

On this the 23rd day of June, 2009, the Commissioners Court of Harris County, Texas, sitting as the governing body of Harris County, at a regular meeting of the Court, upon motion of Commissioner Lee, seconded by Commissioner Eversole, duly put and unanimously carried,

IT IS ORDERED that a report prepared by The Justice Management Institute concerning the Harris County criminal justice system be accepted; and

IT IS FURTHER ORDERED that Management Services be directed to prepare a suggested order for consideration at the July 14th court meeting that would enable the county to begin moving forward on recommendations outlined by The Justice Management Institute.

The vote of the court on the above motion was as follows:

| | |
|--------------|--|
| AYES: | Five (Judge Emmett, Commissioners Lee, Garcia, Eversole, and Radack) |
| NOES: | None |
| ABSTENTIONS: | None |

Attachment A

Presented to Commissioner's Court

JUN 23 2009

APPROVE _____
Recorded Vol. _____ Page _____

June 18, 2009

To: County Judge Emmett and
Commissioners Lee, Garcia,
Radack, and Eversole

Fm: Dick Raycraft

Re: Criminal Justice Study

| Vote of the Court: | Yes | No | Abstain |
|--------------------|--------------------------|--------------------------|--------------------------|
| Judge Emmett | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Comm. Lee | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Comm. Garcia | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Comm. Radack | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Comm. Eversole | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The study requested by the court of the Harris County criminal justice system, prepared by The Justice Management Institute, is attached for your reference and review. The report is preliminary and a more detailed document will follow.

The study determined its main themes to be: (1) there is too much reliance on jail as the primary or sole resource for handling persons whose law-breaking is a result of substance abuse and/or mental illness; (2) there is too much reliance on "costly and inefficient" paper-based records and "outdated" computer systems; (3) there is a lack of capacity for analyses of operations and performance that are necessary for justice system planning and decisions on use of resources; and (4) there is a continuing need for county coordination among interrelated agencies involved in and affected by criminal justice processes.

The report provides a list of key facts and trends, such as a continued percentage growth in jail population that "far exceeds" the percentage growth in the county's population. There are overcrowded jail conditions, with about 25% of the inmates, or over 2,500, having a mental health problem, making the jail in Harris County the largest facility in the state that provides mental health services. About 90% of inmates with mental health problems have previously been in the jail, and a high percentage of inmates having been charged with or convicted of low-level drug offenses have been in the jail previously. There is a shortage of facilities and services for persons with substance abuse and/or mental illness problems. Also, the report said, there are no established mechanisms for easy exchange of relevant information or coordination of policies among agencies.

The study acknowledges the county's strengths, such as its "highly efficient" front-end case processing with initial stages of the pretrial process able to move quickly, allowing probable cause typically to be determined within 12 hours of arrest through the presence of an on-duty judicial officer/magistrate. The report noted, "We know of no other urban criminal justice system that handles the early stages of cases more efficiently." Nonetheless, there are key issues such as overcrowded jail conditions, the limitation in oversight and coordination of the criminal justice system, and the need to strengthen treatment and related services for the mentally ill and/or substance abusers, and the need for improvements in information technology and use of available data for effective planning and decisions.

Presented to Commissioner's Court

JUN 23 2009

APPROVE L/E

Recorded Vol _____ Page _____

2 judge copy

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Raycraft copy

judicial (Harris) copy

To address the outstanding issues, JMI proposes 28 recommendations for a Jail Population Reduction Program involving strategies that would reduce the number of inmates.

The report recommends the court establish a Criminal Justice Coordinating Council or similar entity with responsibility for policy development and oversight of improvement initiatives for the criminal justice system. The council should include the leaders of agencies involved in or affected by the county's criminal justice operations. The study also recommends the court appoint a Criminal Justice Coordinator and establish a staff unit in support of the council for policy development, research, and analyses of information for planning, budgeting, and resource allocation.

Practices and policies should be examined throughout the system; enhancement of indigent defense services should be pursued; an expanded, unified, scientifically-based forensic crime lab should be a goal, with particular attention to timely and accurate testing of DNA evidence; expansion of specialty court dockets should be sought for the high number of persons charged with misdemeanor offenses and lower-level felony offenses who are substance abusers and/or have mental illness disorders; the council should seek to "substantially expand" the capability of the county to provide effective treatment and aftercare for substance abuse and mental illness disorders in residential and outpatient centers; and another goal would be to strengthen the capacity of county agencies and the courts to obtain, store, exchange, analyze, and use timely and accurate information regarding needs and alternatives for persons who are involved in criminal justice processes.

The report said there is need for a new inmate processing and assessment center, but the matter of adding jail facilities should be considered following implementation of recommendations designed to reduce population.

If the court agrees, Management Services could be directed to prepare a suggested order for consideration at the next court meeting on July 14 that would enable the county to begin moving forward on recommendations outlined by The Justice Management Institute.

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THE JUSTICE MANAGEMENT INSTITUTE

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Barry Mahoney, President
Elaine Nugent-Borakove, Vice President
Debra Whitcomb, Senior Associate

June 17, 2009

County Judge Emmett and
Commissioners Lee, Garcia,
Radack, and Eversole
Harris County Commissioners Court
1001 Preston
Houston, Texas 77002

Re: Harris County Criminal Justice System Improvement Project – Preliminary Report

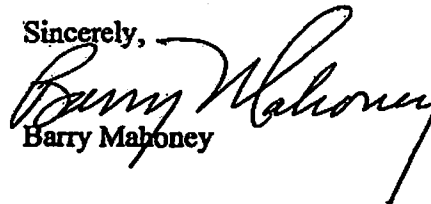
Dear Judge Emmett and Commissioners:

During 2009, pursuant to authorization from Commissioners Court, The Justice Management Institute (JMI) has been conducting a study of the criminal justice system in Harris County. The JMI team has reviewed existing practices, has identified areas in which we believe that improvements can be made, and has developed a set of recommendations for ways to improve criminal justice system operations.

The first product of this effort—a report entitled *Harris County Criminal Justice System Improvement Project – Preliminary Report*—is enclosed with this letter. In the course of our review of system operations we have paid particular attention to issues related to the rapidly growing population of the Harris County Jail, but have sought to address a wide range of issues. We have reviewed a great many documents and statistical reports and have also had the opportunity to speak with over 90 individuals involved in criminal justice and related fields. Throughout our work on the project, we have received wonderful cooperation from everyone with whom we have had contact.

The enclosed report is *preliminary* and we plan to submit a more detailed report subsequently. We greatly appreciate the confidence that the County has placed in JMI in conducting the study and hope that the enclosed report is useful to members of Commissioners Court in decision-making concerning criminal justice operations in the County.

Sincerely,


Barry Mahoney

c: Dr. Dick Raycraft

Denver, CO • Washington, D.C.

Board of Directors

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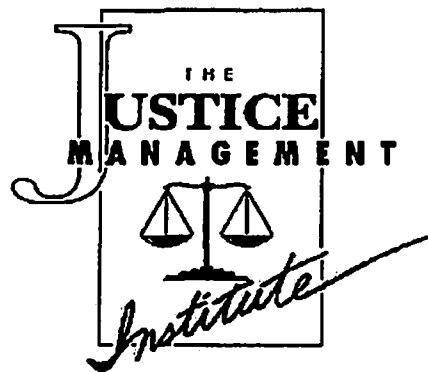
HARRIS COUNTY CRIMINAL JUSTICE SYSTEM IMPROVEMENT PROJECT

PRELIMINARY REPORT

By

Barry Mahoney and Elaine Nugent-Borakove

June 2009



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INTRODUCTION

This document outlines preliminary findings and recommendations from a study of the criminal justice system in Harris County conducted by The Justice Management Institute (JMI). The first phase of the study has had three main objectives:

- 1. Develop baseline information about the current situation and recent trends with respect to criminal justice system operations;**
- 2. Identify system strengths and key issues that warrant further investigation and possible development of alternative processes; and**
- 3. Formulate plans for further research and consideration of alternative processes that can (a) improve justice system operations; and (b) reduce or contain the costs of system operation.**

The report provides an overview of the current situation and relevant trends in criminal justice system operations, summarizes the key issues identified by the JMI team, and provides a set of recommendations for systemic change. The recommendations also include court and agency specific strategies that can be implemented to address the key issues identified by JMI.

OVERVIEW: MAIN THEMES FROM THE STUDY

From the outset of this project, a primary focus has been on the population of the Harris County jail, which stood at 11,546 as the JMI team began on-site work in February 2009. As part of the study, JMI has explored possible ways to reduce the jail population to a level that would bring the jail population to an acceptable level without the need for construction of new jail facilities or for continued “outsourcing” of jail inmates to privately run facilities outside the County. The jail population increase has been driven to a significant extent by an upsurge in arrests—especially for possession of trace amounts of illegal drugs—over the past several years. However, there are a multitude of other factors contributing to the rise in jail population. Reducing the jail population should be a high priority goal, and the report has a number of recommendations for accomplishing this.

While the jail population is a major concern, there are also a number of other issues that have drawn the attention of the JMI team. Some are related to the jail population problems, but others are largely independent of those problems. The report has recommendations for addressing these issues. Before turning to specific issues and recommendations, however, we think it useful to note several overarching themes that stand out as warranting attention from policymakers. The prevalence of these themes points to a need for shaping a fresh vision for criminal justice in Harris and for making careful investments in new resources:

- ***Too much reliance on jail as the primary (and often sole) resource for handling persons whose law-breaking is basically a result of substance abuse and mental illness.*** There is a strong need to develop facilities and services to address these problems and reduce the recycling of these persons through the criminal justice system.
- ***Too much reliance on costly and inefficient paper-based records and outdated computer systems.*** The County needs to rapidly modernize the information and communications technology infrastructure needed for criminal justice operations. Doing so will greatly reduce duplicative data entry, facilitate timely access to records, enable much more rapid flow of information within and across agencies and institutions, and provide a foundation for analysis of system issues and performance.
- ***Lack of capacity for analysis of system operations and performance.*** At present, there is a “silo” approach to justice system planning and resource utilization, with a primary focus on the budgets and needs of individual institutions and agencies. There is a need for county-level oversight and coordination of the interrelated operations of the courts and agencies involved in and affected by criminal justice processes.

THE CURRENT SITUATION: KEY FACTS AND RELEVANT TRENDS

The principal criminal justice system issue currently facing Harris County is the population of the jail. However, while the jail population problem has become increasingly serious in recent years, it is by no means the only issue facing policymakers concerned about criminal justice system operations. There are many other issues—some integrally related to jail crowding—that warrant attention. Some key facts and relevant trends:

- In a little over five years, the average daily population of the jail has increased by more than 50 percent—from 7,648 in January 2004 to 11,546 in February 2009. The percentage growth in the jail population far exceeds the percentage growth in the County's population over the same period.
- There has been no increase in the jail facilities in Harris County since 2002. The design capacity of the existing jail facilities in Harris County is 9,434. The Texas Jail Commission has granted Harris County permission to exceed the design capacity temporarily and install 1,612 temporary bunks in existing cell blocks to enable housing of additional inmates.
- Because of the high population in the jail, staff in the Sheriff's Detention Command are working extensive overtime hours at an estimated cost of over 1 million every two weeks.
- Even with the temporary exception to established standards granted by the Texas Jail Commission, it is necessary to house some inmates in facilities outside the County. Approximately 1,000 Harris County jail inmates are now housed in privately-operated facilities in Louisiana.
- Over 80% of the jail inmates—and an even higher percentage of the inmates charged with or convicted of low-level drug offenses—are persons who have previously been in the jail.
- Approximately 25% of the inmates in the jail (over 2,500) have some type of mental health problem, as indicated by the fact that they are prescribed psychotropic medications. The Harris County Jail is now the largest facility providing mental health services in the state of Texas.
- About 90% of the inmates with mental health problems have previously been in the jail—a reflection of the frequent "re-cycling" of many of these persons through the criminal justice system.
- In recent years, the jail has markedly improved its capacity to house and provide services for mentally ill inmates. However, there is broad agreement among jail officials, other criminal justice practitioners, and the local mental health treatment community that more must be done to improve treatment for mentally impaired persons. There is strong consensus on the desirability of developing effective alternatives to jail for mentally impaired persons who are arrested (sometimes repeatedly) for low-level offenses.

- The jail population increase over the past six years has been driven mainly by an upsurge in arrests, especially arrests for offenses involving small amounts of illegal drugs. Any drug possession or delivery arrest is routinely charged as a felony by law enforcement agencies.
- Although more than half of the persons admitted into the jail are released within three days (usually because they bond out or because their case is resolved at first appearance with a non-incarcerative sentence), a significant number of inmates remain in pretrial detention because they are unable to post bond.
- About 50% of the persons arrested in Harris County obtain release on bond prior to the disposition of the charges against them. The great majority of these releases (more than 80%) are on surety bond, with the remainder divided between cash bond and personal bond.
- Release on personal bond is granted almost exclusively in cases involving only misdemeanor charges. Thus, in 2008, over 4,000 misdemeanor defendants were released on personal bond, but fewer than 400 felony defendants were released in that fashion.
- Since the early 1990s, Pretrial Services has been asked by judges, in both the District Courts and the County Courts, to provide supervision for some defendants released on surety bail with special conditions that must be monitored. The frequency with which this "courtesy supervision" has been provided by Pretrial Services has increased very sharply during this period, rising from a total of 243 cases in 1994 to 6,596 in 2008. During the same period, the number of defendants on personal bond who are supervised by the agency has dropped from 8,754 to 4,556—a 48% decrease.
- Pretrial Services' supervisory resources are limited. Supervising defendants on surety bond has the effect of limiting the resources the agency can use for supervision of persons who could be safely released on personal bond with appropriate conditions of supervision.
- Caseloads have increased sharply in the District Courts over the past ten years. From a total of 27,628 cases filed by indictment or information in 1999, the total has risen to 45,163 in 2008—an increase of over 63 percent. Filings that charge possession of illegal drugs have increased much more sharply: from a total of 7,609 cases filed in 1999, the total more than doubled by 2008, when 15,926 drug possession cases were filed. The increase is most dramatic in the past five years.
- The increase in misdemeanor cases filed in the County Criminal Courts at Law has been much less steep—from 56,031 cases in 1999 to 76,680 in 2006 (37%), then dropping off to 69,913 cases in 2008 (an increase of 25 percent over 1999 filings). During the past decade, however, misdemeanor drug cases in the County Courts (mainly possession of marijuana or drug paraphernalia) have more than doubled, from 6,599 in 1999 to 13,328 in 2008.
- Trends in court resources—principally the number of judges in the District Courts and County Criminal Courts at Law—have been basically flat. In the Criminal District Courts

the number of judges has remained unchanged at 22 since 1984, when the 351st District Court was established. In the County Criminal Courts at Law, judgeship resources have been level since 1995, when the fifteenth court was added—the only new court since 1986.

- The combination of increased case volume and a static level of resources is having adverse impacts on the courts. With new court case filings outstripping case dispositions, both the District Courts and the County Criminal Courts at law are experiencing much larger pending caseloads and growing backlogs of old cases.
- Just as the caseloads of courts and judges have been increasing, so too have the caseloads of prosecutors and defense attorneys. The high rates of new case filings, coupled with lack of standards for the caseloads that can be carried for attorneys, inevitably leads to scheduling conflicts and resultant re-sets of court events.
- Although limits are set on the number of new indigent defense cases that a lawyer can accept in a day of week, there are no limits on the number that can be accepted over the course of a year or that a lawyer can have pending at any one time. There is no overall coordination of indigent defense services.
- Substance abuse and mental illness are widely recognized as major contributors to the illegal behaviors that lead to arrest and jailing of many of the individuals caught in the criminal justice system. However, facilities and services for addressing these problems fall far short of meeting the needs.
- Waiting times for admission to treatment programs are often very lengthy. For example, as of May 2009 there was a waiting list of over three months for entry into the jail-based “New Choices” program and a wait of over 5 months for entry into CSCD’s “Young Men About Change” (YMAC) residential treatment program.
- The County currently has little capacity for system oversight or for systemic planning, policy development, and resource allocation. Budget and resource allocation needs tend to be made on an agency-specific or court-specific basis. At present, it is difficult for County government officials to obtain and integrate information about the ways in which actions (or inactions) of a single agency or institution affects the ability of other entities to function effectively. There is growing awareness of the ways in which criminal justice system operations affect and are affected by policies in other sectors of society, including medical and mental health, housing, transportation, and education. However, at present there are no established mechanisms for easily exchanging relevant information or coordinating policies across sectors.

STRENGTHS OF THE SYSTEM

Harris County has a strong foundation upon which to build as it seeks to address the jail crowding problems and make overall system improvements. The strengths of the system provide a solid base for considering possible changes that can enable the system to function with greater effectiveness and efficiency, reduce jail crowding and accompanying costs, increase fairness in the process, and make it a model for other large urban jurisdictions. They include the following:

- **Strong justice system institutions.** The courts, the District Clerk's office, the District Attorney's office, the defense bar, the Sheriff's office, and the County Attorney's office are all well-established county-level institutions. The principal law enforcement agency that brings new arrestees into the system—the Houston Police Department—is also highly regarded. In many of these institutions, the top-level leaders are new, and they have brought fresh perspectives and new energy to consideration of criminal justice problems and issues.
- **Highly efficient front-end case processing.** Basic information about each criminal case involving an arrest is transmitted rapidly by law enforcement officers to the District Attorney's office. The DA's intake staff, working on an around-the-clock basis, reviews police reports, contacts the arresting officer if necessary to obtain clarification, obtains information on the arrested person's prior criminal record, drafts charges, and files complaints with the Clerk's office. The initial stages of the pretrial process move very quickly, with the case record in electronic form. With a judicial officer (magistrate) on duty throughout the day and night, a probable cause determination is typically made within 12 hours after the arrest. The same magistrate sets bond for detained defendants at the time of the probable cause hearing. We know of no other urban criminal justice system that handles the early stages of cases more efficiently.
- **Excellent procedures for gathering information about newly arrested persons.** Harris County Pretrial Services does an excellent job of acquiring information about arrested defendants. The information is directly relevant to the initial setting of bond by the magistrate and to the trial judge's review of the bond and consideration of possible pretrial release when the case is on the court calendar the next court day. It should also be helpful to defense attorneys and prosecutors, too, in gaining a rapid sense of the defendant's background and developing approaches to resolution of the case. Additionally, it can be a foundation for building a defendant-specific information base relevant to subsequent risk assessment and supervision by the Community Supervision and Corrections Department. Unfortunately, the information is not easily accessible and at present is not used nearly as widely as is desirable.
- **Excellent forensic testing at the Harris County Medical Examiner's Office.** The Harris County Medical Examiner's office has been awarded numerous top certifications for the quality of its crime lab work and is nationally recognized for its outstanding performance. With a highly experienced staff of scientists and other personnel, the office has an excellent foundation for top-quality work in DNA testing and other types of forensic testing.

- **Progress toward improvements in indigent defense services.** In September 2009 Commissioners Court approved plans for initial development of a Public Defender Office for Harris County including staffing and cost projections for operation of the office as a county department. Progress has been made in formulating plans for having a public defender office staff several of the Criminal District Courts (with use of assigned counsel when necessary) and for having a specialized unit of qualified defense lawyers handle cases in the County Criminal Courts that involve defendants with indicated mental illness or mental retardation.
- **Good basic management information about cases, defendants, and caseloads.** The case-specific information available to judges and other system practitioners is extensive, timely, and generally regarded as reliable. The JIMS system regularly produces a number of standard reports that are very useful for purposes of monitoring caseload status and identifying possible problems. However, the JIMS system is difficult to program, can be difficult to access, and does not readily produce ad hoc reports needed for real-time management. There is a clear need for migration to web-based systems that enable rapid retrieval and exchange of information and that enable analysis of systemic issues. The information in the JIMS system can be a valuable base for next stage planning and automated system development.
- **Significantly improved capacity in the courts for analysis of available information.** In recent years, the administrative offices of the County Criminal Courts at Law and the District Courts have made major strides in developing a web-based system for obtaining and analyzing information on defendants, cases, and overall caseloads. The system builds on the data in JIMS and is able to provide rapid analysis of key aspects of court and systems operations. Work on linking the courts' "Business Intelligence System" with the information systems of individual agencies is in progress, and can potentially provide a model for very rapid and effective multi-entity information sharing. In recent months, the District Clerk's office has made significant strides in introducing new technology into the operations of that office.
- **Improvements in the capacity of the Community Supervision and Corrections Department to supervise offenders using evidence-based practices.** In the six years since JMI conducted an assessment of CSCD's operations and needs, significant progress has been made in upgrading operations and training capabilities. The introduction of risk assessment methodology and the use of evidence-based practices that emphasize public safety through client behavioral change in many of CSCD's specialized units are especially noteworthy. CSCD's leadership has expressed enthusiasm for organizational change that would expand the improvements in the specialized units to units responsible for general supervision of offenders.
- **System leaders' openness to improvements in the operation of the system.** The justice system leaders and senior-level staff with whom JMI team members have spoken during the course of the project have evinced interest in the project and have been candid in describing what they perceive to be problem areas. Many of them have had very constructive suggestions for improvement, and all have indicated that they would support changes that would enable overall system improvement.

- **County government support for innovation and improvement.** This study was authorized by the Harris County Commissioners Court, and the JMI team has received indications that Commissioners Court members will carefully consider the study's recommendations. Senior officials in the Department of Management Services and the County Attorney's office have made it clear to JMI team members that they are extremely interested in developing feasible ways to reduce the jail population and introduce greater efficiency, cost-effectiveness, and fairness into the criminal justice system in Harris County. They recognize that this may involve investments in new approaches and new resources in some areas such as mental health and substance abuse treatment and related services.

KEY ISSUES

- 1. The population of the jail.** With over 11,200 inmates currently in the custody of the Sheriff, the number of jail inmates is approximately 1,800 over the design capacity of the County's jail facilities and about 2,400 over the target figure for safe operation of the jail. Swiftly and safely reducing this population should be a top priority goal.
- 2. County government's limited current capacity for system oversight and coordination.** At present, it is difficult to look across the agency and court "silos." The County needs a greatly strengthened capacity for analysis of justice system operations, planning, policy development, and resource allocation.
- 3. Arrest and charging policies.** The number of arrests and filings—especially in drug possession cases—has risen sharply, with major impacts on the jail population. These policies and practices, and their impacts, should be examined closely.
- 4. Indigent defense organization and practices.** Possible development of a public defender system or indigent defense coordinator is a major system improvement issue.
- 5. Bail and pretrial release supervision practices.** These practices need to be modernized. Potential changes include revision of bail schedules, greater use of personal bonds, bond reviews of defendants detained because of inability to post bond, and strengthened supervision of released defendants.
- 6. Caseload management and delays in case resolution.** There is a clear need to address problems of backlog and delay that contribute to jail crowding through lengthy periods of pretrial detention.
- 7. Forensic testing.** The County should have a top-quality unified crime lab that is independent of any law enforcement agency. High priority should be given to ensuring capacity for timely and accurate testing of DNA evidence and suspected illegal drugs.
- 8. Practices in probation supervision and handling of probation violations.** Top priorities for CSCD include full implementation of evidence-based practices, more effective handling of violations of conditions, upgrading of automated information systems needed for case management, and strengthened internal research capabilities.
- 9. The need to strengthen treatment and related services for the mentally ill and for substance abusers.** There is a critical shortage of both residential facilities and non-residential resources for addressing the needs of system-involved persons with mental illness, substance abuse issues, or both.
- 10. Information technology and utilization of information.** Too many components of the justice system and related service agencies are burdened by outdated computer software and paper-based records systems that make exchange of information difficult, slow the processing of cases, complicate delivery of needed services, and make it exceedingly difficult to conduct research on program operations and impacts.
- 11. Education and training.** As changes are introduced in long-established policies and practices, practitioners at all levels will need to know the reasons for new approaches, understand what is expected, and develop the skills needed to meet new expectations.

PRINCIPAL RECOMMENDATIONS

Recommendations for Rapidly Reducing the Jail Population

1. As a top priority, initiate a multi-faceted Jail Population Reduction Program involving key justice system and county government leaders, with top-quality staff support.

- (a) Establish a Jail Population Reduction Working Group or Task Force with knowledgeable staff provided by Commissioners Court and the participating agencies.
- (b) Set targets for gradual reduction of the jail population to an acceptable level. Seek to bring the jail population into compliance with Texas Jail Commission standards within two years.
- (c) Develop action plans for achieving the desired jail population reductions, focusing on reducing admissions to the jail and reducing the duration of confinement
- (d) Provide for oversight and monitoring of the program and the action plans by central county government.

2. Develop and implement strategies for reducing the intake of persons to the jail, using at least the following approaches:

- (a) **Law enforcement agencies:** Re-examine and consider revising arrest policies and practices regarding persons who have committed relatively minor non-violent offenses, to make greater use of pre-arrest diversion.
- (b) **District Attorney's Office:** Review policies and practices regarding intake and charging in cases involving minor non-violent offenses. Provide for pre-charging diversion to community-based programs, with treatment when needed, if possible.
- (c) **CSCD and the courts:** Revise procedures for handling "technical" violations of conditions of probation, to provide for the submission and filing of motions to revoke probation only when CSCD internal sanctions and intensified supervision have proven ineffective in achieving compliance with key conditions. Reduce the frequency and duration of "jail therapy" as a response to non-compliance with probation conditions.
- (d) **Law enforcement agencies, Sheriff's office, MHRA, and Commissioners Court:** Develop and use a broader range of options for dealing with situations involving minor offenders who are intoxicated or mentally ill.
 - (1) Continue and expand Crisis Intervention Team (CIT) training for law enforcement officers, to enable them to handle these situations more effectively and make greater use of pre-arrest diversion of mentally ill persons.
 - (2) As an early priority, develop community-based case management services, of varying levels of intensity, that will enable effective support and supervision of mentally ill minor offenders whose incarceration in jail does not serve a public safety purpose.

(3) Develop and use a low security facility (which could be adjacent to the jail) that can provide detox and mental health crisis intervention, to supplement the NeuroPsychiatric Center (NPC) facility now in operation.

(4) Develop facilities and related policies to provide limited term housing for "nuisance" offenders who are not in "crisis" (and thus do not need NPC-like facilities) and do not need to be confined in high security jail facilities, but who may require short-term intervention/treatment.

(e) Sheriff's Office and District Courts: For sanctions imposed on District Family Court and Civil District Court detainees ordered to spend time in jail (a total of 37 in April and 42 in May 2009, mainly jailed for failure to pay child support), develop and use alternatives to confinement in secure jail facilities, including (a) a minimum security facility; and/or (b) work program, perhaps combined with electronic home confinement.

3. Develop strategies for reducing the duration of confinement of persons who are in pretrial detention. Review the feasibility of the following approaches and implement changes where feasible:

(a) Revise bail schedules and bond-setting policies to minimize the possibility that low-risk persons remain in detention solely because of inability to post bond.

(b) Use Pretrial Services' risk assessment tools to determine level and types of monitoring/supervision likely to be needed to protect public safety and assure defendant's return to court of released.

(c) Make increased use of personal bond, with special conditions (to be supervised by Pretrial Services) when appropriate.

(d) Develop and use a broader range of supervised release options for persons released on personal bond, including (1) use of electronic reporting and notification systems centered in kiosks distributed around the county; (2) day reporting centers for moderate risk defendants released on personal bond; and (3) use of electronic home confinement linked, if regarded as necessary for public safety, to GPS monitoring.

(e) Conduct periodic reviews of the bond amounts of persons whose risk assessment scores (as computed by Pretrial Services) are low or moderate and who remain in custody because of inability to post bond. The reviews should be conducted by Pretrial Services staff. The initial review should be conducted within 7-14 days after initial appearance and subsequent reviews conducted thereafter at monthly or more frequent intervals. The review process should include production of a report that reviews and updates the original risk assessment and, where appropriate, suggests appropriate conditions of release to mitigate risk of non-appearance or pretrial crime.

(f) Revise District Attorney case intake screening and charging criteria to encourage greater use of pretrial diversion (deferred prosecution or deferred adjudication) in (1) cases involving trace amounts of illegal drugs that have in the past been charged as state jail felonies, especially as first or second offenses; and (2) cases involving

defendants with indicated mental illness or mental retardation problems who are accused of committing minor offenses.

(g) Develop and implement plans for rapid judicial consideration and resolution of motions to revoke probation that involve persons in jail. Seek to resolve the motions within [1-14] days after the probationer has been admitted to the jail.

(h) Establish a Case Coordination Unit in the Sheriff's Detention Command (or, alternatively, in Pretrial Services or via staff of the Jail Population Reduction Working Group [see Recommendation # 1]). Provide for the staff of this unit to identify pretrial defendants in cases pending more than specific periods of time (which may vary by seriousness of charge – see next recommendation) and to notify the assigned judge, court coordinator, and District Attorney's office of the time that these cases have been pending.

(i) Adopt and use case processing time standards or guidelines for the periods of time within which cases involving pretrial defendants in jail should be resolved and for the time from initial appearance to indictment or information in felony cases. The time periods may vary in accordance with the seriousness/complexity of the case, and should be used to guide case scheduling. The extent to which the standards or guidelines are met should be monitored, and reports provided to the judges and the District Attorney. Consider the following suggested time standards:

- District Courts: Cases involving defendants in custody who are charged with state jail felonies and third degree felonies should be targeted for resolution within 45 - 60 days after initial appearance; less if possible. More serious felony charges are likely to require longer periods, but ordinarily not more than 120 days except in capital cases and other extraordinarily serious/complex cases.
- District Attorney's Office: The time from initial appearance to the filing of an indictment (or to waiver of an indictment and filing of an information) should be targeted for a maximum of 30 days in state jail felony cases and third degree felony cases; a maximum of 45 days in other felony cases.
- County Criminal Courts at Law: Cases involving defendants in custody should be targeted for resolution within a maximum of 30 - 45 days after initial appearance; less if possible.

(j) Seek to enable rapid turnaround of lab tests of suspected drugs, so that the test results are available within 14 days or less, to enable much more rapid resolution of cases involving possession or sale of illegal drugs.

(k) For cases in which a defendant is held in custody on both felony and misdemeanor charges: Develop policies and procedures to ensure that the misdemeanor charges are resolved immediately (on the same day) following the resolution of the felony charge.

4. Develop strategies for reducing the length of time that persons convicted of felony or misdemeanor charges are confined in the Harris County Jail after conviction. Review the following approaches and implement changes where feasible:

- (a) Award additional credit toward time served (above the additional day of "good time" credit for good behavior) for participation in work programs and/or educational programs. If necessary, revise existing classification policies and other policies that may make it difficult for inmates to earn such credit.**
- (b) Expand the use of electronic home confinement (using GPS if necessary for public safety), with allowance for good time credit for time in home confinement.**
- (c) Use housing options other than Harris County Jail, including work farms and work release with partial confinement in low security facilities.**
- (d) Develop procedures to allow accelerated release of some categories of inmates sentenced to County time who are nearing the end of their sentence (probably subject to court approval).**
- (e) Review and revise the classification procedures at the Jail, so that persons who pose minimal risk are not automatically classified as medium risk, thus making it difficult for them to work and obtain additional jail time credit.**

Recommendations for Strengthening the County's Capacity for Justice System Oversight, Planning, Policy Development, and Resource Allocation

5. Establish a Criminal Justice Coordinating Council (CJCC) or similar entity that includes (a) leaders of the institutions and agencies involved in or significantly affected by criminal justice system operations in the County; and (b) representatives of the public and of Commissioners Court.

- The CJCC should be charged with responsibility for policy development and oversight of system improvement initiatives that involve multiple entities and affect the overall operation of the justice system in the County.
- The CJCC, with support from staff, should develop a fresh vision for criminal justice in Harris County, should establish goals for the effective performance of the criminal justice system as a whole, and should develop a system of performance indicators that can be used to gauge the effectiveness of system operations.

6. Establish a central staff unit, headed by a Criminal Justice Coordinator to be appointed by Commissioners Court, that will:

- (a) provide staff support for the CJCC or Advisory Council; and
- (b) provide direct assistance to Commissioners Court in developing and analyzing information about overall criminal justice system operations that are relevant to decisions about planning, budgeting, resource allocation, and policy development.

7. Undertake planning for resources currently needed or likely to be needed in the near future as the population of Harris County continues to increase, including:

- At least one new crisis intervention facility, with related stabilization/temporary housing capacity
- Residential facilities for persons who have committed minor offenses related to mental illness or intoxication and who, though not in crisis, are in need of some type of temporary housing and related services.
- Facilities for treating substance abusing offenders and persons diverted from criminal case processing on a residential and intensive outpatient basis.
- "Step-down" re-entry facilities for persons released from or nearing the end of terms of confinement in the Harris County Jail, with transitional services (especially for mentally ill inmates).
- Low-security facilities (halfway-house type) for detention of persons committed to the jail by the District Family Courts and Civil District Courts.
- A new Inmate Processing Center (IPC) and initial assessment center, possibly with housing for newly arrested persons who are likely to be released within 72 hours.
- Ultimately—after implementation of all of the recommendations designed to reduce admissions and shorten the length of confinement—additional jail facilities at all levels of security, to provide needed jail bed space

Recommendations Concerning Specific Aspects of System Operations

Arrest Policies and Practices

8. Examine practices and trends in arrests for criminal offenses in light of the effect of the arrest policies on jail population and court caseloads.

- Consider ways in which arrest policies might be altered to alleviate population pressures on the jail without compromising public safety. In particular, study the impacts (including impacts on the jail population and on crime prevention and suppression) of policies and practices involving arrests for possession of trace amounts of illegal drugs.
- Consider possible alternative approach to enable reduction in the volume of felony arrests for these offenses while achieving desired crime prevention and suppression objectives.

Prosecutorial Policies and Practices

9. Consider revision of intake, charging, and plea negotiation policies and practices in cases involving persons accused of relatively low-level offenses whose conduct does not pose a danger to others or to property. In particular:

- Seek to utilize pre-trial intervention / diversion in a significantly higher proportion of cases involving (1) mentally ill persons accused of committing relatively minor offenses; and (2) persons charged with possession of small amounts of illegal drugs as a first offense.
- Revise plea and sentence recommendation practices to encourage greater emphasis on drug abusing offenders receiving substance abuse treatment. Seek to avoid building felony conviction records in cases involving persons charged with possession of small amounts of illegal drugs, particularly as a first or second offense.

Indigent Defense Services

10. Continue the planning for improved of indigent defense services that is currently underway. Initiate changes in policies and practices regarding delivery of indigent defense services that will ensure effective delivery of defense services in a fair and cost-effective fashion.

- Provide for indigent defense to be independent of direct judicial control, with accountability and transparency in the delivery utilization of these services
- Establish a nonpartisan governing board to oversee development of public defense services and to provide general oversight and supervision regarding delivery of and payment for indigent defense services.
- Provide for a chief public defender (or chief executive officer under a different title) who has overall responsibility for organization and delivery of public defense services in the County—whether through utilization of staff, contracts with firms and individual attorneys, or a combination of approaches—and is accountable to the governing board.

- Through the governing board, establish:
 - (a) standards regarding attorneys' caseload sizes, taking account of the varying seriousness and complexity of cases and of the experience and demonstrated ability of individual attorneys;
 - (b) standards/requirements for education and training for lawyers providing indigent defense services;
 - (c) standards regarding access to and compensation of experts and investigators;
 - (d) a system for reviewing the quality of attorney service delivery, recognizing outstanding performance, and addressing problems that emerge.
 - (e) requirements for reporting on workloads and utilization of resources.
- Place priority on development of a special unit or cohort of attorneys qualified to represent mentally ill defendants, as currently planned by the County Criminal Courts.
- Development and implement plans for conducting research and evaluation studies designed to help shape a system for delivery of indigent defense services that assures effective representation of counsel in all criminal proceedings and that is cost-effective.

11. Consider the feasibility of providing for representation of newly arrested persons at the probable cause hearing before a magistrate, and in any event prior to first appearance in the assigned court. To test the feasibility of this approach consider using a pilot project approach with careful evaluation.

- Representation at the outset of the case would be consistent with national standards calling for prompt assignment of counsel.
- Early representation would enable effective defense representation, including consultation with the defendant and advocacy concerning bail setting and conditions of release prior to the time judicial officers make these critical decisions.
- Early representation should facilitate prompt resolution of cases, thus reducing delays and helping to reduce pending caseloads.

Bond Amounts and Utilization of Pretrial Services

12. Revise bond policies and procedures to provide for a range of bail amounts and supervision options to be set by judicial officers.

- Provide for judicial officers to take into consideration the risk levels identified through the risk assessment instrument used by pretrial services plus input from prosecution and defense attorneys.
- Consider (a) lowering the presumptive amounts applicable to persons charged with misdemeanors and low-level felonies; and (b) making increased use of personal bond, with conditions of supervision that are appropriate to the nature and level of risk posed by the person's release.

13. Strengthen the ability of Pretrial Services to (a) provide useful information on newly arrested persons to judicial officers, prosecutors, and defense attorneys; and (b) provide effective supervision of low-to-moderate risk persons who are unable to post bail. In particular:

- Fully implement the recently revised risk assessment instrument and Defendant Report form and cover sheet.
- Ensure that reports and risk assessments on interviewed defendants are delivered to every courtroom in advance of first appearance and are made easily available to defense attorneys as well as to prosecutors.
- Develop procedures for periodic reviews of persons charged with relatively low-level offenses (e.g., misdemeanors, state jail felonies, third degree felonies) who have been unable to make bond within 6 days after initial appearance. Provide updated information (including information on possible mental illness/mental retardation issues) and recommendations to the judge, prosecutors, and defense attorneys.
- Develop a significantly enhanced supervised release program capable of providing effective supervision to persons released on personal bond with conditions of supervision.
- Establish priorities for the types of cases in which Pretrial Services will be asked to supervise released defendants and for the types of conditions to be imposed on defendants and monitored by agency staff.
 - Place top priority on supervising defendants released on personal bond.
 - Review and consider phasing out the practice of having Pretrial Services staff supervise persons released on surety bond (“courtesy supervision”).
 - Consider having Pretrial Services, CSCD, and MHMRA form contractual relationships to provide “team” supervision of released defendants who are mentally ill, to strengthen supervision capabilities and enable continuity of services through the course of the case (including any period on probation) and to facilitate transition to post-supervision living arrangements.

Forensic Testing

14. Develop and implement plans for upgrading and expanding unified forensic testing capabilities in Harris County to ensure timely turnaround of lab test results with particular attention to timely and accurate testing of DNA evidence.

Caseflow Management in the Courts

15. Establish and implement case processing time standards to guide case scheduling and set expectations for timely resolution of cases. The standards should take account of:

- The seriousness and complexity of different categories of cases, with standards reflecting an expectation that relatively simple cases will be resolved speedily and that more time may be needed for cases that are more serious and/or more complex.
- The custody status of cases, with standards calling for speedier resolution for cases involving defendants in custody.
- The medical and mental health status of defendant and the desirability of providing for prompt attention to delivery of needed treatment and related services.
- The need for adequate time for preparation and court events in all cases.

16. Implement principles and techniques of differentiated case management, in order to enable swift resolution of relatively simple cases, provide adequate time for preparation and negotiation in all cases, and enable timely resolution of every case consistent with the standards that are adopted.

17. Develop and implement a targeted old case backlog reduction program in the District Courts, in order to reduce pending caseloads to a more manageable level and help assure more timely resolution of all cases.

- Provide for additional temporary resources—visiting judges, additional prosecutors and defense attorneys, and court staff—to handle the higher volume of cases and court proceedings needed to significantly reduce pending caseloads, especially in the District Courts.

18. Consider major expansion of specialty dockets, in light of the high proportion of persons charged with misdemeanor offenses and lower-level felony offenses who have substance abuse, mental illness, or co-occurring disorders. Incorporate “best practices” identified through research on the operations of specialty courts and dockets in other jurisdictions.

- Significantly expand the STAR Drug Court program.
- Consider the use of pre-adjudication diversion to a drug court program for persons charged with drug possession as a first or second offense.
- Explore expansion of the Mental Health Court dockets now in operation.
- Because of the unique problems posed by substance abusing and mentally ill veterans of U.S. wars who become involved in illegal activities, explore the possibilities of establishing special dockets that focus explicitly on the issues involved in responding to alleged criminal behavior by these individuals.

Probation Policies and Practices

19. Undertake an organizational development initiative within the Community Supervision and Corrections Department, centered on integration of the principles and techniques of evidence-based practice (EBP) into the full range of CSCD operations.

- Clarify and strengthen the relationship between CSCD and the Courts, to establish courts' support for the Department's implementation of EBP.
- Institutionalize an integrated continuum of services for probationers from the point of assessment to the point of departure from court-ordered supervision, including both specialized and general supervision.
- Develop and implement a grid for use of progressive sanctions by CSCD officers, in the event of a probationer's failure to comply with conditions of probation, to strengthen the effectiveness of CSCD supervision and reduce the frequency with which motions to revoke probation are submitted to the courts.
- Simplify the formal process for case management by officers, including upgrading information system capabilities so that officers can easily access and transmit data needed for case management.
- Streamline the revocation process, to make it less paperwork-intensive and reduce the frequency with which motions to revoke probation are filed.
- Expand comprehensive training for staff, with particular attention to: (1) training (or re-training) CSCD officers in the principles and techniques of effective case management and core practices for dealing with clients; and (2) training for front-line supervisors in the principles and practices of EBP and effective supervision practices in the context of an organization implementing EBP.
- Develop a substantially strengthened capability for conducting research on the effectiveness of specific CSCD programs and the overall effectiveness of the Department in reducing criminogenic behavior.
- Work collaboratively with the Texas Criminal Justice Assistance Division in planning and implementing the overall organizational development initiative.

20. Strengthen relationships with external organizations that provide needed services to mentally ill and substance-abusing probationers.

- Strengthen existing ties and develop new partnerships that will enable effective delivery of services through a full range of treatment modalities, including varying levels of outpatient treatment as well as residential treatment and care.
- Seek to ensure effective transitions from probation supervision to community-based supporting services as persons are discharged from probation.

Recommendations Concerning Provision of Treatment and Related Services Needed to Address Problems of Substance Abuse and Mental Illness

21. Strengthen the County's capabilities for multi-agency planning, problem-solving, and allocation of additional resources to address the problems posed by substance abusing and mentally ill persons.

- Establish a special task force or other vehicle to develop plans for new approaches to these pervasive problems. Engage citizen leaders, as well as criminal justice and treatment professionals, in development and implementation of strategies.
- Develop a data base, accessible by justice system agencies, that provides basic information on the availability of different types of treatment modalities relevant to the treatment of substance abuse, mental illness, and co-occurring disorders for persons charged with criminal offenses.
- Develop and use an assessment tool which will enable practitioners to determine which treatment modalities are most appropriate for placement of individuals into treatment programs and delivery of needed services.
- Develop an action plan for experimentation with new approaches, including rapid diversion coupled with justice system monitoring and supervision, housing, treatment, and case management services.
- Develop the capability of conducting program evaluations/performance monitoring to improve utilization of available resources and achieve reductions in recidivist behavior and drug usage.

22. Expand the crisis intervention/stabilization capabilities that law enforcement and medical/mental health agencies in the County need for responding effectively to misbehavior by intoxicated and/or mentally ill persons.

23. Develop supportive housing for mentally ill chronic minor offenders.

24. Substantially expand the capacity of the County to provide treatment and aftercare for substance abuse, mental illness, and co-occurring disorders in residential and outpatient centers.

- Ensure that there is a broad range of options and that they include gender-responsive treatment options for women that address the complex needs and multiple challenges that have brought them into the criminal justice system.
- Expand programs that can provide case management of varying levels of intensity to persons who frequently become involved in the criminal justice system. Seek to ensure that effective outreach and service delivery systems are used to provide services needed by the "chronic system users."
- Utilize modern risk assessment tools to enable appropriate placements and delivery of services, taking account of risks and needs.

25. Develop plans for delivery of comprehensive services aimed at reintegrating offenders into communities in Harris County when they are released from incarceration, including attention to housing, subsistence, transportation, medical care, and employment assistance.

- **Develop programs for mentally ill chronic minor offenders as a top priority.**

Recommendations Concerning Development of Information Systems, Research Capabilities, and Education and Training

26. Continue to strengthen the capacity of County agencies and the courts to obtain, store, exchange, analyze, and use information on individuals involved in criminal justice processes.

- Build on the existing JIMS system and on the web-based information system recently developed by the administrative offices of the County Criminal Courts at Law and the Criminal District Courts and by the District Clerk's office.
- As an early priority, develop a web-based system that will integrate (1) the Pretrial Services Agency's Defendant Report and risk assessment tool; (2) information in the Jail's management information system concerning defendants' background and classification status; (3) information about cases and defendants in the records of the District Clerk; (4) CSCD's probation management system; and (5) to the extent feasible, information on offender mental health histories available from MHMRA.
- Seek to enable a continuous flow of accessible information concerning individuals charged with criminal offenses as they move through the system, thus eliminating duplicative data entry, enabling updating as needed, and providing justice system decision makers with timely and accurate information relevant to custody status, treatment needs, case resolution, and supervision if an individual is placed under the supervision of Pretrial Services or CSCD.

27. Strengthen the ability of the agencies and institutions involved in criminal justice to engage in and learn from research on the impacts and effectiveness of alternative approaches to criminal justice issues and practices.

- Through budgetary appropriations, encourage development of agency-specific research capabilities.
- Establish an independent "*Criminal Justice Research and Policy Institute*" that will (1) be a clearinghouse and resource for information about findings from research done in Harris County and elsewhere; and (2) have the capacity to conduct its own research on key system operations issues.

28. Provide for education and training programs to familiarize practitioners in the courts and justice system agencies and other "partner" agencies with the goals and policies that are developed, to enable them to function effectively in implementing plans for system improvement.

- Consider developing a "*Criminal Justice Training Institute*" that would be responsible for providing training on (a) system operations that involve multiple entities; and (b) by arrangement with courts and agencies, providing training that is specific to those entities.
- Ensure that education and training are provided on an on-going basis, including (a) orientation for new hires; and (b) continuing education and training for staff at all levels.