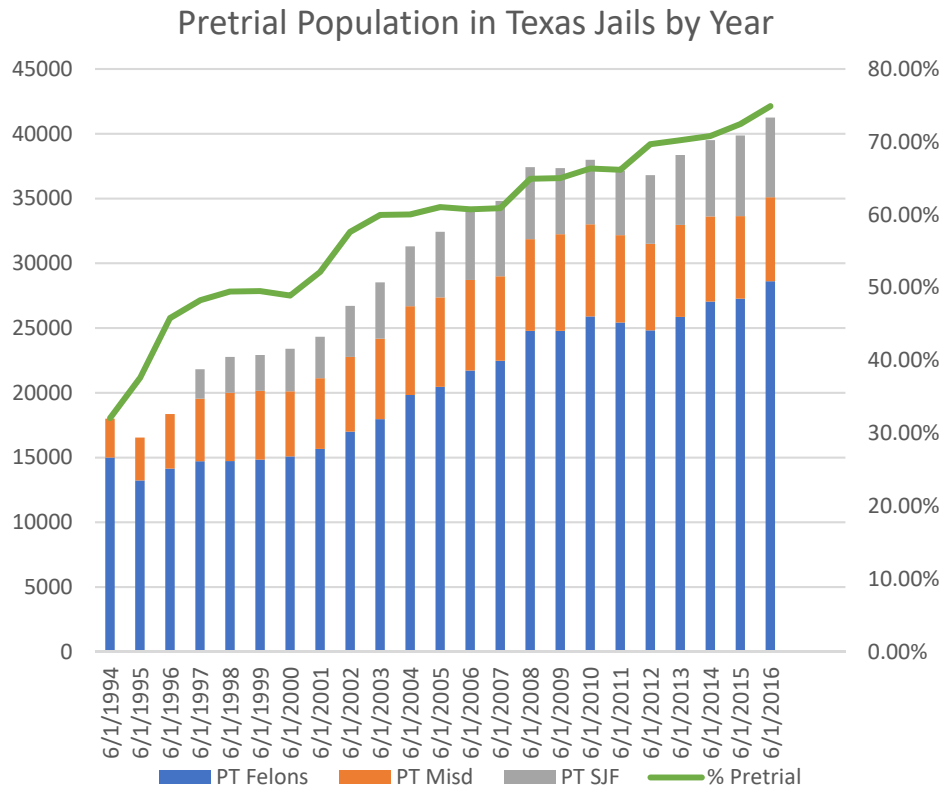


Chief Justice Nathan Hecht
Texas Supreme Court
September 5, 2019

Update on Bail Reforms



- In the past 25 years, the pretrial population in Texas jails has risen from just over 32 percent of the population to almost 75 percent of the population.

Rise in Jail Population

THE COST OF BAIL IN TEXAS



According to the Texas Commission on Jail Standards, the average **cost per day to house an inmate** in a county jail is

\$60.12.



Nearly 20% of felony cases take more than a year to dispose and more than 50% percent of misdemeanors remain pending over six months – meaning **individuals held in jail while awaiting trial stay for considerable amounts of time.**



As of July 1, 2018, there were **42,943** individuals who have not been convicted being held in Texas Jails, at a **cost per day** to local governments of **\$2,581,733** or **nearly \$1 billion annually.**

\$2,581,733

A 2017 study Liberty and Justice: Pretrial Practices Conducted in Texas commissioned by the Texas Judicial Council showed that validated risk assessment can successfully predict failure to appear and new criminal activity.

Fewer high-risk defendants are released, and fewer low-risk defendants are detained – improving public safety while reducing costs. **Where risk isn't considered, defendants commit 20% more crimes, and are over 9 times more likely to commit a new felony or offense with a weapon.**

Two-thirds of local official respondents said **judges rely heavily on their own "gut feeling" when setting bail.** **40%** of judges surveyed affirmed that they use their own intuition to set bail due to a lack of other reliable tools.



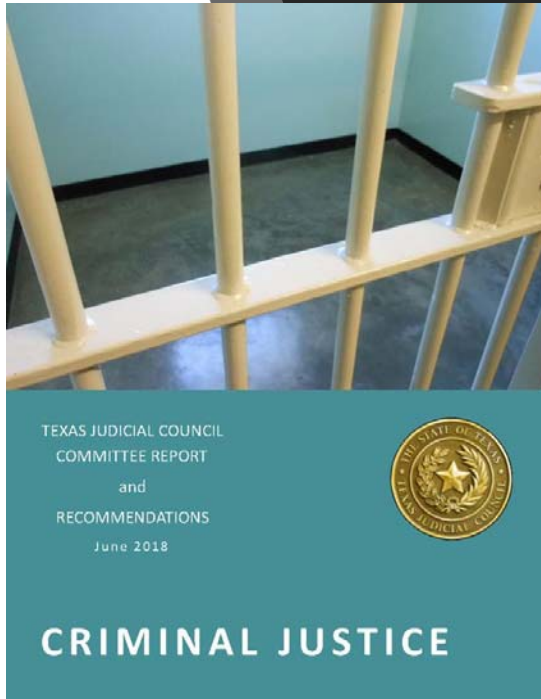
In a statewide public opinion poll, **80%** of Texans surveyed said they believe **judges should assess risk factors such as current charge, prior convictions, and age to determine bail** for a defendant.



Pretrial defendants have sued three Texas counties for unconstitutional bail practices – Harris, Dallas and Galveston.

www.txcourts.gov

Texas Judicial Council Bail Recommendations



- 1) Require defendants arrested for jailable misdemeanors and felonies to be assessed using a validated pretrial risk assessment prior to an appearance before a magistrate.
- 2) Amend the Texas Constitution and statutes to allow for preventive detention.
 - Defendants that pose a high flight risk or high risk to community safety may be held in jail without bond pending trial after certain findings are made by a magistrate and a detention hearing is held.
- 3) Require additional training and certification on magistration and bail setting responsibilities for all judges involved in setting bail.

PRAISTX is based on objective factors about each arrested individual. These factors have been shown to correlate with a defendant's failure to appear and risk of committing a new crime. No defendant interview is required with PRAISTX. The tool provides judges with individual risk scores relating to failure to appear and new offending for each defendant. Scores are based on nine factors:

Current offense	Pending charges at time of current offense	Age at current arrest
Prior misdemeanor convictions	Prior felony convictions	Number of violent convictions
Number of pretrial FTAs in last 2 years	Pretrial FTAs in cases older than 2 years	Previously sentenced to jail/prison > 14 days

Defendant Information

Last Name* First Name* Middle Name Suffix Select One

Date of Birth (mm/dd/yyyy)**

Address Address Line 2

City State ZIP

Home Phone (xxx-xxx-xxxx) Cell Phone (xxx-xxx-xxxx)

Offenses

Offense(s)**

Enter offense name, citation or DPS/CCH code

ADD OFFENSE

Case Information

Date of Arrest (mm/dd/yyyy)**

Court

Cause Number

State Identification Number (SID Number)

PRAISTX - Pretrial Risk Assessment Information System

Home
Defendant List
Manage Users
Help David Staylor
Log off

Stage Server

Failure to Appear Risk Score: 2/6	New Criminal Activity Risk Score: 4/6	New Violent Criminal Activity Risk Flag Yes
Pending charge at time of No offense? <input type="text"/> No Prior misdemeanor Yes conviction? <input type="text"/> Yes Prior felony conviction? <input type="text"/> Yes Prior failure to appear in None past two years? <input type="text"/> None Prior failure to appear No older than 2 years? <input type="text"/> No	Age at time of arrest: 30 Pending charge at time of No offense? <input type="text"/> No Prior misdemeanor Yes conviction? <input type="text"/> Yes Prior felony conviction? <input type="text"/> Yes Prior violent conviction? <input type="text"/> 1 or 2 Prior failure to appear in None past two years? <input type="text"/> None Prior sentence to jail or Yes incarceration? <input type="text"/> Yes	Current violent offense? <input type="text"/> Yes AND 20 years old or No younger? <input type="text"/> No Pending charge at time of No offense? <input type="text"/> No Prior misdemeanor Yes conviction? <input type="text"/> Yes Prior felony conviction? <input type="text"/> Yes Prior violent conviction? <input type="text"/> 1 or 2

Judge Decision

Bail Decision:

Bail Amount:

Defendant Information

Defendant: Black, Dabrett DOB: 01/25/1985

Case Information

County: Smith
 Supplemental ID: 50547204
 Arrest Date: 03/27/2015 DPS/CCH Code: 13990063
 Offense: ASSAULT PUBLIC SERVANT
 Level: 3rd Degree Felony Statute/Citation: PC / 22.01(b)(1)

Pretrial Risk Assessment Information System (PRAISTX)

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United States District Court
Southern District of Texas

ENTERED
April 28, 2017
David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MARANDA LYNN O'DONNELL, *et al.*, §
On behalf of themselves and all others §
similarly situated. §
§
Plaintiffs, § CIVIL ACTION NO. H-16-1414
§
VS. §
§
HARRIS COUNTY, TEXAS, *et al.*, §
§
Defendants. §

**MEMORANDUM AND OPINION SETTING OUT
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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- Harris County
- Dallas County
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Update on Pending
Litigation