

# Pretrial Reform in Harris County and the Role of the Prosecutor

**Sept. 16, 2020**

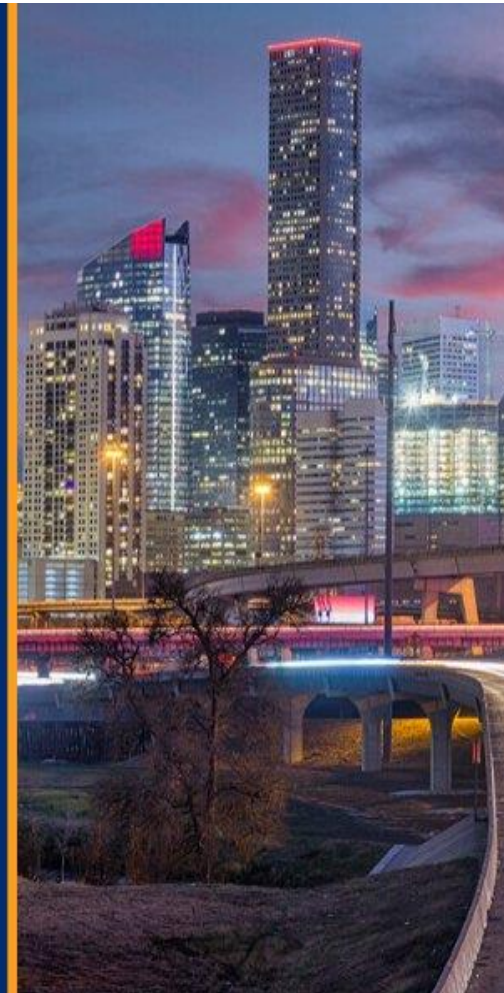
Sandra Guerra Thompson

University of Houston Law Center



THE OFFICIAL WEBSITE OF THE  
**INDEPENDENT MONITOR FOR THE**  
***ODONNELL V. HARRIS COUNTY* DECREE**  
REGARDING MISDEMEANOR  
BAIL PRACTICES


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# Our Team

**INDEPENDENT MONITOR FOR THE  
ODONNELL V. HARRIS COUNTY DECREE  
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# Community Working Group

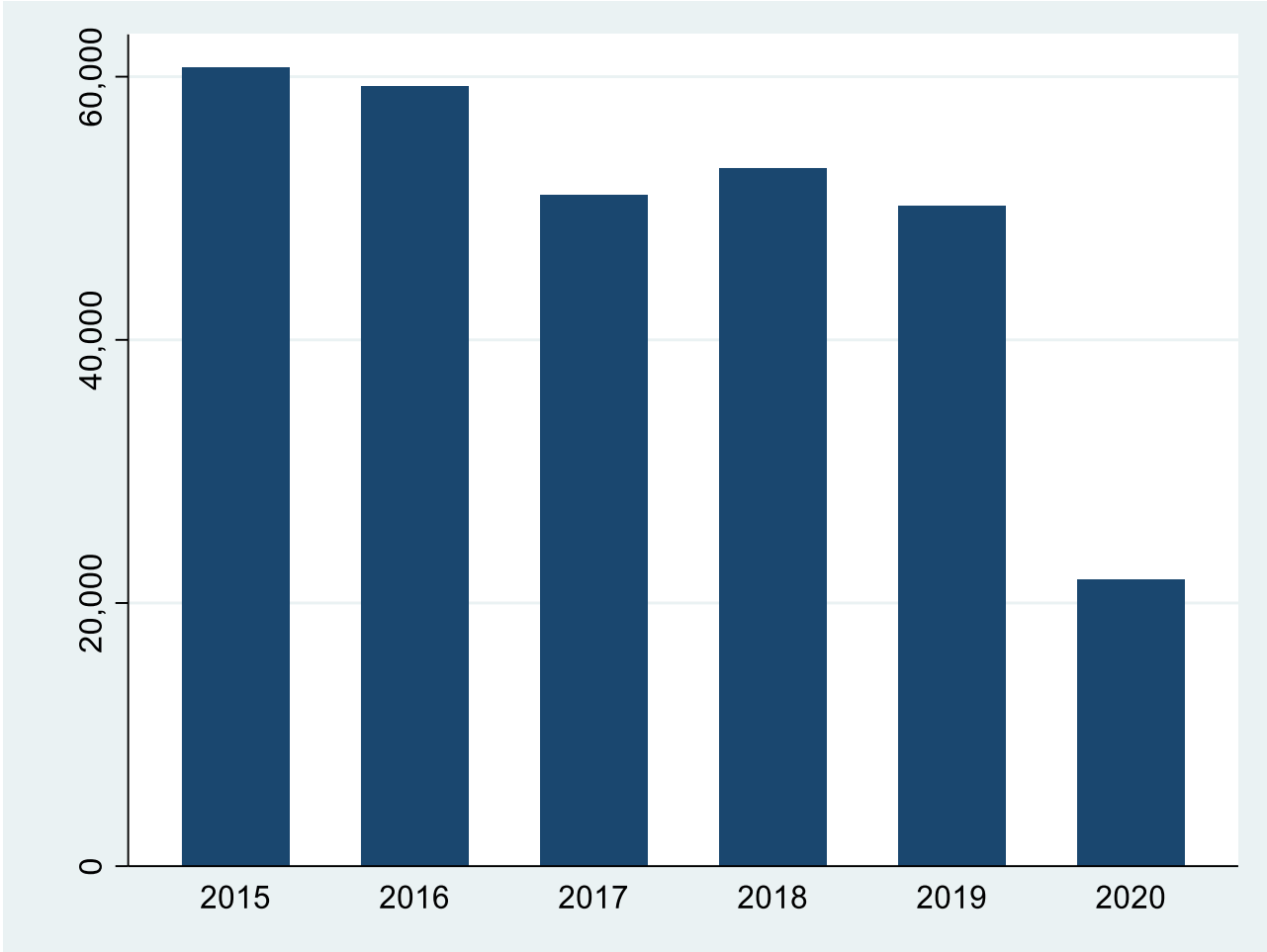
- **Asst. Chief Hiram Contreras**—Retired Asst. Chief HPD and Retired U.S. Marshall
- **Thao Costis**—President and CEO of SEARCH, faith-based nonprofit to assist homeless people
- **J. Allen Douglas**—Executive Director and General Counsel Downtown Redevelopment Authority
- **Guadalupe Fernandez**—Tahirih Justice Center, Policy and Advocacy Manager, Houston Office, advocate for immigrant female survivors of domestic violence
- **Jay Jenkins, J.D.**—Texas Criminal Justice Coalition
- **Terrence Koontz**—Texas Organizing Project, formerly incarcerated community leader
- **Johnny Mata**—Presiding Officer, Greater Houston Coalition for Justice
- **Sr. Maureen O’Connell, M.S.W.**—former Executive Director of Angela House (facility for transitioning women after incarceration)
- **Asst. Chief Timothy Oettmeier, Ph.D.**—Retired Exec. Asst Chief Houston Police Department
- **Sybil Sybille**—Texas Advocate for Justice Fellow, military veteran and formerly incarcerated comm
- **Tara Grigg Garlinghouse, J.D.**—Foster Care Advocacy Center Texas, Executive Director



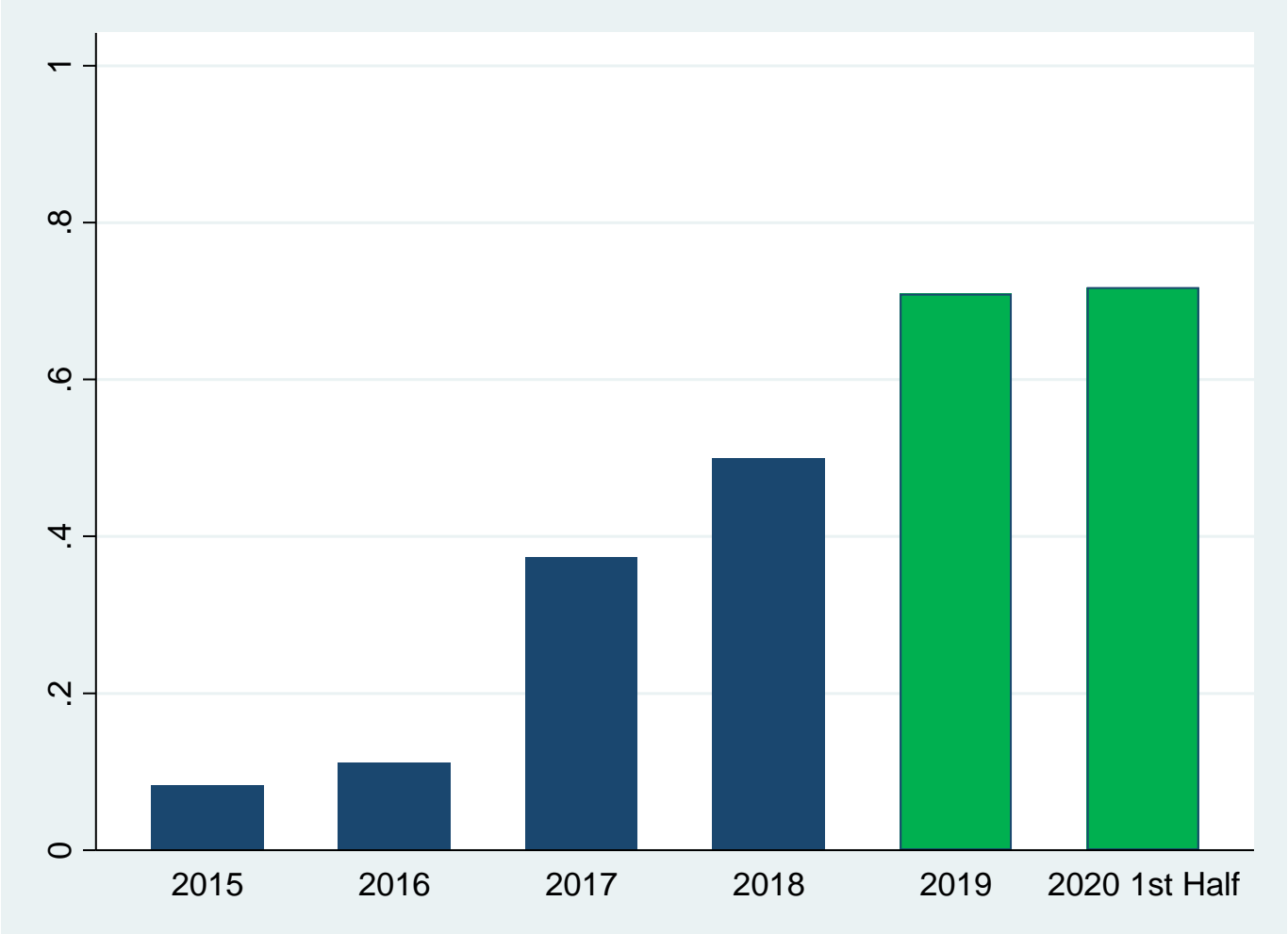
# Changes in the Pretrial Process

- Under Prior Rules:
  - Bail largely set according to a fixed money bail schedule.
  - Ability to pay the money bail was not considered.
  - No defense attorneys, only prosecutors at hearings.
  - Defendants not allowed to speak or told their rights.
  - Hearings were about 1 minute.
- Under Current Rule:
  - No fixed money bail schedule.
  - Most people arrested for non-violent low-level offense are released on a personal bond.
  - Judges take ability to pay into account if setting money bail.
  - Defense attorneys & prosecutors both present at hearings.
  - Hearings are about 7 minutes.

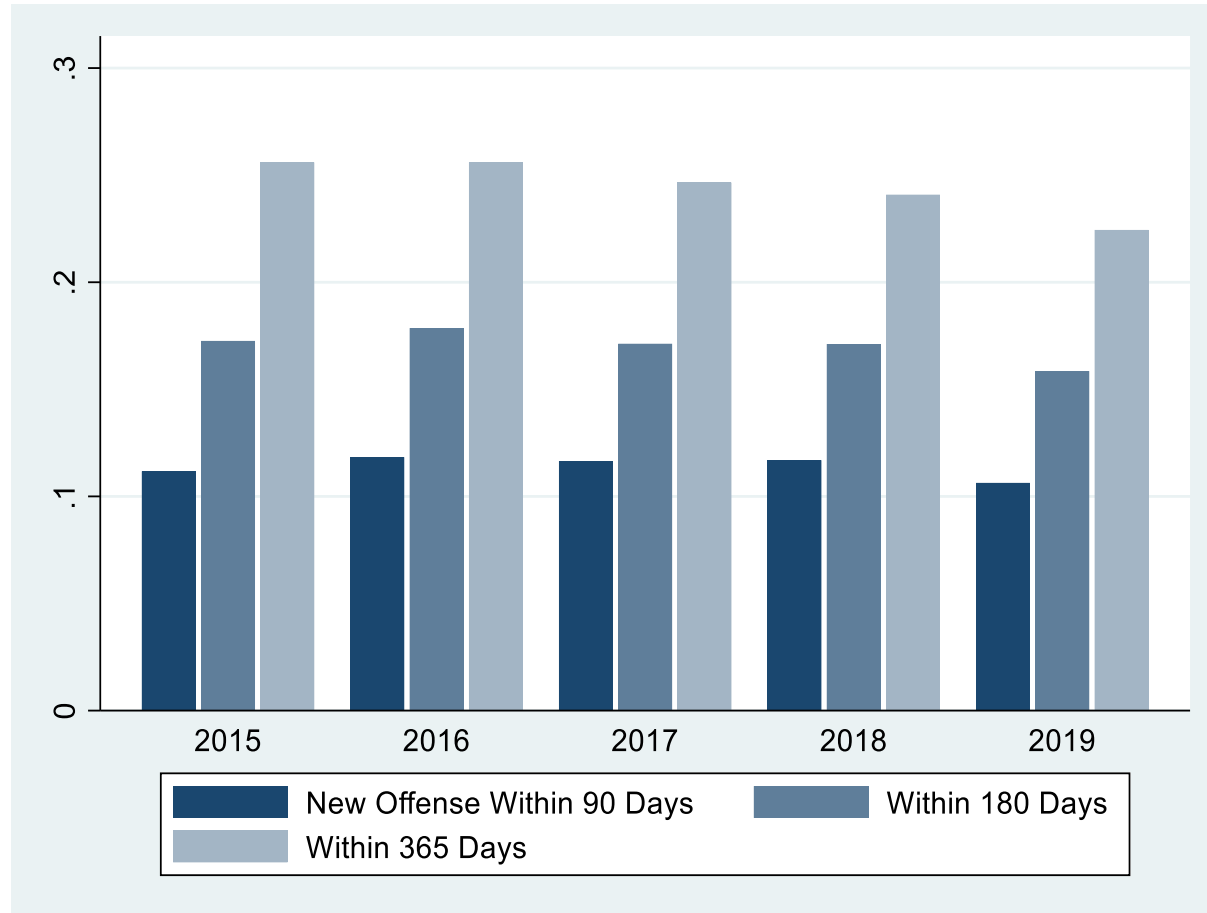
# Number of Misdemeanor Cases by Year



**Figure 7: Share of Unsecured Personal/General Order Bonds Approved Under Prior and Current Rules**

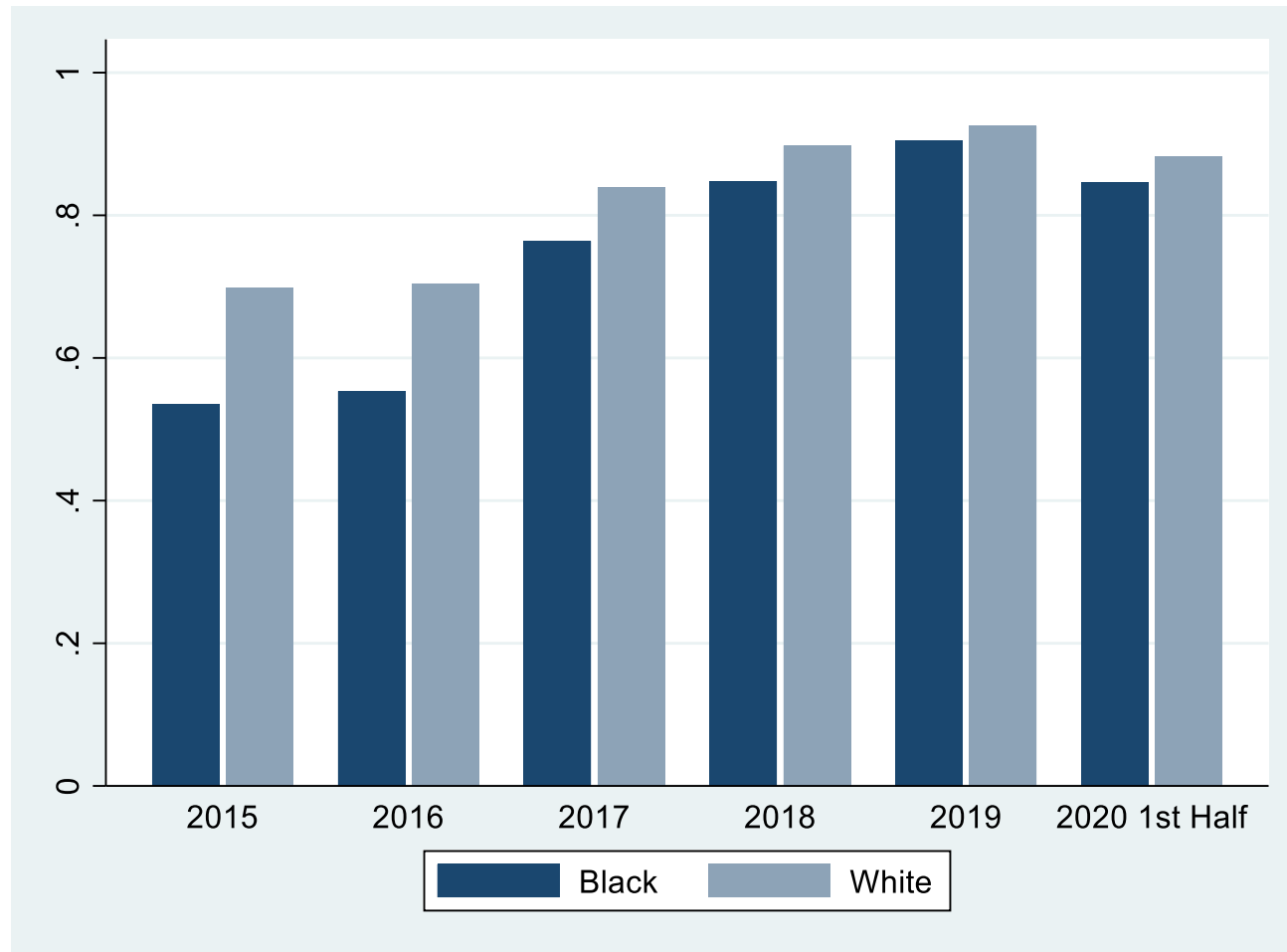


**Figure 11. Recidivism: The share of misdemeanor cases where a new complaint for the same defendant was observed within 90, 180, and 365 days of the initial complaint**





**Figure 13: Race Disparities: Share of Any Bond (Personal or Cash) Filed, by Arrestee's Race**



# New Improvements: Helping People Meet Their Legal Obligations

- 1. Bond forms and court information forms are being translated into Spanish. Plans to translate them into Chinese and Vietnamese.
- 2. Email, voice mail and text notifications about court dates will be used. These will be translated into Spanish, Chinese and Vietnamese.
- 3. Court appearance policy and the rules for rescheduling will be posted at the exit to the jail, with a QR code and website, translated into Spanish, Chinese and Vietnamese.

# Regular Dialogue with District Attorney's Office

- Discussions on DA practices regarding bail decisions.
- Discussions about recidivism data.
- Discussions about changes in court practices.
  
- Bottom line: The county has agreed to follow certain rules in setting bail. The DA's Office plays a key role for cases that don't qualify for immediate release.
- For the next seven years, we will track recidivism and failures to appear in court, as well as violations of the conditions of pretrial release. It is too soon to know how these new policies will work.