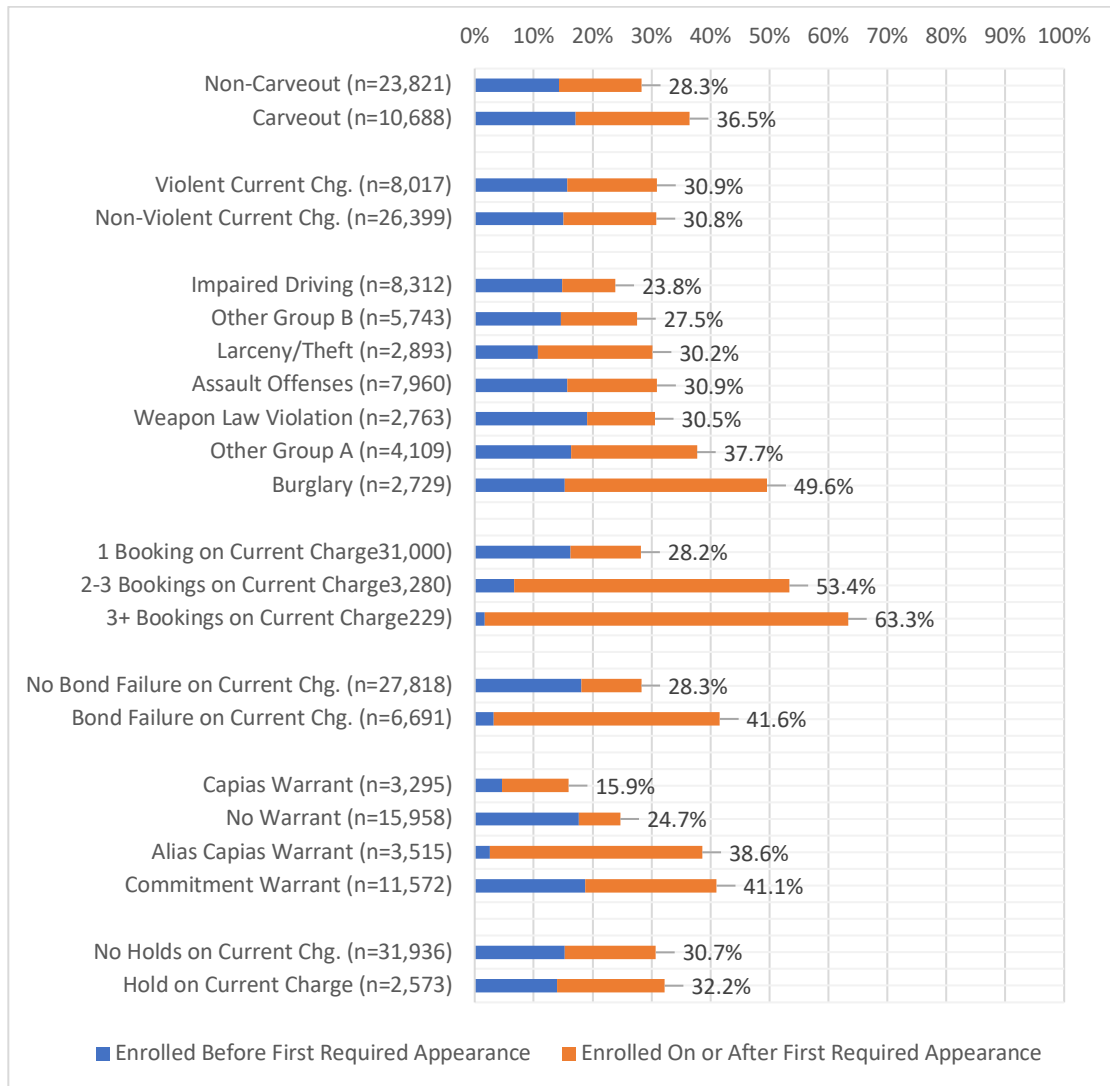
d. Current Charges

Figure 25, offers further confirmation that serious cases are favored to receive court reminders. Carveout cases, cases with an alias *capias* or commitment warrant, and those with bond failures or multiple bookings on the current charges are disproportionately represented in the court notification database.

Other current charge attributes such as whether the case is “violent” or the defendant had holds seem to make less difference in whether notices are sent. Some NIBRS offense categories – chiefly burglary or “other Group A” violations³⁸ -- are also associated with higher court reminder enrollment rates. Impaired driving charges are the least likely to generate a reminder signup.

³⁸ “Other Group A” violations charged as misdemeanors include Fraud (n=1,328), Vandalism (n=1,310), Drug Violations (n=553), Prostitution (n=332, Sex Offenses (n=57), Animal Cruelty (n=54), Counterfeiting/Forgery (n=48), Kidnapping/Abduction (n=38), Gambling Offenses (n=29), and Pornography (n=1). “Other Group B” violations is a catchall category used in the NIBRS framework for any violations not reflected in the major categories.

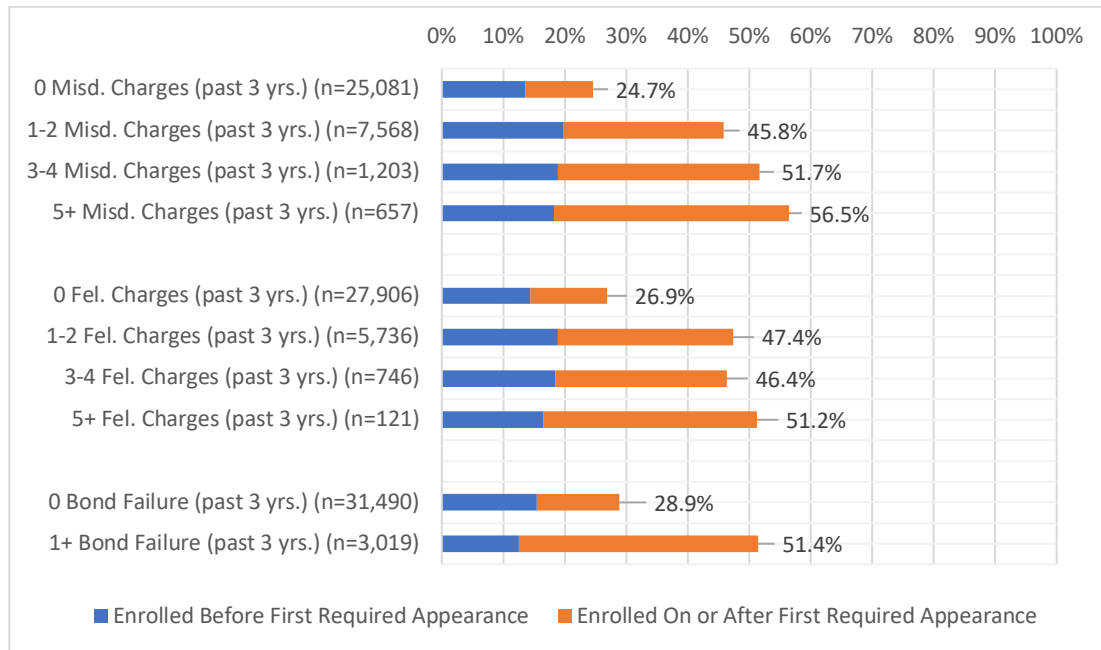
Figure 25. Reminder Enrollment x Current Charges
(Cases with First Booking February 26, 2022 to January 26, 2023)



e. Past Criminal Charges

There is also a strong association between criminal past and enrollment in the court date notification system (Figure 26). Cases preceded by misdemeanor or felony charges or by at least one bond failure in the past three years have the greatest odds of getting reminders. Past criminal justice encounters could increase participation through an OCM policy that future cases for an enrolled defendant automatically get notices. Alternately, as has been argued above, repeat charges might increase interaction with actors like arresting officers, courts, and attorneys, ultimately raising the chance of successful notification signup.

Figure 26. Reminder Enrollment x Past Criminal Charges
(Cases with First Booking February 26, 2022 to January 26, 2023)



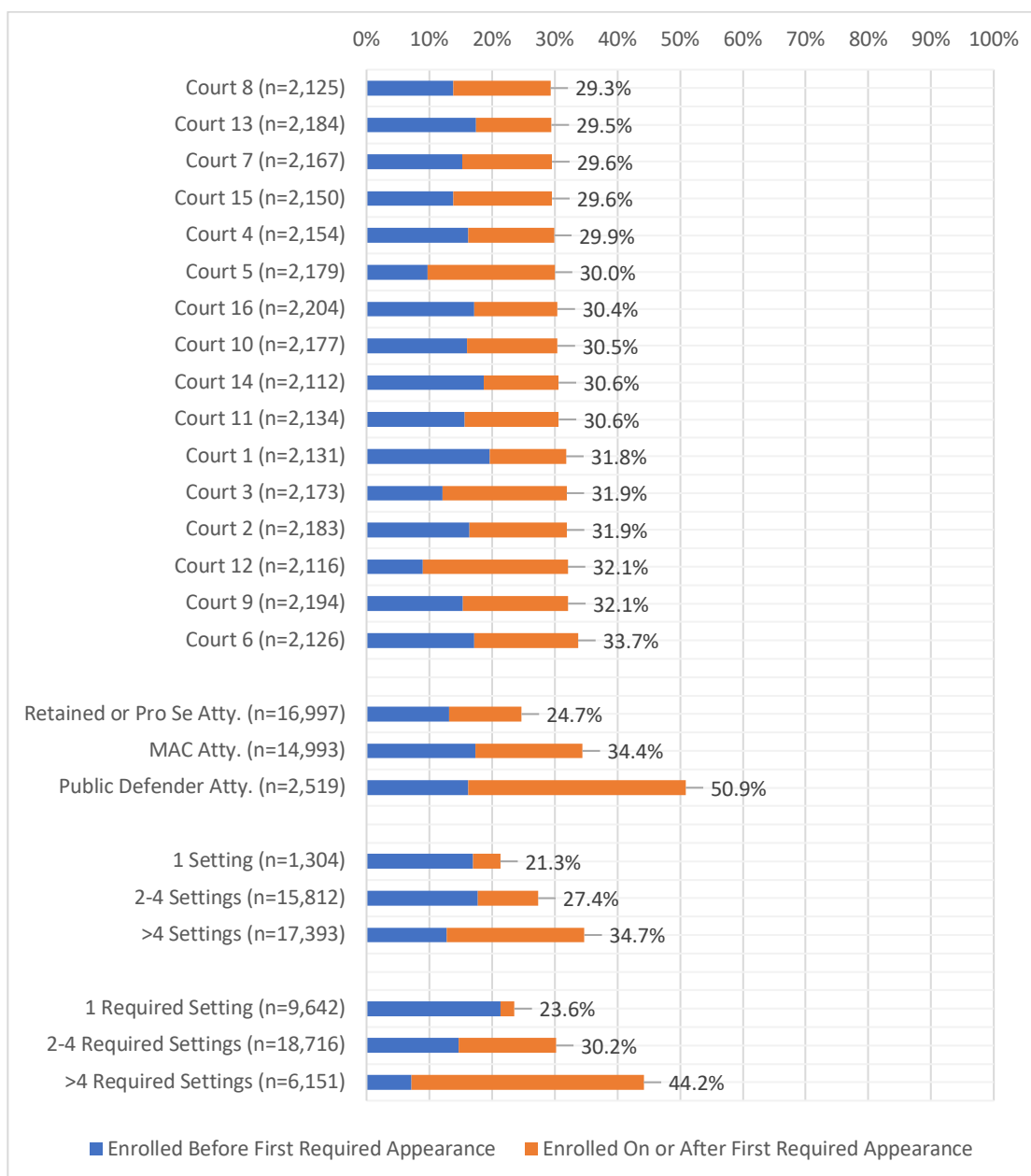
f. Court- and Attorney-Related Indicators

As Figure 27 shows, the courtroom to which a case is assigned makes relatively little difference in the chance that court date reminders will be sent. OCM staff have reported that courts are generally passive actors with regard to court notification signup, accepting enrollments based on attorney or defendant request without proactive outreach to increase registration.

On the other hand, there are substantial differences in notices depending on attorney type. Cases represented by the Public Defender Office (PDO) are 50% more likely to be getting court reminders than those defended by a Managed Assigned Counsel (MAC) attorney; and PDO cases are more than twice as likely to get notices compared to “other” retained or pro se counsel. Public defenders report proactively encouraging and supporting clients to become engaged in the reminder service in order to reduce nonappearance. While their effort appears to be effective, offering attorney access to information about clients’ enrollment status could further bolster their role in promoting signup.

Finally, the likelihood of court notification enrollment rises as people have increasing engagement in the court system. Cases with 4 or more settings have signup rates at least 66% higher than at their first appearance, signup rates are more than 90% higher after the 4th *required* setting.

Figure 27. Reminder Enrollment x Court, Attorney, and Settings
(Cases with First Booking February 26, 2022 to January 26, 2023)



g. Conclusions

It is known that system breakdowns have prevented court reminder registration for some individuals that signed up for the service, but without an affirmative “opt out” indicator, we cannot assess how much non-participation is due to user choice versus system error. Whatever the cause, it is clear that the highest risk defendants and the most complex cases are disproportionately represented in the current court date reminder system. Reminder rates are highest for people with mental illness and homelessness; who live furthest from the courthouse; who are denied bond and face lengthy detention; who have carveout charges, or multiple bookings, bond failures, and warrants

against their current charges; and those who have a criminal past including felonies, misdemeanors or bond failures.

Importantly, if the sample of notified defendants is disproportionately comprised of people who have committed serious crimes, they may be the same individuals that are inclined toward nonappearance. As a result, any conclusions drawn about court appearance based on that sample would be biased. We have therefore refrained from examining the impact of court date reminders on court appearance in the current report. Nonetheless this remains an important question that will be the focus of future study. In addition, the cost consequences of improving court appearance are a related line of inquiry that will be prioritized as the system is improved and more valid data becomes available.

C. Project Management

PPRI is also charged with maintaining information necessary to manage the monitorship and assure careful tracking of Consent Decree implementation. The project management function is at the operational center of the monitorship, receiving real-time progress updates from the Parties, integrating their work into a comprehensive plan, and communicating status information back to all sectors involved. We owe a debt to the Office of Justice and Safety team for assisting with this work and for keeping us apprised of progress being made in departments across the County. A status summary of Consent Decree requirements due in this reporting period is presented in Appendix H.

APPENDIX

A. The Monitorship Structure

1. Monitorship Goals

As described in our first report, the ODonnell lawsuit laid bare in stark terms the failings of a money bail system in terms of racial, ethnic and socioeconomic fairness, wise use of taxpayer dollars, prevention of the needless suffering of vulnerable people, and the promotion of public safety. After three years of litigation, the parties reached a settlement consisting in this landmark Consent Decree, approved on November 21, 2019.³⁹ The ODonnell Consent Decree represents the first federal court-supervised remedy governing bail. The Consent Decree sets forth a blueprint for creating a constitutional and transparent pretrial system to protect the due process and equal protection rights of people arrested for misdemeanor offenses.⁴⁰

First, under the Consent Decree, people arrested for low-level misdemeanors are promptly released. The Consent Decree incorporates the new Harris County Criminal Courts at Law (CCCL) Rule 9, which sets out bail policies.⁴¹ Persons arrested for misdemeanors that do not fall within a set list of carve-out offenses must be promptly released under General Order Bonds. Allowing this group to be quickly released without paying allows them to return to their jobs, take care of their children, and avoid the trauma and danger of incarceration.

Second, the Consent Decree has brought about more rigorous bail hearings with greater attention paid to the issues that matter—whether a person should be released and on what least-restrictive conditions—though much work remains to ensure the hearings and the recorded findings comply with Rule 9 and the Consent Decree. Persons arrested for misdemeanors that fall within the list of carve-out offenses must receive a magistration hearing, complying with Rule 9, at which there must be clear and convincing evidence supporting the pretrial conditions set and any decision to detain a person. All misdemeanor arrestees have access to a public defender to represent them at that hearing. Counsel has access to the client and information needed to prepare for the hearing. New trainings on the Consent Decree policies are being conducted. Completed work to study indigent defense in misdemeanor cases will inform plans and standards for misdemeanor representation, including to ensure that defense lawyers have access to social workers, investigators, and other support staff necessary to provide effective representation to people arrested for misdemeanor offenses.

Third, following this pretrial stage, misdemeanor arrestees now benefit from a defined set of court appearance rules that, with limited exceptions, is uniform among the 16 misdemeanor courts. The Consent Decree sets out a new process for waiving or rescheduling appearances. People can change some court dates so they can make it to court without undue hardship due to illness, lack of

³⁹ Consent Decree, ODonnell et al v. Harris Cty., No. 16-cv-01414 (S.D. Tex. Nov. 21, 2019), ECF 708 [hereinafter, Consent Decree].

⁴⁰ *Id.* at ¶12 (noting “[T]he terms of this Consent Decree are intended to implement and enforce fair and transparent policies and practices that will result in meaningful, lasting reform...”).

⁴¹ Rules of Court, Harris County Criminal Courts at Law, Rule 9 (as amended through April 22, 2020), at <http://www.ccl.hctx.net/attorneys/rules/Rules.pdf>; Consent Decree ¶ 30.

childcare and other issues. Further, a new court notification system is to be built by Harris County. New work will study the causes of non-appearance and improve the ability to address those causes.

Fourth, the Consent Decree provides that robust data will be made available, including regarding misdemeanor pretrial release and detention decisions and demographic and socioeconomic information regarding each misdemeanor arrestee, as well as prior data dating back to 2009.⁴² The Consent Decree provides for public meetings and input, Harris County reports to be published every sixty days, and for Harris County to make information available online regarding the implementation of the Decree.⁴³

Finally, the Consent Decree calls for a Monitor, with a set of responsibilities to evaluate compliance with the Decree and to approve a range of decisions to be made as the Decree is implemented. After applying to serve as Monitor, and proposing to conduct the work described below, we started our work upon our appointment on March 3, 2020. As we will describe below, remarkable changes have occurred in the Harris County misdemeanor system since the adoption of Rule 9 and then the Consent Decree. Key elements of the Consent Decree have now been implemented. Important work also remains, and all involved look forward to the work to come, as we build a model misdemeanor pretrial system in Harris County.

The principal task of this Monitorship, as set out in the Consent Decree, is to report to the Court as we oversee and support Harris County officials implementing a new pretrial justice system. This system is intended to restore the public's trust, safeguard constitutional rights, and accomplish the aims of bail: to maximize pretrial release while keeping the community safe and promoting the integrity of the judicial proceedings by preventing persons from fleeing justice. Thus, as the Consent Decree summarizes in its Introduction, this Decree: "is intended to create and enforce constitutional and transparent pretrial practices and systems that protect due process rights and equal protection rights of misdemeanor arrestees."⁴⁴ From the Consent Decree, we distilled nine guiding principles:

- (1) **Transparency** – A transparent system keeps the public informed about how and why the system operates as it does—what rules and procedures apply and how effectively the system is meeting its goals.
- (2) **Accountability** – We view accountability as part of an ongoing process of systemic evaluation and improvement with community participation.
- (3) **Permanency** – We must not only evaluate progress, but also ensure that the administrative measures, policies, and processes, can work well long-term.
- (4) **Protecting constitutional rights** – We must protect civil and human rights, including the constitutional rights of arrestees.
- (5) **Racial, ethnic, and socioeconomic fairness** – We must continue to measure and remedy disparities concerning racial, ethnic, and socioeconomic unfairness in pretrial detention.

⁴² Consent Decree, *supra*, at ¶83-85.

⁴³ *Id.* at ¶87-88.

⁴⁴ Consent Decree, *supra*, at ¶1.

- (6) **Public safety and effective law enforcement** – We must seek to manage risk and improve public safety.
- (7) **Maximizing liberty** – We must seek to maximize pretrial liberty and to minimize criminal legal involvement of people in Harris County.
- (8) **Cost and process efficiency** – We will work to measure the wide range of costs implicated by the pretrial misdemeanor system to advise on the most cost-effective means for realizing the goals of a just system.
- (9) **Evidence-based, demonstrated effectiveness** – In our approach to all of these goals, we should establish a system that is self-monitoring and can make ongoing improvements.

Thus, this Monitorship reflects a belief that an efficient and effective system, operated on the basis of relevant information and empirical data, will promote social justice while also meeting the goals of law enforcement and public safety.

2. The Monitor Team

Our interdisciplinary team includes experts in law, social science, behavioral health, economic analysis, indigent defense, and project management. Team biographies are included in Appendix B. The team includes:

- Monitor, Professor Brandon L. Garrett (Duke University School of Law)
- Deputy Monitor, Sandra Guerra Thompson (University of Houston Law Center)
- Dottie Carmichael, Iftekhairul Islam, and Andrea Sesock (Public Policy Research Institute at Texas A&M University)
- Marvin Swartz and Philip J. Cook (WCSJ at Duke University)
- Songman Kang (Hanyang University)

Our full organization chart is also included in Appendix C.



3. Consent Decree Authority

This Report contains the Monitor’s review of compliance for the fourth six month time period that the Monitor has been in place. The Consent Decree provides in Paragraph 115 that such reports shall be conducted every six months for the first three years of the decree:

The Monitor will conduct reviews every six (6) months for the first three years the Monitor is in place and annually for each year thereafter that the Monitor is in place to determine whether the County, CCCL Judges, and Sheriff have substantially complied with the requirements of this Consent Decree.

Further, the Consent Decree states in Paragraph 117:

Every six (6) months for the first three years after the Monitor is appointed and annually for each year thereafter, the Monitor will file with the Court, and the County will publish, written public reports regarding the status of compliance with this Consent Decree, which will include the following information:

- a. A description of the work conducted by the Monitor during the reporting period;
- b. A description of each Consent Decree requirement assessed during the reporting period, indicating which requirements have been, as appropriate, incorporated into policy (and with respect to which pre-existing, contradictory policies have been rescinded), the subject of training, and carried out in actual practice;
- c. The methodology and specific findings for each compliance review conducted;
- d. For any requirements that were reviewed or audited and found not to have been implemented, the Monitor's recommendations regarding necessary steps to achieve compliance;

- e. A projection of the work to be completed during the upcoming reporting period;
- f. A summary of any challenges or concerns related to the County, CCCL Judges, and Sheriff achieving full and effective compliance with this Consent Decree;
- g. Whether any of the definitions in the Consent Decree need to be updated, and whether any additional terms need to be defined;
- h. For each requirement of the Consent Decree that is assessed whether the requirement is producing the desired outcomes of:
 - i. Maximizing pretrial liberty;
 - ii. Maximizing court appearance; and
 - iii. Maximizing public safety; and
- i. The feasibility of conducting an estimated accounting of the cost savings to the County through any reductions in pretrial detention, including comparing estimated costs of jailing misdemeanor arrestees prior to trial for each year the Monitor is in place relative to the costs of jailing misdemeanor arrestees prior to trial in each of 2015, 2016, and 2017 and order an accounting if feasible.

Paragraph 118 adds:

The Monitor will provide a copy of the reports to the Parties in draft form not more than 30 days after the end of each reporting period. The Parties will have 30 days to comment and provide such comments to the Monitor and all other Parties. The Monitor will have 14 days to consider the Parties' comments and make appropriate changes, if any, before filing the report with the Court.

Our Monitor Work Plans are divided into three Deliverables and we describe each of the subjects detailed in Paragraph 117. As in our first two reports, we have divided this report into three parts, reflecting the main components of our work and addressing each subject set out in the Consent Decree: Policy Assessment and Reporting; Cost Study and Project Management; and Community Outreach, Participation, and Working Group.

B. Community Work Group

The Monitor Team relies on the guidance of a Community Work Group (CWG), a dedicated group of community leaders who represent a diverse set of perspectives and specializations. The CWG meets on a monthly basis with the Monitor Team, as well as with various county officials responsible for the implementation of the Consent Decree.



Hiram A. Contreras served for 36 years with the Houston Police Department. He retired as Assistant Chief of Police in March 1998. While ascending the police ranks, Mr. Contreras' assignments included the Auto Theft, Juvenile, Recruiting, Planning and Research, Northeast Patrol and Major Offenders. He was promoted to the rank of Assistant Chief July 1991. In the same year as a result of a court ruling, he became the only Latinx person to attain the rank of Deputy Chief. This was retroactive as of March 1986. As Assistant Chief he directed the Professional Development Command. At

retirement he was directing the Special Investigation Command. In his career with HPD, Mr. Contreras established the first HPD storefront in the city and initiated the Culture Awareness Program. In collaboration with the U.S. Marshal's Service, he initiated the Gulf Coast Violent Offenders Task Force. As commander of the Special Investigations Command, he coordinated HPD's participation with the Department of Justice High-Intensity Drug Trafficking Area Program. Also, he coordinated the International Symposium on the Police Administration and Problems in Metropolitan Cities with the Istanbul Police Department in Istanbul, Turkey. As Assistant Chief, Mr. Contreras, at the request of the Police Executive Research Forum, participated in police promotional assessment centers in Chicago, Denver, and San Francisco. Nominated by President William J. Clinton, Mr. Contreras became U.S. Marshal for the Southern District of Texas in 1998 and served until 2002. His consulting business, Art Contreras & Associates – LLC, specializes in human resource and marketing principles.



Katharina Dechert serves as the Houston Policy & Advocacy Manager for the Tahirih Justice Center, leading the development and advancement of Tahirih's local and state-wide advocacy projects and campaigns to transform the policies and practices that impact immigrant survivors of gender-based violence. Katharina joined Tahirih in 2016 as a legal advocate, supporting survivors in their immigration journey and later working as a Department of Justice Fully Accredited Representative, qualified to represent immigrant survivors before both U.S. Citizenship and Immigration Services and the

Executive Office for Immigration Review, which includes the immigration courts and the Board of Immigration Appeals. She has experience working with human rights defenders in Guatemala, as well as previous internships working to advance asylum policy in Ecuador and increase access to justice for survivors of human rights violations at the International Criminal Court - Secretariat of the Trust Fund for Victims. She is a graduate of Wellesley College and prior to joining Tahirih, obtained her Master of International Studies in Peace and Conflict Resolution as a Rotary Peace Fellow at the University of Queensland in Brisbane, Australia.



J. Allen Douglas is the executive director of the Downtown Redevelopment Authority (DRA). In addition, he performs the duties of general counsel for the organization and its related entities Central Houston and the Downtown District. Prior to joining the DRA, Allen practiced law for more than 20 years, beginning his career as a law clerk at Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing P.C. in Houston. He worked for the United States Court of Appeals, Sixth Circuit and the United States District Court, Northern District of Ohio in Cleveland, Ohio. Most recently he was an associate attorney at Littler

Mendelson, P.C. and assistant county attorney with the Harris County Attorney's office where he focused on appellate labor, employment, and civil rights cases. Allen has also served as vice-chair

of the Midtown Management District's board of directors since June 2015, as well as chair of the organization's Urban Planning Committee.



Tara Grigg Green (formerly Garlinghouse) is the Co-Founder and Executive Director of Foster Care Advocacy Center. Prior to founding Foster Care Advocacy Center, Tara was a Staff Attorney and Skadden Fellow in the Houston office of Disability Rights Texas. There, she helped develop the Foster Care Team to provide direct representation to foster children with disabilities in state child welfare cases, special education litigation and Medicaid appeals. She authored an Amicus Brief in *M.D. v. Abbott*—class action litigation seeking to reform the Texas foster care system—cited by the Fifth Circuit in affirming the State's liability. She has consulted on child welfare policy issues for organizations such as Casey Family Programs, the ABA Center on Children and the Law, the Texas Children's Commission, and the United States Children's Bureau. Tara has published law review articles and research papers on the constitutional rights of children and families and quality legal representation in child welfare proceedings. Her passion for this field comes from her family's experience as a foster family caring for over one hundred foster children. She has received many awards and was recently named the National Association of Counsel for Children's Outstanding Young Lawyer. Tara clerked for the Hon. Micaela Alvarez of the U.S. Southern District of Texas in McAllen. She holds a J.D. from the University of Pennsylvania Law School where she was a Toll Public Interest Scholar, a M.P.P. from the Harvard Kennedy School of Government where she was a Taubman Fellow, and a B.A. from Rice University.



Frances E. Isbell is the Chief Executive Officer of Healthcare for the Homeless – Houston (HHH), a Federally Qualified Health Center providing care for 8,500 people annually. As the inaugural CEO of Healthcare for the Homeless – Houston, Ms. Isbell has been instrumental in bringing together a large number of community-based agencies, healthcare clinicians, educational institutions, and public organizations to forge a common strategic plan to effectively address the health needs of people experiencing homelessness. The primary aim of this consortium is to increase access to quality healthcare while concurrently reducing costly and ineffective service duplication. Since joining this endeavor in 1998, Ms. Isbell has received numerous local and national awards and recognitions for her work, and two of HHH's programs have been cited as a national best practice. Previous to this position, Ms. Isbell had a private practice in therapeutic counseling and taught Sociology at Houston Community College, North Harris College, and Sam Houston State University. She also has worked as a consultant in organizational development and has worked in clinical administration within large hospital systems. Ms. Isbell holds undergraduate and graduate degrees in Social Rehabilitation/Pre-Law and Behavioral Sciences, respectively.



Jay Jenkins is the Harris County Project Attorney at the Texas Criminal Justice Coalition. Since joining TCJC in 2014, he has promoted broad youth and adult justice reforms in Houston and the surrounding areas. Jay received his J.D. from Northwestern University School of Law, graduating *magna cum laude* in 2009. While at Northwestern, he worked at the Bluhm Legal Clinic's Children and Family Justice Center, focusing on a number of youth justice issues. In his third year, Jay was the lone law student at the newly

formed Juvenile Post-Dispositional Clinic, where he promoted policy reform throughout Chicago while also advocating on behalf of juvenile clients. Jay was admitted to practice law in the State of Illinois and worked as a civil litigator in the private sector for three years. At TCJC, Jay has researched and pursued reforms related to over-policing and prosecution, while also reimagining the local bail system and supporting indigent defense, and he was instrumental in the development of a first-of-its-kind data dashboard that visualizes more than one million criminal case outcomes in Harris, Dallas, Bexar, and Travis Counties. Jay additionally serves as co-founder and President of the Convict Leasing and Labor Project, which launched in 2018 to expose the history of the convict leasing system and its connection to modern prison slavery.



Terrance “TK” Koontz currently serves as Statewide Training Coordinator for the Texas Organizing Project. His path to service began after he was arrested in 2010. While sitting in the Harris County Jail, he witnessed the mistreatment of black and brown people and realized that the criminal justice system was essentially about class and racial oppression. Koontz walked away as a convicted felon. Since that time, he has worked without cease to reestablish his life by fighting as an activist and organizing for criminal justice reform. His passion for criminal justice reform is rooted in his experience growing up in communities that were plagued with crime, poverty, and over-policing. In 2015, after the death of Sandra Bland, Koontz became heavily involved in the criminal justice reform movement. He served on the Harris County Criminal Justice Coordinating Council and led a field team of the Texas Organizing Project that mobilized voters in Fort Bend County that helped to elect Brian Middleton, the first African American D.A. in Fort Bend County history. He also served in the office of Harris County Precinct One Commissioner Rodney Ellis as a Community Engagement Coordinator. He has become a highly influential advocate for change in Houston and surrounding areas and has committed his life to criminal justice reform, social reform, and community service. Koontz hopes to continue to play a major role in creating second-chance opportunities for ex-offenders, specifically as it relates to housing and career opportunities.



Becky Landes has been an active participant in the Houston nonprofit community since moving to the area in 1988. Since 2016, she has served in the role of Chief Executive Officer at The Beacon. The Beacon’s mission is to provide essential and next-step services to restore hope and help end homelessness in Houston.

Since beginning her career, Becky has maintained a lively interest in building community capacity to deliver successful programs that address the needs of those most vulnerable community members and to support them to move forward in meeting their goals. Following college graduation, her time as a Peace Corps volunteer overseas sparked a passion to continue working in the helping professions. She has experience managing federal, state, and local collaborative projects, serving a myriad of individuals from infants to seniors. Becky has worked at the nonprofit executive level for the past 15 years.

Becky holds a Master of Science in Counseling from the University of Houston, Clear Lake and a Bachelor of Arts degree from the College of William and Mary in Virginia. Becky was elected to a two-year term as a Provider Representative on the Continuum of Care (CoC) Steering Committee for the greater Houston homeless response system known as The Way Home. She has also enjoyed serving on several local nonprofit boards.



Johnny N. Mata currently serves as the Presiding Officer of the Greater Houston Coalition for Justice, a coalition of 24 diverse civil rights organizations. Through the coalition, Mr. Mata has supported changes in policing use-of-force policies and called for the creation of a citizen review board. He led the effort to reform the Texas grand jury selection process and has strived to improve relations between the police and communities of color. He has also advocated for bail bond reform, victim's rights, protecting the voices of residents affected by community development, and promoting the hiring of Latinx educators and administrators. He served two terms as Texas State Director of the League of Latin American Citizens (LULAC) and six terms as a District Director of LULAC. He worked for 32 years as a community director and human resources professional with the Gulf Coast Community Services Association. He organized the community to create the Latino Learning Center and served as a founding board member. Mr. Mata has received the NAACP President's Award, the OHTLI Award from the Republic of Mexico, the Hispanic Bar Association Lifetime Achievement Award, the Willie Velasquez-KTMD Telemundo Channel 48 Hispanic Excellence Award, Antioch Baptist Church Martin L. King Justice Award, and numerous others. The Houston Community College System awarded him an honorary Associate in Arts Degree in recognition of his achievements in promoting education in the Latinx community.



Maureen O'Connell, M.S.W., founded Angela House in 2001 to serve women coming out of incarceration. She thought it unconscionable that they had so many obstacles and so few opportunities to build a stable life and escape the cycle of recidivism. Sister Maureen created a successful program that has empowered hundreds of women using a standard of care other programs could emulate. Her wide range of experiences prepared her to create this successful ministry: 13 years as a Chicago police officer and police chaplain; 16 years as Clinical Services Coordinator at The Children's Assessment Center in Houston and Victim's Assistance Coordinator for the Archdiocese of Galveston-Houston; and more than 40 years as a Dominican Sister, a religious order known for its commitment to social justice. She developed a program of interventions focused on trauma-informed counseling, addiction recovery, employment readiness and personal and spiritual growth. Sister Maureen served as Executive Director of Angela House for 17 years, retiring in 2018 and joining the Board of Directors in 2019.



Timothy N. Oettmeier most recently served as Executive Assistant Chief of Police before retiring after 42 years of public service as a police officer. As Executive Assistant Chief of Police, he was assigned to the Investigative Operations Command supervising the Special Investigations Command consisting of Auto Theft, Gang, Major Offenders, Narcotics, Vehicular Crimes, and Vice Divisions; the Criminal Investigations Command consisting of the Burglary and Theft, Homicide, Investigative First Responder, Juvenile, Robbery, and Special Victims Divisions; and the Technology Services Command. He was a principal architect for implementing community policing throughout the agency. He received his Ph.D. in Police Administration from Sam Houston State University in 1982. He helped oversee national police research initiatives by the National Institute of Justice on fear reduction,

organizational change, cultural diversity, measuring what matters, and training. He authored department reports, and articles for textbooks and journals on police management issues. Early in his career, the 100 Club of Houston recognized him as an Officer of the Year. Tim was the recipient of the prestigious Police Executive Research Forum's national Gary P. Hayes Award for outstanding initiative and commitment to improving police services. He received Lifetime Achievement Awards from the Houston Police Department, the State of Texas, and from the 100 Club of Houston.

C. Monitor Team Bios

University of Houston Law Center

Sandra Guerra Thompson is the Newell H. Blakely Chair at the University of Houston Law Center. She chaired committees for the transition teams of Houston Mayor Sylvester Turner in 2016 and Harris County District Attorney Kim Ogg in 2017. In 2012, Houston Mayor Annise Parker appointed her as a founding member of the Board of Directors of the Houston Forensic Science Center, Houston's independent forensic laboratory which replaced the former Houston Police Department Crime Laboratory. In 2015, she became the Vice Chair for this Board and served until 2019. In 2009, she was appointed by Governor Perry as the representative of the Texas public law schools on the Timothy Cole Advisory Panel on Wrongful Convictions. Her scholarly articles address issues such as pretrial hearings and prosecutorial ethics, the causes of wrongful convictions, forensic science, sentencing, jury discrimination, and police interrogations. Professor Thompson is an elected member of the American Law Institute and was appointed to the Board of Advisors for the Institute's sentencing reform project. Since 2019, she is an elected member of the Council of the International Association of Evidence Science.

Duke University

Brandon L. Garrett is the L. Neil Williams Professor of Law at Duke University School of Law, where he has taught since 2018. He was previously the Justice Thurgood Marshall Distinguished Professor of Law and White Burkett Miller Professor of Law and Public Affairs at the University of Virginia School of Law, where he taught since 2005. Garrett has researched use of risk assessments by decisionmakers as well as large criminal justice datasets, examining how race, geography and other factors affect outcomes. Garrett will contribute to research design, data analysis plans, and analysis of legal and policy implications of findings, as well as engagement with policymakers. Garrett's research and teaching interests include criminal procedure, wrongful convictions, habeas corpus, scientific evidence, and constitutional law. Garrett's work, including several books, has been widely cited by courts, including the U.S. Supreme Court, lower federal courts, state supreme courts, and courts in other countries. Garrett also frequently speaks about criminal justice matters before legislative and policymaking bodies, groups of practicing lawyers, law enforcement, and to local and national media. Garrett has participated for several years as a researcher in the Center for Statistics and Applications in Forensic Science (CSAFE), as well as a principal investigator in an interdisciplinary project examining eyewitness memory and identification procedures. Garrett founded and directs the Wilson Center for Science and Justice at Duke.

Marvin S. Swartz, M.D. is the Professor and Head of the Division of Social and Community Psychiatry, Director of Behavioral Health for the Duke University Health System and Director of the

Duke AHEC Program. Dr. Swartz has been extensively involved in research and policy issues related to the organization and care of mentally ill individuals at the state and national level. He was a Network Member in the MacArthur Foundation Research Network on Mandated Community Treatment examining use of legal tools to promote adherence to mental health treatment and led the Duke team in conducting the first randomized trial of involuntary outpatient commitment in North Carolina and the legislatively mandated evaluation of Assisted Outpatient Treatment in New York. He co-led a North Carolina study examining the effectiveness of Psychiatric Advance Directives and the NIMH funded Clinical Antipsychotics Trials of Intervention Effectiveness study. He is currently a co-investigator of a study of implementation of Psychiatric Advance Directives in usual care settings, an evaluation of implementation of assisted outpatient treatment programs and a randomized trial of injectable, long-acting naltrexone in drug courts. Dr. Swartz has done a range of work regarding diversion from jail, including among populations of co-occurring substance abuse and mental health disorders. Dr. Swartz was the recipient of the 2011 American Public Health Association's Carl Taube Award, the 2012 American Psychiatric Association's Senior Scholar, Health Services Research Award for career contributions to mental health services research and the 2015 Isaac Ray Award from the American Psychiatric Association for career contributions to forensic psychiatry.

Philip J. Cook, ITT/Sanford Professor of Public Policy and Professor of Economics and Sociology at Duke University. Cook served as director and chair of Duke's Sanford Institute of Public Policy from 1985-89, and again from 1997-99. Cook is a member of Phi Beta Kappa, and an honorary Fellow in the American Society of Criminology. In 2001 he was elected to membership in the Institute of Medicine of the National Academy of Sciences. Cook joined the Duke faculty in 1973 after earning his PhD from the University of California, Berkeley. He has served as consultant to the U.S. Department of Justice (Criminal Division) and to the U.S. Department of Treasury (Enforcement Division). He has served in a variety of capacities with the National Academy of Sciences, including membership on expert panels dealing with alcohol-abuse prevention, violence, school shootings, underage drinking, the deterrent effect of the death penalty, and proactive policing. He served as vice chair of the National Research Council's Committee on Law and Justice. Cook's primary focus at the moment is the economics of crime. He is co-director of the NBER Work Group on the Economics of Crime, and co-editor of a NBER volume on crime prevention. Much of his recent research has dealt with the private role in crime prevention. He also has several projects under way in the area of truancy prevention. His book (with Jens Ludwig), *Gun Violence: The Real Costs* (Oxford University Press, 2000), develops and applies a framework for assessing costs that is grounded in economic theory and is quite at odds with the traditional "Cost of Injury" framework. His new book with Kristin A. Goss, *The Gun Debate* (Oxford University Press 2014) is intended for a general audience seeking an objective assessment of the myriad relevant issues. He is currently heading up a multi-city investigation of the underground gun market, one product of which is a symposium to be published by the *RSF Journal* in 2017. Cook has also co-authored two other books: with Charles Clotfelter on state lotteries (*Selling Hope: State Lotteries in America*, Harvard University Press, 1989), and with Robert H. Frank on the causes and consequences of the growing inequality of earnings (*The Winner-Take-All Society*, The Free Press, 1995). *The Winner-Take-All Society* was named a "Notable Book of the Year, 1995" by the *New York Times Book Review*. It has been translated into Japanese, Chinese, Portuguese, Polish, and Korean.

Texas A&M University

Dottie Carmichael Ph.D. is a Research Scientist at the Public Policy Research Institute at Texas A&M University. Since the passage of the Fair Defense Act in 2001, Dr. Carmichael has collaborated in a program of research sponsored by the Texas Indigent Defense Commission to advance high-quality, evidence-based practice. Her research aims to help jurisdictions balance costs and quality in indigent defense delivery systems. Moreover, she is knowledgeable and experienced in the operation of local governments. Beyond a number of statewide projects, Dr. Carmichael has conducted qualitative and quantitative research in more than thirty jurisdictions including all of the state's major urban areas.

Her work has informed criminal justice and court policy in at least the past six bi-annual state legislatures. Most recently, her investigation of costs and case outcomes in jurisdictions using financial- vs. risk-based pretrial release was a significant resource in efforts to pass bail reform legislation in 2017 and 2019. In addition to leading the state's first defender caseload studies for adult, juvenile, and appellate cases, Dr. Carmichael has evaluated cost- and quality impacts of public defenders, interdisciplinary holistic defenders, the state's regional capital defender office, Innocence Projects operated in publicly-funded law schools, and the school-to-prison pipeline.

Dr. Carmichael's research was cited in Supreme Court Justice David Suter's majority opinion in the landmark 2008 *Rothgery v. Gillespie County* decision. She also led the PPRI research team for the 2010 *Breaking Schools' Rules* report which was subsequently cited by President Obama announcing his "My Brothers Keeper" initiative, and by US Dept. of Education Secretary Arne Duncan and Attorney General Eric Holder announcing new programs and data requirements relating to school discipline.

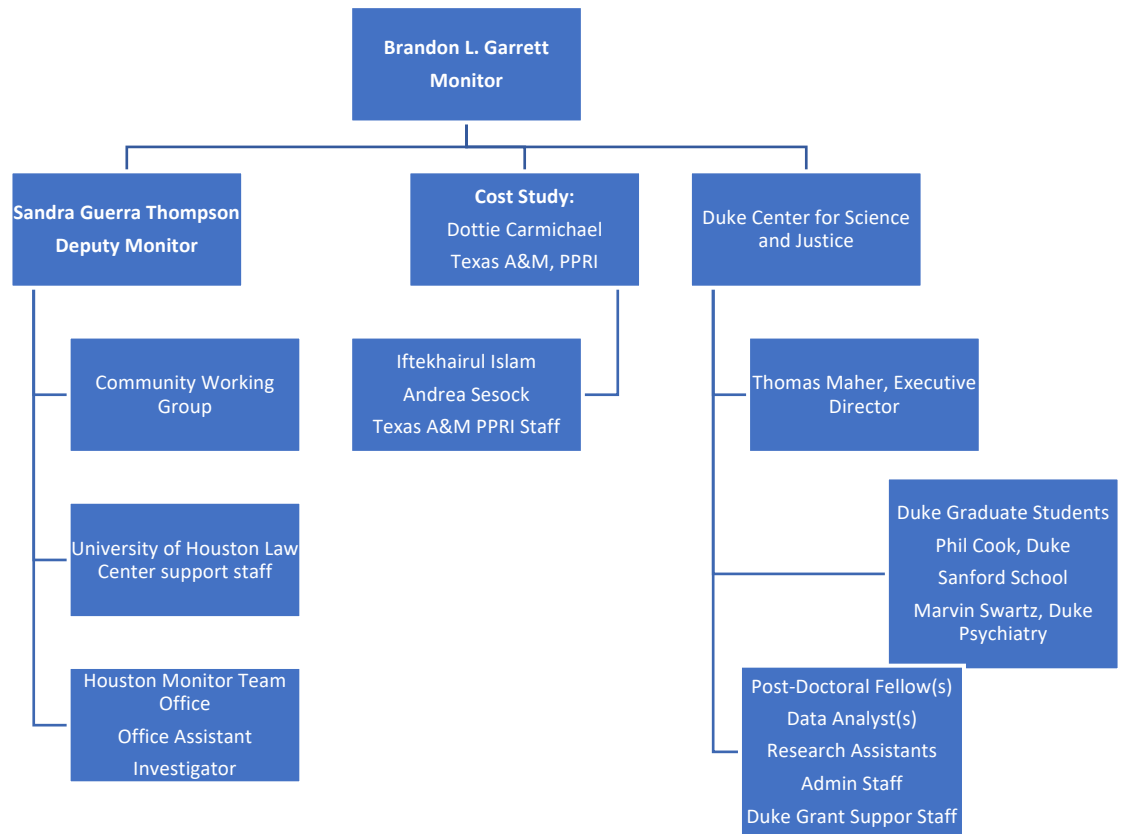
Iftekhairul Islam, PhD, is an **Assistant Research Scientist** at the Public Policy Research Institute at Texas A&M University. Mr. Islam earned his Bachelor's degree in Engineering from Bangladesh University of Engineering and Technology and Master's degree in Finance from the University of Texas at Dallas. He completed PhD in Public Policy and Political Economy from the same university in 2021. He is trained in the latest experimental and quasi-experimental research methodologies, and has extensive experience with data management and analysis of large and complex data sets across different areas including criminal justice, education, and health. Mr. Islam is proficient in GIS and spatial analytics as well. His recent research covers profiling/detecting prospective voters and donors from Collin and Dallas Counties using spatial tools.

Hanyang University

Songman Kang is an associate professor of economics at Hanyang University in Seoul, South Korea. He earned his B.A. in Economics from the University of Pennsylvania in 2005, and his Ph.D. in Economics from Duke University in 2012. After completing his Ph.D., he worked as a postdoctoral research associate at the Sanford School of Public Policy at Duke University. Kang is an applied microeconomist with extensive research experience in economic inequality, education, and criminal justice policy. He has published several research papers in prestigious academic journals, including *American Economic Journal: Applied Economics*, *Journal of Econometrics*, *Journal of Population Economics*, and *Journal of Quantitative Criminology*. Kang's recent research, published in *Journal of Law, Economics, and Organization*, investigated the causal effect on local crime of the Secure Communities program, an interior immigration enforcement policy first adopted in Harris County in 2008 and eventually implemented nationwide in 2013. Kang has also received several honors and

grants, including Wigong Award from the Korean Law and Economics Association in 2021, and was selected as the Junior Fellow of NBER Economics of Crime Working Group in 2012-2013.

D. Organizational Chart



E. Year 3 Statement of Work

Introduction

On March 3, 2020, Professor Brandon L. Garrett at Duke University School of Law, as Monitor, and Professor and Sandra Guerra Thompson, University of Houston Law Center, as Deputy Monitor, with the support team members at the Public Policy Research Institute at Texas A&M University, as well as the Center for Science and Justice (CSJ) at Duke University, were appointed to serve as the Monitor Team for the *ODonnell* Consent Decree.

In January 2019, after an initial preliminary injunction order, which took effect June 6, 2017, and following an appeal, Harris County, the misdemeanor judges, and the sheriff promulgated new bail rules, requiring the prompt post-arrest release on unsecured bonds of the vast majority of people arrested for misdemeanor offenses. Pursuant to the rules, everyone else is afforded a bail hearing with counsel, and most are then also ordered released. These rules provided the foundation for the global Consent Decree, which the parties agreed to in July 2019 and which Chief Judge Rosenthal approved on November 21, 2019. The resulting Consent Decree builds upon the county's new pretrial justice system, so as to bring about lasting change in Harris County. The Decree sets forth a blueprint for creating a constitutional and transparent pretrial system to protect the due process and equal protection rights of misdemeanor arrestees. Under the terms of the Consent Decree, the Monitor will serve a key role in bringing each of the component parts together to ensure a holistic and collaborative approach towards pretrial reform. This new system has the potential to become a model for jurisdictions around the country.

The submission to Court included a Proposal and Budget for Year 1 of work, which describes team members, timelines, an organization chart, and a budget for all participants. We provided on May 1, 2020, a work plan for our first year of work. We provided in March, 2021, a work plan for our second year of work.

This Work Plan describes the third year of our work, set out in quarterly deliverables, with a budget of approximately \$580,378. As with our prior work plans, this Year 3 Statement of Work is divided into three Deliverables: (1) Policy Assessment and Reporting; (2) Cost Study and Project Management; (3) Community Outreach, Participation, and Working Group.

Task I: Policy Assessment and Reporting

This Deliverable describes the tasks associated with reviewing and providing input, and then reporting to the parties and the Court, regarding policies associated with the adoption of Rule 9 and the *ODonnell* Consent Decree. A central goal of the Monitorship will be to ensure that constitutional rights are safeguarded permanently, through the new systems put into place. In Year 3, the Monitor will be producing reports, including: a Monitor Report at 30 months and a second report 30 days after year's end. The Monitor will be analyzing data from the county and reporting on these data in reports and to the parties. The Monitor will be providing feedback on a series of tasks that the parties must accomplish, as per deadlines set out in the Consent Decree.

Task I:1. Provide Feedback on County Plans and Assessments

Continue to conduct regular meetings/calls with the parties to discuss progress under Consent Decree.

Analyze data, including jail data, court data, hearing videos, and judicial opinions.

Review plans to develop systems and structures to deliver effective indigent defense services (e.g., investigation, mitigation).

Review results of research by outside vendors to study topics such as causes of nonappearance, indigent defense, court forms. Monitor will also prepare its own findings, including for potential academic publication.

Consult with Harris County concerning data variables collected by the County, including data regarding court nonappearances; helps ensure the County develops a data website so that misdemeanor pretrial conditions are public; raw data is available for download; and reviews first of the 60-day reports generated by the County.

Task I:2. Complete Monitor Report

Continue to conduct regular meetings/calls with the parties to discuss progress under Consent Decree.

Analyze data, including jail data, court data, hearing videos, and judicial opinions.

Review plans to develop systems and structures to deliver effective indigent defense services (e.g., investigation, mitigation).

Review results of research by outside vendors to study topics such as causes of nonappearance, indigent defense, court forms. Monitor will also prepare its own findings, including for potential academic publication.

Consult with Harris County concerning data variables collected by the County, including data regarding court nonappearances; helps ensure the County develops a data website so that misdemeanor pretrial conditions are public; raw data is available for download; and review any reports generated by the County.

Incorporate work into Monitor Report.

Task I:3. Provide Feedback on County Plans and Assessments

Continue to conduct regular meetings/calls with the parties to discuss progress under Consent Decree.

Analyze data, including jail data, court data, hearing videos, and judicial opinions.

Review plans to develop systems and structures to deliver effective indigent defense services (e.g., investigation, mitigation).

Review results of research by outside vendors to study topics such as causes of nonappearance, indigent defense, court forms. Monitor will also prepare its own findings, including for potential academic publication.

Consult with Harris County concerning data variables collected by the County, including data regarding court nonappearances; helps ensure the County develops a data website so that misdemeanor pretrial conditions are public; raw data is available for download; and review any reports generated by the County.

Task I:4. Complete Year-end Report

Continue to conduct regular meetings/calls with the parties to discuss progress under Consent Decree.

Analyze data, including jail data, court data, hearing videos, and judicial opinions.

Review plans to develop systems and structures to deliver effective indigent defense services (e.g., investigation, mitigation).

Review results of research by outside vendors to study topics such as causes of nonappearance, indigent defense, court forms. Monitor will also prepare its own findings, including for potential academic publication.

Consult with Harris County concerning data variables collected by the County; including data regarding court nonappearances; helps ensure the County develops a data website so that misdemeanor pretrial conditions are public; raw data is available for download; and review any reports generated by the County.

Incorporate work into year-end Monitor Report.

Project Timeline and Staffing.

This work will be conducted between March 3, 2022 and March 2, 2023.

Monitor Team Personnel:

- **Prof. Brandon Garrett** (Duke Law School)
- **Prof. Songman Kang.**
- **Research assistants** (Duke Law School and University of Houston Law Center)
- **Prof. Philip J. Cook** (Sanford School of Public Policy, Duke University)

Travel:

- Travel: travel to Houston Team Members.

Task II: Cost Study and Project Management

The cost impacts of bail reform in Harris County are being evaluated by the [Public Policy Research Institute](#) (PPRI), a leading interdisciplinary government and social policy research organization at Texas A&M University. There are a range of costs in the pretrial context – not only costs to the system relating to detention, court appearances, prosecution, indigent defense, pretrial services, monitoring, and re-arrest/recidivism, but also costs to the defendant, families, and the community due to loss of freedom, loss of housing, loss of earnings, loss of benefits of spousal/partner assistance, and harm to physical and behavioral health due to pretrial detention. The PPRI team will assist the Monitor to understand relevant costs, assess change over time, and help identify cost-effective methods of realizing priorities under the Decree. PPRI will also document information about community service data and lead the project management efforts of the team. Tasks and deliverables are described below.

Task II:1. Complete Cost Data Acquisition

PPRI will continue to work with JAD and Monitor team colleagues to acquire, merge, and prepare datasets needed for analysis and statistical modeling. A number of issues emerging during the 2021-22 contract year have delayed progress in this work. Most notably, from May through July of 2021, internal Harris County data governance concerns interrupted JAD progress compiling the necessary data elements for Monitor analysis. Additionally, negotiations relating to Monitor use of protected health information have prevented planned analyses relating to vulnerable populations. As a result of these unexpected events, data assembly and cleaning has been set back with corresponding impacts on the cost evaluation.

During the 2022-23 contract year PPRI will collaborate to remediate these setbacks and to incorporate the heretofore unavailable or unvalidated data that is still being developed. This includes indigent defense appointments (including court-appointed and contract attorney fees, investigation, experts, and other litigation expenses); pretrial monitoring data; court orders (e.g., for mental health evaluation and treatment or supervision conditions); and defendant address at the time of booking along with geolocation data to assess transportation costs for court and pretrial reporting. These data will be used to produce more robust estimates of per-defendant costs and to demonstrate how these costs have changed in amount and composition since the implementation of the Consent Decree.

Task II:2. Produce Fifth Six-Month Cost Analysis Report

Cost-related findings based on both existing and newly available data elements will be summarized in a report submitted in September 2022 as the Fifth Six-Month Monitor Report. Analyses will assess general misdemeanor case processing costs as well as specific cost impacts of changes under the Consent Decree. Results will quantify the relative contributions of independent cost centers and the impact of programs or practices within and between

departments. The report will summarize major findings, offer recommendations, and propose future directions for continued investigation in support of Consent Decree objectives. Project partners and stakeholders will be kept informed of cost study findings as needed through brief interim updates shared at stakeholder meetings. This practice will increase accuracy, transparency, and relevance of the work, and will promote timely integration of results to strengthen and calibrate the bail reform process.

Task II:3. Continue to Support Community Service Data Acquisition

While core PPRI analyses will assess cost of misdemeanor processing within the Harris County criminal justice systems, a number of social service organizations also offer supports to justice-involved individuals that can mitigate criminality. The PPRI team will continue to support the Monitor team efforts to understand and acquire this data and to plan future analyses.

In the 2021-22 contract year, the Patient Care Intervention Center (PCIC-TX) was identified as a source of integrated community treatment records for the criminal justice population. Moreover, the Harris County Public Defender Office (PDO) has efforts underway to access this powerful resource to make holistic service referrals that might improve pretrial outcomes for defendants. The Monitor team hopes to leverage this data integration initiative to assess whether defendant access to community services might ultimately help offset costs of case processing for county criminal justice agencies by improving current case outcomes and reducing future criminal involvement. PPRI will continue to develop opportunity for these analyses by facilitating ongoing communication and planning between the Monitor team and key parties including PCIC-TX, the Harris County PDO, and others as appropriate.

Task II:4. Produce Sixth Six-Month Cost Analysis Report

For the Sixth Six-Month Monitor Report to be submitted March 3, 2022, PPRI will further expand analysis centering on cost aspects of the Consent Decree. Working with the Monitors, we will identify a menu of informative and useful potential targets for cost-related research based on developments in meetings/calls with key stakeholders, formal plans for system changes generated from within the county and by outside researchers, results of data analyses conducted by the Monitoring team, the academic research literature, and other sources as appropriate.

Task II:5. Maintain Project Management Protocol

In their project management role PPRI will facilitate information-sharing and coordination of activities among members of the monitor team and other stakeholder implementing the Consent Decree. We will assist the Monitor with managing a rolling an agenda of topics for meetings of the Parties, maintain progress notes recording accomplishments and obstacles toward implementing Consent Decree requirements, collaborate with JAD staff to document attainment of tasks and timelines in the cloud-based Monday.com project tracking system, memorialize key work products, and regularly report progress to JAD, the Parties, the Federal Court, and the public through semi-annual status reports on Consent Decree milestones. Costs for this continuous support function will be apportioned evenly across billing for other deliverables over the course of the year.

Project Timeline and Staffing

This work will be conducted between March 3, 2022 and March 2, 2023.

- **Texas A&M, [Public Policy Research Institute](#) (PPRI)** will conduct a multi-year evaluation
- **Dottie Carmichael** (Research Scientist, Texas A&M University, PPRI)
- **Ifte Islam** (Assistant Research Scientist) will replace **Trey Marchbanks** (Research Scientist), Texas A&M University, PPRI
- **Andrea Sesock** (Project Coordinator) will remain on the research team.
- Travel: to Houston for Texas A&M University Team Members

Task III: Community Outreach, Participation, and Working Group

The Monitor Team recognizes that the permanence of the Consent Decree's implementation will turn on its acceptance by local community leaders and stakeholders. The Monitor Team will convene a Community Working Group, whose composition is detailed in the Monitor's Proposal to Harris County, that would advise the Monitor Team as well as assist in keeping the community informed of the County's progress in implementing the Consent Decree.

Task III:1. Continued Public Outreach and Participation

Convene monthly meetings of the Community Working Group (CWG).

Continue to reach out, with the guidance of the CWG, to local organizations to introduce themselves and offer to meet with community groups interested in learning more about the Consent Decree.

Continue to maintain Monitor website, to provide all Monitorship-related documents to the public, an overview of the goals and process, a calendar with relevant dates, answers to common questions concerning pretrial process under the Consent Decree, and a way for members of the public to share information, including anonymously, with the Monitor.

Task III:2. Third Public Meeting, Fourth Monitor Report

Convene monthly meetings of the Community Working Group (CWG).

Continue to reach out, with the guidance of the CWG, to local organizations to introduce themselves and offer to meet with community groups interested in learning more about the Consent Decree.

The Monitor Team will review County's plan for upcoming public meetings, in consultation with the Community Working Group, to ensure that fully transparent, representative, local, and robust participation is sought and achieved.

Incorporate work into upcoming Monitor Report.

Continue to update Monitor website.

Task III:3. Convene CWG and Solicit Additional Public Input

Convene monthly meetings of the Community Working Group (CWG).

Continue to reach out, with the guidance of the CWG, to local organizations to introduce themselves and offer to meet with community groups interested in learning more about the Consent Decree.

Continue to update Monitor website.

Task III:4. Fourth Public Meeting, Fifth Six-month Report

Convene monthly meetings of the Community Working Group (CWG).

Continue to reach out, with the guidance of the CWG, to local organizations to introduce themselves and offer to meet with community groups interested in learning more about the Consent Decree.

Third public meeting convened.

Incorporate work into upcoming Monitor Report.

Continue to update Monitor website.

Project Timeline and Staffing

This work will be conducted between March 3, 2022 and March 2, 2023.

- **Sandra Guerra Thompson** (University of Houston Law Center)

Houston Meeting Costs:

- Administrative support, food, publicity, space
- Travel: to Houston for Prof. Thompson

Deliverables

Deliverable I	Estimated Dates	Billable Amount
<p><u>Task 1:1.</u></p> <p>Continue to conduct regular meetings/calls with the parties to discuss progress under Consent Decree.</p> <p>Analyze data, including jail data, court data, hearing videos, and judicial opinions.</p> <p>Review plans to develop systems and structures to deliver effective indigent defense services (e.g., investigation, mitigation).</p> <p>Review results of research by outside vendors to study topics such as causes of nonappearance, indigent defense, court forms.</p> <p>Consult with Harris County concerning data variables collected by the County, including data regarding court nonappearances; helps ensure the County develops a data website so that misdemeanor pretrial conditions are public; raw data is available for download; and reviews first of the 60-day reports generated by the County.</p> <p><u>Task II:1.</u></p> <p>The Monitor Team (PPRI) continues work to acquire, clean, link, and prepare datasets and county department budget records for cost analysis.</p> <p>Initial statistical analysis will be conducted in preparation for the cost analysis report.</p> <p>Project management support includes preparing meeting agendas, keeping notes, tracking Consent Decree progress on Monday.com, and reporting status.</p> <p><u>Task III:1.</u></p>	<p>June 1, 2022</p>	<p>\$160,199</p>

Monitoring Plan re: outreach and participation for the second year.		
Convene monthly meetings of Community Working Group (CWG).		

Begin set up of Houston office.		
Continue to maintain Monitor website.		

Deliverable 2	Estimated Delivery Dates	Billable Amount
<p><u>Task I:2.</u></p> <p>Continue to conduct regular meetings/calls with the parties to discuss progress under Consent Decree.</p> <p>Analyze data, including jail data, court data, hearing videos, and judicial opinions.</p> <p>Review plans to develop systems and structures to deliver effective indigent defense services (e.g., investigation, mitigation).</p> <p>Review results of research by outside vendors to study topics such as causes of nonappearance, indigent defense, court forms.</p> <p>Consult with Harris County concerning data variables collected by the County, including data regarding court nonappearances; helps ensure the County develops a data website so that misdemeanor pretrial conditions are public; raw data is available for download; and reviews first of the 60-day reports generated by the County.</p> <p>Incorporate work into Monitor Report.</p> <p><u>Task II:2.</u></p> <p>The Monitor Team (PPRI) produces the Cost Analysis Plan for submission with the third six-month Monitor Report.</p> <p>Project management support includes preparing meeting agendas, keeping notes, tracking Consent Decree progress on Monday.com, and reporting status.</p> <p><u>Task III:2.</u></p> <p>Continue Community Outreach.</p>	August 20, 2022	\$145,546

<p>Convene monthly meetings of the Community Working Group (CWG).</p> <p>Review County's plan for upcoming public meetings.</p> <p>Incorporate work into third six-month Monitor Report.</p> <p>Updates to Monitor website.</p>		
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Deliverable 3	Estimated Delivery Dates	Billable Amount
<p><u>Task I:3.</u></p> <p>Continue to conduct regular meetings/calls with the parties to discuss progress under Consent Decree.</p> <p>Analyze data, including jail data, court data, hearing videos, and judicial opinions.</p> <p>Review plans to develop systems and structures to deliver effective indigent defense services (e.g., investigation, mitigation).</p> <p>Review results of research by outside vendors to study topics such as causes of nonappearance, indigent defense, court forms.</p> <p>Consult with Harris County concerning data variables collected by the County, including data regarding court nonappearances; helps ensure the County develops a data website so that misdemeanor pretrial conditions are public; raw data is available for download; and reviews first of the 60-day reports generated by the County.</p> <p><u>Task II:3.</u></p> <p>The Monitor Team (PPRI) facilitates community service data acquisition by facilitating ongoing communication and planning between the Monitor team and key parties including PCIC-TX, the Harris County PDO, and others as appropriate.</p>	November 28, 2022	\$117,279

<p>Project management support includes preparing meeting agendas, keeping notes, tracking Consent Decree progress on Monday.com, and reporting status.</p> <p><u>Task III:3.</u></p> <p>Outreach to share results of third six-month Monitor Report.</p> <p>Convene monthly meetings of the Community Working Group (CWG).</p> <p>Updates to Monitor website</p>		
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Deliverable 4	Estimated Delivery Dates	Billable Amount
<p><u>Task I:4.</u></p> <p>Continue to conduct regular meetings/calls with the parties to discuss progress under Consent Decree.</p> <p>Analyze data, including jail data, court data, hearing videos, and judicial opinions.</p> <p>Review plans to develop systems and structures to deliver effective indigent defense services (e.g., investigation, mitigation).</p> <p>Review results of research by outside vendors to study topics such as causes of nonappearance, indigent defense, court forms.</p> <p>Consult with Harris County concerning data variables collected by the County, including data regarding court nonappearances; helps ensure the County develops a data website so that misdemeanor pretrial conditions are public; raw data is available for download; and reviews first of the 60-day reports generated by the County.</p> <p>Incorporate work into year-end Monitor Report.</p> <p><u>Task II:4.</u></p>	March 2, 2023	\$157,354

<p>The Monitor Team (PPRI) produces Year Two Cost Analysis Report reflecting informative and useful targets for research developed in collaboration with the Monitor and Deputy Monitor, and with input from key stakeholders such as the Parties and the Community Working Group.</p> <p>Project management support includes preparing meeting agendas, keeping notes, tracking Consent Decree progress on Monday.com, and reporting status.</p> <p><u>Task III:4.</u></p> <p>Convene monthly meetings of the Community Working Group (CWG).</p> <p>Third public meeting convened.</p> <p>Continued outreach, with the guidance of the CWG, to local organizations and community groups.</p> <p>Incorporate work into fourth six-month Monitor Report.</p> <p>Updates to Monitor website.</p> <p>Total Year 3 Budget: \$580,378</p>		
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F. Forms Used to Enroll in Court Date Notifications

CR _____

AGENCY _____

CITATION AND NOTICE TO APPEAR IN COURT

Offense Date: _____ Time of Offense: _____ Name/Badge #: _____

Location of Offense: _____

City: _____ Zip: _____ OR # _____ DA Log # _____

PERSONAL INFORMATION

Last: _____ First: _____ MI: _____

Address: _____ City: _____

State: _____ Zip: _____ Race: _____ Sex: _____ DOB: _____

DL/ID Number: _____ State: _____

Phone: _____ Cell ☐ Home ☐ SPN: Yes ☐ No ☐

Email: _____

Consent for Text: Yes ☐ No ☐

Consent for Email: Yes ☐ No ☐

VIOLATION (Check all that apply):

☐ Possession of Marijuana
(0 – 4 oz)

☐ Possession of Controlled
Substance (PG2-A 0 – 4 oz)

☐ Criminal Mischief
\$100 – less than \$750

☐ Graffiti \$100 –
less than \$2500

☐ Theft
\$100 – less than \$750

☐ Theft of Service
\$100 – less than \$750

☐ Contraband in a Correctional
Facility (Class B)

☐ Driving While
License Invalid

I have received this written notice to appear at my first appearance on _____ at _____. I promise to appear at **49 San Jacinto, Houston, Texas 77002** on the date and time designated in this citation to receive further admonishments and, potentially, have additional conditions of my release set in accordance with Local Rule 9.

I understand that my presence is required. If I do not show for this first appearance, I must report to the next available Open Hours Court. Open Hours Court is held every Thursday and the schedule will be posted at the courthouse, 1201 Franklin, Houston, Texas, at the jail, 700 North San Jacinto, Houston, Texas, and on the following website <http://www.ccl.hctx.net/criminal/>.

If you miss your first appearance, meaning that you have not appeared in court within one hour of the time set for your first appearance or by the time the docket has concluded, and good cause does not exist for the nonappearance, then a warrant for your arrest shall be issued. However, even if a warrant is issued, you are encouraged to appear at Open Hours Court or in the assigned court to reschedule the missed first appearance. If you voluntarily appear in the assigned court or in the Open Hours Court after a warrant has been issued for failing to appear at first appearance, the warrant will be recalled, and you will be permitted to reschedule the missed first appearance. An assistant public defender or private appointed counsel will be available at the Open Hours Court docket to assist you if you do not have a lawyer and wish to be represented by counsel. Questions about Open Hours Court dates and location may be directed to 713-274-HELP (4357).

THIS IS NOT A PLEA OF GUILTY OR ANY ACKNOWLEDGMENT OF GUILT.

THIS IS MY PROMISE TO APPEAR FOR MY FIRST APPEARANCE.

Date: _____

Signature: _____

For compliments or complaints, please contact the _____

GOB-MTHE STATE OF TEXAS
COUNTY OF HARRIS

Case : _____

SPN: _____

GENERAL ORDER BOND for COURT APPEARANCES

I _____ swear that I will appear before the County Criminal Court at Law

COURT# _____ at the **Criminal Justice Center, 1201 Franklin Street, Houston, Harris County, TX** on the
DATE _____ of _____ 20____, at the **HOUR** of ____:____ **A.M.**
DAY MONTH

or upon notice by the court, OR pay to the court the principal sum of \$_____ plus all necessary and reasonable expenses incurred in any arrest for failure to appear. Any costs for missing court are payable to the State of Texas.

I will be **released without fees** and remain out of jail on this case as long as I go to court and follow any bond conditions (rules) for the Misdemeanor offense of _____.

If I miss any dates when I must appear in court or violate any other conditions of this bond, I may be arrested and held in custody. I can prevent this by going to court.

SIGNATURE OF DEFENDANT ____/____/____
DATE

STREET ADDRESS

CITY STATE ZIP CODE

★ **REMINDERS** help many people remember to go to court and avoid re-arrest. Sign up for BOTH below:

CELL PHONE ☐ Yes, send reminders!

EMAIL ADDRESS ☐ Yes, send reminders!

IMPORTANT INFORMATION ABOUT YOUR COURT APPEARANCE

★ Helpful Tip: Put date in phone ASAP / Take photo of this form now to remember court date and info ★

- Most cases will have additional steps and court dates. You must go to the court date listed above.
- You can ask for a lawyer at no cost to you, if you cannot afford one. The judge will determine if you qualify.
- Arrive early, because you will need to wait in line and go through security.

Help and Questions: Call Court #____ (____-____-____) or Justice Navigators (713-274-4357), or go to www.ccl.hctx.net/cr

If you miss court, you may have a warrant for your arrest. To clear your warrant for missing the court date above, either:
 1) Call Court #____ (____-____-____) immediately, OR 2) Go to the next Open Hours Court on Thursdays 8:30am-3pm, 1201 Franklin St. Open Hours Court schedule is at www.ccl.hctx.net/cr, and you can see any judge available that day.
 Call your lawyer for advice if you have one, but you do not need to have a lawyer to clear your warrant.

→ **HOW TO PREVENT BEING ARRESTED AND/OR LOSING THIS BOND:**

- Go to all court dates where you must appear.
- Do not commit a crime or do anything that could get you arrested.
- Follow any conditions the judge may give you in the future. These conditions can be changed at any time, and you can ask the judge to make changes. You will receive a new form any time your conditions change.

APPROVED

SWORN TO AND SUBSCRIBED BEFORE ME

On the ____ day of _____, 20____

JUDGE _____

JUDGE'S SPN _____

PERSONAL BOND OFFICE EMPLOYEE / SHERIFF'S DEPUTY _____

Filed with _____ on _____ at _____ A.M./P.M. by: _____

Defendant Notified _____ HPD _____ HCJ _____ Non-Arrest _____

PB-MTHE STATE OF TEXAS
COUNTY OF HARRIS

Case : _____

SPN: _____

PERSONAL BOND for COURT APPEARANCES

I _____ swear that I will appear before the County Criminal Court at Law

COURT# _____ **at the Criminal Justice Center, 1201 Franklin Street, Houston, Harris County, TX on the**
DATE _____ **of** _____ **20** _____, **at the HOUR of** _____ **:_____ A.M.**
DAY MONTHor upon notice by the court, OR pay to the court the principal sum of \$ _____ plus all necessary and reasonable expenses incurred in any arrest for failure to appear. Any costs for missing court are payable to the State of Texas.I will be released and remain out of jail on this case as long as I go to court and follow any bond conditions (rules) for the Misdemeanor offense of _____. **If I miss any dates when I must appear in court or violate any other conditions of this bond, I may be arrested and be held in custody. I can prevent this by going to court.**The personal bond processing fee for this case is: Fee: \$ _____ Waived (No fee) ☐

By law, the court cannot put you in jail for being unable to pay any cost related to your release. The court will assess your current or recent circumstances to determine if you are able or unable to pay a personal bond fee.

SIGNATURE OF DEFENDANT DATE_____
STREET ADDRESS_____
CITY STATE ZIP CODE★ **REMINDERS** help many people remember to go to court and avoid re-arrest. Sign up for BOTH below:_____
CELL PHONE ☐ Yes, send reminders!_____
EMAIL ADDRESS ☐ Yes, send reminders!**IMPORTANT INFORMATION ABOUT YOUR COURT APPEARANCE**

★ Helpful Tip: Put date in phone ASAP/ Take photo of this form now to remember court date and info ★

- Most cases will have additional steps and court dates. You must go to the court date listed above.
- You can ask for a lawyer at no cost to you, if you cannot afford one. The judge will determine if you qualify.
- Arrive early, because you will need to wait in line and go through security.

Help and questions: Call Court # _____ (____-____-____) or Justice Navigators (713-274-4357), or go to www.ccl.hctx.net/cr**If you miss court, you may have a warrant for your arrest.** To clear your warrant for missing the court date above, call your lawyer for advice and either: 1) Call Court # _____ (____-____-____) immediately, **OR** 2) Go to the next Open Hours Court on Thursdays 8:30am-3pm, 1201 Franklin St. Open Hours Court schedule is at www.ccl.hctx.net/cr, and you can see any judge available that day.**→ HOW TO PREVENT BEING ARRESTED AND/OR LOSING THIS BOND:**

- Go to all court dates where you must appear.
- Do not commit a crime or do anything that could get you arrested.
- Follow any conditions the judge may give you in the future. These conditions can be changed at any time, and you can ask the judge to make changes. You will receive a new form any time your conditions change.

APPROVED

SWORN TO AND SUBSCRIBED BEFORE ME
On the _____ day of _____, 20_________
JUDGE_____
JUDGE'S SPN_____
PERSONAL BOND OFFICE EMPLOYEE / SHERIFF'S DEPUTY

Filed with _____ on _____ at _____ A.M./P.M. by: _____

Defendant Notified _____ HPD _____ HCJ _____ Non-Arrest _____

CSH-MTHE STATE OF TEXAS
COUNTY OF HARRIS

Case : _____

SPN: _____

CASH BAIL BOND for COURT APPEARANCES

I, _____ swear that I will appear before the County Criminal Court at Law

COURT# _____ at the **Criminal Justice Center, 1201 Franklin Street, Houston, Harris County, TX** on the
DATE _____ of _____ **20**_____, at _____:_____ **A.M.**
DAY MONTH

I will be released on bail in the amount of \$_____ payable to The State of Texas and remain out of jail on this case as long as I go to court and follow any bond conditions (rules) for the Misdemeanor offense of _____. **If I miss any dates when I must appear in court, I may be arrested, held in custody, and lose my cash bail. If arrested, I may need to pay for the costs of my arrest. I can prevent this by going to court.**

SIGNATURE OF DEFENDANT_____/_____/_____
DATE_____
STREET ADDRESS

CITY STATE ZIP CODE

★ **REMINDERS** help many people remember to go to court and avoid re-arrest. Sign up for BOTH below:

CELL PHONE ☐ Yes, send reminders!_____
EMAIL ADDRESS ☐ Yes, send reminders!

DEF'S THUMB

IMPORTANT INFORMATION ABOUT YOUR COURT APPEARANCE

★ Helpful Tip: Put date in phone ASAP/ Take photo of this form now to remember court date and info ★

- Most cases will have additional steps and court dates. You must go to the court date listed above.
- You can ask for a lawyer at no cost to you, if you cannot afford one. The judge will determine if you qualify.
- Arrive early, because you will need to wait in line and go through security.

Help and questions: Call Court #____ (____-____-____) or Justice Navigators (713-274-4357), or go to www.ccl.hctx.net/cr

If you miss court, you may have a warrant for your arrest. To clear your warrant for missing the court date above, call your lawyer for advice and either: 1) Call Court#____ (____-____-____) immediately, OR 2) Go to the next Open Hours Court on Thursdays 8:30am-3pm, 1201 Franklin St. Open Hours Court schedule is at www.ccl.hctx.net/cr, and you can see any judge available that day.

→ HOW TO PREVENT BEING ARRESTED AND/OR LOSING THIS BOND:

- Go to all court dates where you must appear.
- Do not commit a crime or do anything that could get you arrested.
- Follow any conditions the judge may give you in the future. These conditions can be changed at any time, and you can ask the judge to make changes. You will receive a new form any time your conditions change.

Requirements of Cash Depositor

To release the defendant, the defendant and the person providing the cash bail (Cash Depositor) are agreeing to the conditions above. If any conditions are violated, the court may revoke (take away) the bond and also may forfeit (not return) the bail money. The Cash Depositor, along with defendant, is responsible for all re-arrest costs if any conditions of the bond are violated.

SIGNATURE OF CASH DEPOSITOR_____/_____/_____
DATE

Address _____

Phone _____

TAKEN AND APPROVED OF BY _____, DEPUTY ON _____
SHERIFF, HARRIS COUNTY TEXAS DATE

SUR-MTHE STATE OF TEXAS
COUNTY OF HARRIS

Case: _____

SPN: _____

SURETY BAIL BOND for COURT APPEARANCES

We _____, the defendant, and undersigned _____ as sureties are held and firmly bound to the State of Texas in the penal sum of _____ (\$ _____) dollars if the defendant misses a court date where he/she must appear and for the payment of all expenses if the defendant is re-arrested for missing court.

The defendant will be released and remain out of jail on this case as long as he/she goes to court and follows any bond conditions (rules) for the Misdemeanor offense of _____.

If the defendant misses any dates when he/she must appear in court, the defendant may be arrested and held in custody, and the defendant and the surety may forfeit the sum above.

YOUR NEXT COURT DATE IS:

COURT# _____ at the **Criminal Justice Center, 1201 Franklin Street**, Houston, Harris County, TX on the
DATE _____ of _____ 20____, at _____:____ **A.M.**
DAY MONTH

SIGNATURE OF DEFENDANT / DATE

STREET ADDRESS

CITY STATE ZIP CODE

★ **REMINDERS** help many people remember to go to court and avoid re-arrest. Sign up for BOTH below:

CELL PHONE ☐ Yes, send reminders!

EMAIL ADDRESS ☐ Yes, send reminders!

IMPORTANT INFORMATION ABOUT YOUR COURT APPEARANCE

★ Helpful Tip: Put date in phone ASAP / Take photo of this form now to remember court date and info ★

- Most cases will have additional steps and court dates. You must go to the court date listed above.
- You can ask for a lawyer at no cost to you, if you cannot afford one. The judge will determine if you qualify.
- Arrive early, because you will need to wait in line and go through security.

Help and questions: Call Court # _____ (____-____-____) or Justice Navigators (713-274-4357), or go to www.ccl.hctx.net/cr

If you miss court, you may have a warrant for your arrest. To clear your warrant for missing the court date above, call your lawyer for advice and either: 1) Call Court # _____ (____-____-____) immediately, OR 2) Go to the next Open Hours Court on Thursdays 8:30am-3pm, 1201 Franklin St. Open Hours Court schedule is at www.ccl.hctx.net/cr, and you can see any judge available that day.

→ HOW TO PREVENT BEING ARRESTED AND/OR LOSING THIS BOND:

- Go to all court dates where you must appear.
- Do not commit a crime or do anything that could get you arrested.
- Follow any conditions the judge may give you in the future. These conditions can be changed at any time, and you can ask the judge to make changes. You will receive a new form any time your conditions change.

Defendant Identification Information

Date of Birth: _____ Place of Birth: _____ Jail Location: _____
DL#: _____ DL State: _____ Citizen Status: _____
Height: _____ Weight: _____ Holds: _____
Hair Color: _____ Eye Color: _____
Race: _____ Sex: _____ SB Cost Receipt # _____

DEF'S THUMB

OATH OF SURETIES: I, _____ swear that we are worth in our own right at least double the amount of the sum for which we are bound, exclusive of all property exempted by law from execution, and of debts and other encumbrances, that we are residents of the State of Texas and that I have property in the State of Texas liable to execution worth the sum for which I am bound.

NOTARY STAMP

SIGNATURE OF SURETY AGENT

NAME OF SURETY AGENT

NAME OF INSURANCE COMPANY

BONDING COMPANY ADDRESS

SIGNATURE OF PRESENTER
ID#: _____
PRESENTER IDENTIFICATION

BONDING PHONE NUMBER
License #: _____

SUBSCRIBED AND SWORN TO ME ON ____/____/____: _____
DATE NOTARY PUBLIC HARRIS COUNTY COMMISSION EXPIRATION

TAKEN AND APPROVED OF BY _____, DEPUTY ON _____
SHERIFF, HARRIS COUNTY TEXAS DATE

Bond Number:**Copy Name:**

CASE RESET FORM

THE STATE OF TEXAS
vs.

For the charge: _____

CASE #: _____
HARRIS COUNTY CRIMINAL COURT # _____
CURRENT DATE: _____
NEXT COURT DATE: _____

NOTICE OF NEXT COURT DATE

Your next court date is on _____ at ____ : ____ .M. at the
Criminal Justice Center, 1201 Franklin St., Houston. FLOOR #: _____ COURT #: _____ .

On the court date above, you: ☐ **MUST APPEAR** to avoid arrest warrant ☐ **DO NOT NEED TO APPEAR.** For next steps, check in with your lawyer after the court date above.

★ For more helpful information, see handout: Important Information about your Next Court Date ★

DEFENDANT'S SIGNATURE _____

☐ On Bond. ☐ In Jail ☐ Appearance Waived

ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

★ **REMINDERS** help many people remember to go to court and avoid re-arrest. Sign up here:

CELL PHONE or HOME PHONE (circle). ☐ Yes, send reminders!

EMAIL ADDRESS ☐ Yes, send reminders!

☐ The State has offered: ☐ The State and Defense agree as follows:

Attorney for the State: Signature _____

Attorney for the Defendant: Bar Number _____ SPN _____

Attorney for the Defendant: Name (print) ☐ Retained ☐ Appointed

Attorney for the Defendant: Email Address _____

Attorney for the Defendant: Signature _____

Attorney for the Defendant: Phone Number _____

FOR COURT STAFF USE

Reset By: ☐ Defense ☐ Prosecution ☐ Court

Setting Type: ☐ Regular–Appearance Waived ☐ Regular–Appearance not Waived
☐ Required–Appearance Waived ☐ Required–Appearance not Waived

Setting Reason:

<input type="checkbox"/> ARRG	<input type="checkbox"/> DPID	<input type="checkbox"/> JTRL	<input type="checkbox"/> MCRH	<input type="checkbox"/> PTCR	<input type="checkbox"/> PTMO
<input type="checkbox"/> CTRL	<input type="checkbox"/> DPIH	<input type="checkbox"/> MAJ / MRP	<input type="checkbox"/> MOTN	<input type="checkbox"/> PTID	<input type="checkbox"/> RDLH / XDLH
<input type="checkbox"/> DISM	<input type="checkbox"/> DPIV	<input type="checkbox"/> MCH	<input type="checkbox"/> NTRL	<input type="checkbox"/> PTIH	<input type="checkbox"/> SFBF
<input type="checkbox"/> DISP	<input type="checkbox"/> FELP	<input type="checkbox"/> MCHJ	<input type="checkbox"/> PLEA	<input type="checkbox"/> PTDV	<input type="checkbox"/> _____

Reason for Reset:

<input type="checkbox"/> Attorney Not Present	<input type="checkbox"/> D.A. Evaluate Case	<input type="checkbox"/> Need Clearance Letter	<input type="checkbox"/> Restitution Info
<input type="checkbox"/> Complete Program:	<input type="checkbox"/> D.A. Re-File as Felony	<input type="checkbox"/> No Evaluation: _____	<input type="checkbox"/> RIP
<input type="checkbox"/> Compliance MAJ / MRP	<input type="checkbox"/> Defendant Consider Offer	<input type="checkbox"/> No Offense Report	<input type="checkbox"/> To Hire Attorney
<input type="checkbox"/> D.A. Chief Unavailable	<input type="checkbox"/> Defendant Has New Case	<input type="checkbox"/> No Video/Audio/Lab	<input type="checkbox"/> Interpreter Rqst
<input type="checkbox"/> FELP	<input type="checkbox"/> Refer to FCLD	<input type="checkbox"/> _____	<input type="checkbox"/> _____

Setting Date Approved By:

Judge / Coordinator



Date Signed

IMPORTANT INFORMATION ABOUT YOUR NEXT COURT DATE

★ *Helpful tip! Put date in phone ASAP / take photo now to remember court date and info.* ★

Your next court date is on _____ at ____ : ____ .M. at the
Criminal Justice Center, 1201 Franklin St., Houston. **FLOOR #:** _____ **COURT #:** _____ .

On the court date above, you:

☐

MUST APPEAR
to avoid arrest warrant

☐

DO NOT NEED TO APPEAR. For next steps,
check in with your lawyer after the court date above.

HELPFUL INFORMATION

- **AVOID AN ARREST WARRANT:** Go to ALL court dates where you MUST APPEAR and follow any conditions from the judge. The court will notify you if there is a change to your requirements to appear.
- **HELP AND QUESTIONS:** Call your lawyer or Justice Navigators (713-274-4357), or go to www.ccl.hctx.net/criminal/. You can ask for a lawyer at no cost to you, if you cannot afford one. The judge will determine if you qualify.
- **RESCHEDULING:** You may request to reschedule "regular" court dates up to two times. A "required" court date cannot be rescheduled unless the Judge approves. See Notice of Next Court date form for your court date "setting type."
- **MISSED COURT DATES:** If you miss your court date, you may have a warrant for your arrest and lose your bond. Call your lawyer first for advice on next steps, and then to clear your warrant for missing the court date above, take action right away by either:

⇒ **CALL:** immediately the Court
Coordinator for your Court #.
*You can find the phone number
by calling Justice Navigators at
713-274-4357 or using the Court
Directory on top right page at
www.ccl.hctx.net/cr*

OR

⇒ **GO:** next Thursday to Open
Hours Court from 8:30am-3pm
at 1201 Franklin Street.
There, you can see any judge
available that day.
*Open Hours Court schedule is at
www.ccl.hctx.net/cr*

G. Court Notification Language by Communication Method Used

	Texts	Email	Voice
Opt In- Welcome Message (NOT USED)	<p>Welcome! You will now receive court date reminders for Case ###. For more info, call 713-274-4357 or go to www.[insert weblink]. Reply STOP to end texts.</p>	<p>Subject: You signed up for email reminders (smart choice!)</p> <p>Dear [First name],</p> <p>Welcome! You signed up for email reminders for your upcoming court dates related to Case #[insert] in the Harris County Courts. We'll email you notifications of court dates and any scheduling changes. If you choose not to receive these emails, please reply STOP.</p> <p>Thank you for signing up for reminders to help you get to court and ultimately resolve your case!</p> <p>Sincerely, Judge [First and last name]</p>	<p>Welcome! We are calling to confirm that you will now receive court date reminders for Case ### from this phone number. For more information, please call Justice Navigators at 713-274-4357. You can also call your court at ###-###-#### or visit the court website at [insert]. Reply STOP to end texts. Thank you.</p>
Setting Date Creation	<p>You have a new court date on Mon 03 8:30AM for Case ### at 1201 Franklin. Mark your calendar and plan ahead. We will text again to help you remember. For more info, call your lawyer, or the court ###-###-#### or visit www.[insert weblink].</p>	<p>Subject: You have a new court date on [month] [date] at [time]</p> <p>Dear [First name],</p> <p>We have set up a new court date for you on [day], [month] [date] at [time] for Case #[number]. Call your lawyer to find out if you need to go to this court date.</p> <p>Take a moment now to mark this on your calendar and set a reminder. We will email you again to help you remember.</p> <p>If you have any questions or need help, please call your lawyer, or the court at [XXX-XXX-XXXX], or Justice Navigators at 713-274-4357. You can also find more information at www.ccl.hctx.net/criminal.</p> <p>See you then! Judge [First and last name]</p>	<p>Hello, you have a new court date on Mon 03 8:30AM for Case ###. The location is 1201 Franklin Street. Please mark your calendar and plan ahead. We will call again to help you remember. For more information, please call your lawyer, or the court ###-###-####.</p> <p>Thank you.</p>
Upcoming Court Date Reminder (7 Days)	<p>You have court Mon Jun 03 8:30AM. Make plans now: work, transport, childcare? Mark calendar, set alarm. Go to avoid arrest warrant. Call 713-274-4357 or go to www.[insert weblink] for more info.</p>	<p>Subject: Reminder: You have court on [month] [date] at [time]</p> <p>Dear [First name],</p> <p>We are sending a reminder about your upcoming court date. You must appear in court on [day], [month] [date] at [time]. We look forward to seeing you in Court #[insert] at [insert building name and address].</p> <p>Do you need to make plans for work, transportation or childcare to go to court? You make those plans now. Please put this date and time in your calendar now to help you remember.</p> <p>Missing court can lead to a warrant for your arrest. Don't let that happen!</p> <p>If you have any questions or need help, please call your lawyer, or the court at [XXX-XXX-XXXX], or Justice Navigators at 713-274-4357. You can also find more information at www.ccl.hctx.net/criminal.</p>	<p>Good morning. We are calling to remind you that you have court on Mon Jun 03 8:30AM. Please add the time and date to your calendar, and remember to make any plans you need to attend court, such as arrangements with work, for transportation or childcare.</p> <p>Missing court can lead to arrest. For more information, please call Justice Navigators at 713-274-4357. You can also call your court at ###-###-#### or visit the court website at [insert]. Please call your lawyer if you have any questions. Thank you.</p>

	Texts	Email	Voice
		<p>See you next [day]! Judge [First and last name]</p>	
Upcoming Court Date Reminder (1 Day)	<p>Court is tomorrow at 1201 Franklin, Court #__. Case ####. Plan when to leave to be in court by 8:30AM. Missing can lead to arrest. Call 713-274-4357 or go to www.[insert weblink] for more info.</p>	<p>Subject: You have court tomorrow at [time]!</p> <p>Dear [First name], You have court tomorrow at [time] for Case #[insert]. We will see you in Court # [insert] at [address].</p> <p>There can be long lines to get into the courthouse, so please think about what time you need to leave to arrive early.</p> <p>Missing court can lead to a warrant for your arrest. Don't let that happen!</p> <p>If you have any questions or need help, please call your lawyer, or the court at [XXX-XXX-XXXX], or Justice Navigators at 713-274-4357. You can also find more information at www.ccl.hctx.net/criminal.</p> <p>See you tomorrow! Judge [First and last name]</p>	<p>Hello, you have court tomorrow at 8:30A.M for Case ####. The location is 1201 Franklin, Court #__. What time should you leave to be in court by 8:30AM?. Make sure to show up to avoid an arrest warrant. For more information, please call Justice Navigators at 713-274-4357 or visit the court website at [insert].You can also call your court at ###-###-####. Please call your lawyer if you have any questions. Thank you.</p>
Missed Court Date	<p>You missed court on Jun 03 (Case ####). Act now! Call Court #--__ at XXX-XXX-XXXX or go to next Open Hours Court (Thurs 8:30-3pm, 1201 Franklin St.). Open Hours Court schedule is at www.[insert weblink]. You can see any judge available that day.</p>	<p>Subject: Missed court date – Simple steps to take now to avoid arrest</p> <p>Dear [First name],</p> <p>You missed court on [month] [date] for Case #[number]. Don't worry, you can act now to avoid a warrant and arrest.</p> <p>Do one of the following now:</p> <ol style="list-style-type: none"> 1. Call your lawyer for advice on next steps. 2. You can also call Court #--[insert] at XXX-XXX-XXX and explain you missed court, <p>OR</p> <ol style="list-style-type: none"> 1.3. Go to the next Open Hours Court, which occur every Thursday from 8:30-3:00pm, located at [address]. You can ask any Judge assigned to Open Hours Court for a new court date. The Open Hours Court schedule is at www.ccl.hctx.net/criminal. <p>We want to help you take care of this and get back on track with your court dates.</p> <p>If you have any questions or need help, please call your lawyer, or the court at [XXX-XXX-XXXX], or Justice Navigators at 713-274-4357. You can also find more information at www.ccl.hctx.net/criminal.</p> <p>Sincerely, Judge [First and last name]</p>	<p>Hello, We are calling because you missed court on Jun 03 for Case ####. You can act now to fix this. First, call your lawyer for advice on next steps. You can also call Court #--__ at XXX-XXX-XXXX or go to next Open Hours Court on Thursdays from 8:30-3pm, 1201 Franklin St. Open Hours Court schedule is at www.[insert weblink]. You can see any judge available that day. Thank you.</p>

	Texts	Email	Voice
Setting Date Reschedule	Court Update: there has been a schedule change. You now must appear in court on Mon Jun 03 at 8:30AM at 1201 Franklin St for Case ####. For more info, call your lawyer, or the court ###-###-#### or visit www.[insert weblink].	<p>Subject: Court date change to [new date] at [time]!</p> <p>Dear [First name], The Court needed to make a change to your next court date.</p> <p>You now must appear in court on [day], [month] [date] at [time] for Case #[insert]. We look forward to seeing you in Court #[insert] at [insert building name and address].</p> <p>If you have any questions or need help, please call your lawyer, or the court at [XXX-XXX-XXXX], or Justice Navigators at 713-274-4357. You can also find more information at www.ccl.hctx.net/criminal.</p> <p>See you then! Judge [First and last name]</p>	Hello, we are calling with an update on your next court date. There has been a schedule change and you now must appear in court on Mon Jun 03 at 8:30AM for Case ####. The location is at 1201 Franklin St, Court #XX. For more information, please call your lawyer, or you can call the court at ###-###-####. Thank you.
Court Transfer	Court Update: Your case is moved from Court #XX to Court #XX. You now must appear in court on Mon Jun 03 at 8:30AM at 1201 Franklin St for Case ####. For more info, call your lawyer, or the court ###-###-#### or visit www.[insert weblink].	<p>Subject: Courtroom change for upcoming court date</p> <p>Dear [First name],</p> <p>Your case has been moved from Court #[insert] to Court #[insert].</p> <p>You now must appear in court on [day], [month] [date] at [time] for Case #[insert]. We look forward to seeing you in Court #[insert] at [insert building name and address].</p> <p>If you have any questions or need help, please call your lawyer, or the court at [XXX-XXX-XXXX], or Justice Navigators at 713-274-4357. You can also find more information at www.ccl.hctx.net/criminal.</p> <p>See you then! Judge [First and last name]</p>	Hello, we are calling with an update on your courtroom for Case ####. Your case has now moved from Court #XX to Court #XX. You now must appear in court on Mon Jun 03 at 8:30AM at 1201 Franklin St. For more information, please call your lawyer, or you can call the court at ###-###-####. Thank you.
Appearance Waived at Next Setting (NOT USED)	Court Update: You do not need to appear at your court date on x.xx.xxx. We will text you before your next court date. For more info, call your lawyer, or the court ###-###-#### or visit www.[insert weblink].		Hello, we are calling with an update on your courtroom for Case ####. We will call you with a reminder before your next court date. For more information, please call your lawyer, or you can call the court at ###-###-####. Thank you.
Opt Out Message (NOT USED)	You have opted out of court reminders for Case ####. If you would like to sign up again, you can at your next court date. For more info, call 713-274-	<p>Subject: We want to help you remember your court dates! - don't go!</p> <p>Dear [First name], At your request, we will stop sending you email reminders for Case #[insert]. We send email reminders to help people remember and plan better for future court dates. If you would like to sign up for reminders again, you can do so at your next court date.</p>	Hello, we are calling to confirm that you have opted out of receiving voice message reminders for Case ####. If you would like to sign up again, you can at your next court date. For more information, please call Justice Navigators at 713-274-4357. You can

	Texts	Email	Voice
	4357 or go to www.[insert weblink].	<p>If you have any questions or need help, please call your lawyer, or the court at [XXX-XXX-XXXX], or Justice Navigators at 713-274-4357. You can also find more information at www.ccl.hctx.net/criminal.</p> <p>Sincerely, Judge [First and last name]</p>	<p>also call your court at ###-###-####</p> <p>Reply STOP to end texts. Thank you.</p>

H. Consent Decree Tasks and Milestones

Section	¶	Due Date	Milestones	Status
7	41a	12/15/2020 <i>Nearly Done</i>	Provide support staff for private apptd. counsel at bail hearing - CCCL Judges will establish a process, approve, and provide funding for qualified support staff to assist private appointed counsel at bail hearings.	STATUS: Nearly Done The Managed Assigned Counsel officially began serving all 16 misdemeanor courts as of December 27, 2021. Status will be changed to "Done" once the requirements of ¶ 43b have been met.
7	41b	3/1/2021 (Extended) <i>Nearly Done</i>	Fund at least min. holistic defense staff recommended by expert - Based on the expert's written report and recommendations, in consultation with the Monitor, the County must fund the minimum number of recommended holistic defense support staff.	STATUS: Nearly Done Funding for holistic defense staff is being provided as part of the Managed Assigned Counsel office grant from the TIDC (212-20-D06) in the amount of \$2.17 million approved in FY20. The NAPD report recommendations were submitted to the Commissioner's Court 8/10/21. Status will be changed to "Done" once Harris County Budget Management develops the full implementation with JAD, PDO, and MAC of the recommendations.
7	43 and 44	12/15/2020 (Extended) <i>TBD</i>	Develop written plan for essential defense counsel supports - Defendants must develop a written plan to ensure defense counsel have space to confer with clients before a bail hearing, have access to essential support staff by phone or video conference, can call witnesses and prevent/confront evidence, and can promptly discover information presented to the presiding judicial officer. The plan will be reviewed by the Monitor with input from Class Counsel, and implemented within a reasonable timeline.	STATUS: Nearly Done Harris County is working collectively with several agencies on a plan. The plan will incorporate recommendations from the NAPD Holistic Defense assessment (¶ 41b) completed on 7/7/21. The county is working with Budget Management for all budgetary requests for submission to Commissioners Court approval. Status will be changed to "Done" once a written plan is in place.
8A	46	10/29/2020 (Extended) <i>Nearly Done</i>	Provide court date notification forms to third party LEAs - Defendants will make the court date notification forms required by ¶ 47 and ¶ 48 readily accessible to third-party law enforcement agencies that arrest or detain misdemeanor arrestees to be prosecuted in the Harris County	STATUS: Nearly Done All court date notification forms were implemented by 11/4/21. Status will be changed to "Done" once it's confirmed they have been provided to third party LEAs.

Section	¶	Due Date	Milestones	Status
8C	55	5/14/2021 (Expected) Nearly Done	<p>Develop written nonappearance mitigation plan- Within 180 days after receiving published results of study (Sec.52),the County will work with researchers to develop a written plan for mitigating causes of nonappearance including implementation timeline and proposed budget of at least \$850,000 for each of the initial three years following the study.</p> <p>The County will submit the plan to the Monitor for review. Monitor solicits Class Counsel's written comments/objections during a 30- day review period (per Sec.111-114). Monitor will convey Class Counsel's comments to County for response (objections or amendments) within 30 days of receipt. The Parties may submit unresolvable disputes to the Court.</p>	<p>STATUS: Nearly Done</p> <p>The County developed a written plan to implement recommendations from the study (¶ 52e) completed on 7/29/22 and provided to the Monitor on 1/18/23. The Monitor and Class Counsel's are reviewing for feedback.</p> <p>Status will be changed to "Done" once the final written plan and budget is in place, expected by 3/26/2023.</p>
8C	54	3/1/2021 (Extended) Nearly Done	<p>Allocate \$850,000 Year 2 to support court appearance per mitigation plan timeline and budget - After study concludes, absent good cause for a lesser amount, County must allocate at least \$850,000/year toward mitigating causes of nonappearance. County will consult with researchers to determine a reasonable timeline and a budget for implementing the first three years of the plan. To establish good cause, County submits purported cause to the Monitor; Monitor notifies Class Counsel; Monitor makes a determination; Either Party may file a motion to the Court if they disagree with the Monitor's determination.</p>	<p>STATUS: Nearly Done</p> <p>\$850,000 allocation to mitigate causes of nonappearance was approved by Commissioner's Court as part of the FY23 budget.</p> <p>Status will be changed to "Done" when the Monitor approves the timeline and budget for implementation of mitigation services for the first three years (¶ 55).</p>
10	78 and 79	Extended (Expected April 2023)	<p>Deliver Year 3 Refresher Consent Decree Training - Defendants will implement the Training Plan on an annual basis with updates and improvements subject to review and approval by the Monitor and Class Counsel.</p>	<p>STATUS: Working on it</p> <p>Deason Criminal Justice Reform Center, SMU, is working on training materials and a timeline for the trainings. Trainings are expected to take place April 2023.</p>

Section	¶	Due Date	Milestones	Status
9	81, 82, 84, and 85	8/30/2020 <i>Nearly Done</i>	Provide data for Monitor to evaluate Consent Decree implementation - Defendants will consult with the Monitor to systematically collect, preserve, and integrate data variables sufficient to permit tracking, analysis, and reporting required by the Consent Decree. Will include all existing data relating to misdemeanor cases from 2009 through the present (¶ 84); data variables specified in ¶ 85 to permit tracking, analysis, and reporting of information for each misdemeanor arrestee; and all variables required to generate reports required by ¶ 87 and ¶ 89. If collection or maintenance of any required data variables is cost prohibitive or infeasible, Defendants may submit a request for exemption to the Monitor.	STATUS: Nearly Done JAD staff are currently integrating data variables from multiple Harris County offices required to permit tracking, analysis, and reporting required by the Consent Decree. Existing data for cases from 2009 through the present are currently available to the Monitor team. Status will be changed to "Done" after all variables specified in ¶ 85 are available. Monitors are still waiting on #S: Any conditions of release or supervision imposed by a judicial officer, the date each was imposed, and the amount of any fees assessed.
11	83	11/15/2020 (Extended) <i>Nearly Done</i>	Make Consent Decree data publicly available - The County will make the raw data that the Defendants are required to collect and maintain under this Consent Decree available for ready public access in a usable format (e.g. an Excel spreadsheet).	STATUS: Nearly Done The ODonnell Public Dashboard went live 9/8/2022 with automated reports of some of the data measures specified in ¶ 89. The OJS data team is in process of adding 9 more measures. Status will be changed to Done after adding additional data measures in ¶ 89 and raw data downloads are posted on the existing public Consent Decree website described in ¶ 90.
9	88, 89	8/30/2020 <i>Nearly Done</i>	Develop web-based Data Platform - The County will develop a web-based Data Platform that organizes, integrates, analyzes, and presents the information required by ¶ 89 into a public -facing interface. The County may engage a TA provider with expertise in data analytics to create the Data Platform.	STATUS: Nearly Done The ODonnell Public Dashboard went live 9/8/2022 with automated reports of some of the data measures specified in ¶ 89. The OJS data team is in process of adding 9 more measures. Status will be changed to Done after adding additional data measures in ¶ 89 and raw data downloads are posted on the existing public Consent Decree website described in ¶ 90.
12	92	11/21/2022 <i>Done</i>	Conduct Year 2.5 Public Meeting - Regular public meetings will be held at least once every six months in at least two geographic locations accessible to the maximum number of residents and including HCTX Consent Decree website simulcast (Sec. 90). Defendants and community groups will determine meeting parameters with approval by the Monitor. Knowledgeable representatives of each Defendant group and the Monitor must be present and report on CD implementation including areas of success and for improvement.	STATUS: Done In-person public meeting was held 10/7/2022. A virtual public meeting was held 10/13/2022.
13	93, 94	11/2/2022 <i>Done</i>	Year 3.5 review of posted policies - Every six months, defendants will review policies	STATUS: Done

Section		Due Date	Milestones	Status
			posted at the JPC and the CJC and update as necessary.	Key policies agreed by the Defendants are currently posted at the JPC & CJC and on the HCTX ODonnell Consent Decree website.
14	103	3/3/2023 <i>Done</i>	Monitor's Budget: Year 4 - The Monitor will submit a proposed budget annually. The County will fund the Monitor at a reasonable rate.	STATUS: Done Monitor's budget Year 4 has been submitted to the county.
14	116	3/3/2023 <i>Done</i>	Monitoring Plan: Year 4 - In coordination with the Parties, the Monitor will prepare an annual Monitoring Plan to be made public and published on the County's Consent Decree Website (see Sec. 90). The Plan must delineate requirements of the Consent Decree to be assessed for compliance, identify the proposed methodology, and create a schedule with target dates for conducting reviews or audits.	STATUS: Done Monitor's Year 4 plan has been submitted to the county.
14	115, 118	1/18/2023 <i>Done</i>	Submit Draft Monitor's Report: Year 3 - Every six months for the first three years, and annually thereafter, Monitor will provide a draft Monitor's Report (including the information specified in Sec. 117) for review by the Parties. Monitor's Report will present results of reviews to determine whether the County, CCCL Judges, and Sheriff have substantially complied with the requirements of this Consent Decree. Parties will have 30 days to comment; Monitor will have 14 days to consider the Parties' comments before filing the report with the court.	STATUS: Done The year 3 draft monitor report was submitted on 1/18/2023
14	117	3/3/2023 <i>Done</i>	Publish Monitor's Report: Year 3 - Monitor will file with the Court, and the County will publish, written public reports on compliance, which will include the information specified in Sec. 117.	STATUS: Done The final year 3 monitor report will be submitted on 3/3/2023.

Consent Decree Tasks and Milestones in the Next Year Reporting Period

Section	¶	Due Date	Milestones
7	38	10/1/2023	Provide FY 23-24 PDO allocation > FY 19-20 approved budget - The County will provide funding and staffing at or above the Public Defender Office's FY 19-20 approved budget to meet obligations for zealous and effective misdemeanor representation at bail hearings and at other stages of the process.
12	92	5/19/2023	Conduct Year 3 Public Meeting - Regular public meetings will be held at least once every six months in at least two geographic locations accessible to the maximum number of residents and including HCTX Consent Decree website simulcast (Sec. 90). Defendants and community groups will determine meeting parameters with approval by the Monitor. Knowledgeable representatives of each Defendant group and the Monitor must be present and report on CD implementation including areas of success and for improvement.
12	92	11/21/2023	Conduct Year 3.5 Public Meeting - Regular public meetings will be held at least once every six months in at least two geographic locations accessible to the maximum number of residents and including HCTX Consent Decree website simulcast (Sec. 90). Defendants and community groups will determine meeting parameters with approval by the Monitor. Knowledgeable representatives of each Defendant group and the Monitor must be present and report on CD implementation including areas of success and for improvement.
13	93, 94	5/2/2023	Year 4 review of posted policies - Every six months, defendants will review policies posted at the JPC and the CJC and update as necessary.
13	93, 94	11/2/2023	Year 4.5 review of posted policies - Every six months, defendants will review policies posted at the JPC and the CJC and update as necessary.
14	115, 118	1/18/2024	Submit Draft Monitor's Report: Year 4 - Every six months for the first three years, and annually thereafter, Monitor will provide a draft Monitor's Report (including the information specified in Sec. 117) for review by the Parties. Monitor's Report will present results of reviews to determine whether the County, CCCL Judges, and Sheriff have substantially complied with the requirements of this Consent Decree. Parties will have 30 days to comment; Monitor will have 14 days to consider the Parties' comments before filing the report with the court.
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Section	¶	Due Date	Milestones	Status
7	41a	12/15/2020 <i>Nearly Done</i>	Provide support staff for private apptd. counsel at bail hearing - CCCL Judges will establish a process, approve, and provide funding for qualified support staff to assist private appointed counsel at bail hearings.	STATUS: Nearly Done The Managed Assigned Counsel officially began serving all 16 misdemeanor courts as of December 27, 2021. Status will be changed to "Done" once the requirements of ¶ 43b have been met.

Section	¶	Due Date	Milestones	Status
7	41b	3/1/2021 (Extended) <i>Nearly Done</i>	Fund at least min. holistic defense staff recommended by expert - Based on the expert's written report and recommendations, in consultation with the Monitor, the County must fund the minimum number of recommended holistic defense support staff.	<p>STATUS: Nearly Done</p> <p>Funding for holistic defense staff is being provided as part of the Managed Assigned Counsel office grant from the TIDC (212-20-D06) in the amount of \$2.17 million approved in FY20. The NAPD report recommendations were submitted to the Commissioner's Court 8/10/21.</p> <p>Status will be changed to "Done" once Harris County Budget Management agrees with JAD, PDO, and MAC on the number of support staff positions to be hired.</p>
7	43 and 44	12/15/2020 (Extended) <i>TBD</i>	Develop written plan for essential defense counsel supports - Defendants must develop a written plan to ensure defense counsel have space to confer with clients before a bail hearing, have access to essential support staff by phone or video conference, can call witnesses and prevent/confront evidence, and can promptly discover information presented to the presiding judicial officer. The plan will be reviewed by the Monitor with input from Class Counsel and implemented within a reasonable timeline.	<p>STATUS: Nearly Done</p> <p>Harris County is working collectively with several agencies on a plan. The plan will incorporate recommendations from the NAPD Holistic Defense assessment (¶ 41b) completed on 7/7/21. The county is working with Budget Management for all budgetary requests for submission to Commissioners Court approval.</p> <p>Status will be changed to "Done" once a written plan is in place.</p>
8A	46	10/29/2020 (Extended) <i>Nearly Done</i>	Provide court date notification forms to third party LEAs - Defendants will make the court date notification forms required by ¶ 47 and ¶ 48 readily accessible to third-party law enforcement agencies that arrest or detain misdemeanor arrestees to be prosecuted in the Harris County	<p>STATUS: Nearly Done</p> <p>All court date notification forms were implemented by 11/4/21.</p> <p>Status will be changed to "Done" once it's confirmed they have been provided to third party LEAs.</p>
8C	55	5/14/2021 (Expected) <i>Nearly Done</i>	Develop written nonappearance mitigation plan- Within 180 days after receiving published results of study (Sec.52),the County will work with researchers to develop a written plan for mitigating causes of nonappearance including implementation timeline and proposed budget of at least \$850,000 for each of the initial three years following the study. The County will submit the plan to the Monitor for review. Monitor solicits Class Counsel's written comments/objections during a 30- day review period (per Sec.111-114). Monitor will convey Class Counsel's comments to County for response (objections or amendments) within 30 days of receipt. The Parties may submit unresolvable disputes to the Court.	<p>STATUS: Nearly Done</p> <p>The County developed a written plan to implement recommendations from the study (¶ 52e) completed on 7/29/22 and provided to the Monitor on 1/18/23. The Monitor and Class Counsel are reviewing for feedback.</p> <p>Status will be changed to "Done" once the final written plan and budget is in place, expected by 3/26/2023.</p>

Section	¶	Due Date	Milestones	Status
8C	54	3/1/2021 (Extended) <i>Nearly Done</i>	Allocate \$850,000 Year 2 to support court appearance per mitigation plan timeline and budget - After study concludes, absent good cause for a lesser amount, County must allocate at least \$850,000/year toward mitigating causes of nonappearance. County will consult with researchers to determine a reasonable timeline and a budget for implementing the first three years of the plan. To establish good cause, County submits purported cause to the Monitor; Monitor notifies Class Counsel; Monitor makes a determination; Either Party may file a motion to the Court if they disagree with the Monitor's determination.	STATUS: Nearly Done \$850,000 allocation to mitigate causes of nonappearance was approved by Commissioner's Court as part of the FY23 budget. Status will be changed to "Done" when the Monitor approves the timeline and budget for implementation of mitigation services for the first three years (¶ 55).
10	78 and 79	Extended (Expected April 2023)	Deliver Year 3 Refresher Consent Decree Training - Defendants will implement the Training Plan on an annual basis with updates and improvements subject to review and approval by the Monitor and Class Counsel.	STATUS: Working on it Deason Criminal Justice Reform Center, SMU, is working on training materials and a timeline for the trainings. Trainings are expected to take place April 2023.
9	81, 82, 84, and 85	8/30/2020 <i>Nearly Done</i>	Provide data for Monitor to evaluate Consent Decree implementation - Defendants will consult with the Monitor to systematically collect, preserve, and integrate data variables sufficient to permit tracking, analysis, and reporting required by the Consent Decree. Will include all existing data relating to misdemeanor cases from 2009 through the present (¶ 84); data variables specified in ¶ 85 to permit tracking, analysis, and reporting of information for each misdemeanor arrestee; and all variables required to generate reports required by ¶ 87 and ¶ 89. If collection or maintenance of any required data variables is cost prohibitive or infeasible, Defendants may submit a request for exemption to the Monitor.	STATUS: Nearly Done JAD staff are currently integrating data variables from multiple Harris County offices required to permit tracking, analysis, and reporting required by the Consent Decree. Existing data for cases from 2009 through the present are currently available to the Monitor team. Status will be changed to "Done" after all variables specified in ¶ 85 are available. Monitors are still waiting on #S: Any conditions of release or supervision imposed by a judicial officer, the date each was imposed, and the amount of any fees assessed.
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