

# Monitoring Pretrial Reform in Harris County

## Monitoring Plan: Year 4

March, 2023

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## *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 and similarly provided in March 2022 a work plan for our third year of work.

This Work Plan describes the fourth year of our work, set out in quarterly deliverables, with a budget of approximately \$580,378. As with our prior work plans, this Year 4 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 4, the Monitor will be producing reports, including: a year-end Monitor Report. The Monitor will be analyzing data from the county and reporting on these data in that report 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. Monitor will also prepare its own findings, including for potential academic publication.

Consult with Harris County concerning data variables collected by the County, helps ensure the County data concerning misdemeanor pretrial conditions are public; raw data is available for download; and review any 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. Monitor will also prepare its own findings, including for potential academic publication.

Consult with Harris County concerning data variables collected by the County, helps ensure the County data concerning misdemeanor pretrial conditions are public; raw data is available for download; and review any reports generated by the County.

### **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. Monitor will also prepare its own findings, including for potential academic publication.

Consult with Harris County concerning data variables collected by the County, helps ensure the County data concerning 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. Monitor will also prepare its own findings, including for potential academic publication.

Consult with Harris County concerning data variables collected by the County, helps ensure the County data concerning 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, 2023 and March 2, 2024.

#### **Monitor Team Personnel:**

- **Prof. Brandon Garrett** (Duke Law School)
- **Prof. Songman Kang.**
- **Research assistants** (Duke Law School and University of Houston Law Center)

#### **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 OJS and Monitor team colleagues to acquire, merge, and prepare datasets needed for analysis and statistical modeling. Data development and validation is a constant demand requiring ongoing close monitoring to ensure data quality. Recent examples of complex quantitative acquisition and validation efforts include mental health data, geo-location data, booking data, pretrial supervision data, and court date notification data. In addition, considerable time and attention is invested in qualitative data collection to understand the meaning of variables and the underlying processes for accurate interpretation. During the 2023-24 contract year PPRI will continue to collaborate to identify new data needs, validate existing data, and remediate discrepancies. Resulting data products 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 Ongoing Research Output**

Cost-related findings based on both existing and newly available data elements will be studied over the course of the year in order to strengthen and calibrate the bail reform process. Analyses determined by the Monitors with input from the Parties and other stakeholders 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. Reports will summarize major findings, offer recommendations, and propose future directions for continued investigation in support of Consent Decree objectives. Findings will be shared at stakeholder meetings, in written reports, and in academic publications.

### **Task II:3. 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.

#### **Task II:4. Produce Seventh Cost Analysis Report**

For the Seventh Monitor Report to be submitted March 3, 2024, PPRI will further expand and integrate 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.

#### **Project Timeline and Staffing**

This work will be conducted between March 3, 2023 and March 2, 2024.

- **Texas A&M, [Public Policy Research Institute \(PPRI\)](#)** will conduct a multi-year evaluation
- **Dottie Carmichael** (Director and Research Scientist, Texas A&M University, PPRI)
- **Ifte Islam** (Assistant Research Scientist)
- **Andrea Sesock** (Project Coordinator)
- 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. 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.

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.

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. Public Meeting, Seventh 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.

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, 2023 and March 2, 2024.

- **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 Delivery Dates	Billable Amount
<p><u>Task I: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>Monitoring Plan re: outreach and participation for the second year.</p> <p>Convene monthly meetings of Community Working Group (CWG).</p>	<p>June 1, 2023</p>	<p>\$165,243</p>

<p>Begin set up of Houston office.</p> <p>Continue to maintain Monitor website.</p>		
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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) develops ongoing research output on topics determined in collaboration with the Monitors, the Parties, and other stakeholders. Resulting work products include presentations, reports, and publications.</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>	<p>August 20, 2023</p>	<p>\$147,256</p>

<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 information-sharing and coordination of activities among ODonnell stakeholders relating to progress under the Consent Decree. Project management support includes preparing meeting agendas, keeping notes, tracking Consent Decree progress on Monday.com, and reporting status.</p>	November 28, 2023	\$119,471

<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>	<p>March 2, 2024</p>	<p>\$159,097</p>

<p>The Monitor Team (PPRI) produces the Seventh 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>		
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Total Year 4 Budget: \$591,067