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HARRIS COUNTY, TEXAS

PRETRIAL RELEASE AGENCY

Vera Institute of Justice
Technical Assistance
30 East 39th Street
New York, NY 10016

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INTRODUCTION

This report is submitted in response to a request by the State District Court in Harris County Texas for technical assistance from the Vera Institute of Justice with regard to the operation of the Harris County Pretrial Release Agency. The request was made pursuant to a Federal District Court order in the matter of Alberti v. Sheriff of Harris County, 406 F. Supp. 649 (1975). The Court order instructed the Commissioner's Court of Harris County to enter into a contract with the Vera Institute of Justice to provide consultative assistance to the Harris County Pretrial Release Agency. This agreement was formalized in a contract dated December 6, 1976. This contract requires Vera to submit a report which includes the following elements:

1. Summarize the Agency's present method of operation
2. Present a recommended plan for the reorganization of the Agency.
3. Present a recommended method for the operation of the Agency, including but not limited to, the following:
 - a) Interview and verification techniques;
 - b) Data collection and reporting methods;
 - c) Data analysis;
 - d) Clerical and filing procedures;
 - e) Management techniques; and
 - f) Personnel requirements

In this report we have endeavored to be as specific as possible in formulating recommendations designed to permit the Pretrial Release Agency to have the greatest possible impact on criminal justice operations in Harris County. In doing this we have limited recommendations concerning other agencies to those which directly bear on the operation of the Pretrial Release Agency. We wish to state that it is intentional, rather than through oversight, that there is no discussion of problems in the present operation of the courts, related criminal justice agencies, including police, and professional bondsmen.

Since the contract between Harris County and the Vera Institute of Justice does not include any provision for the implementation of our recommendations we have not provided an implementation plan. However, Vera stands ready to assist in the implementation of these recommendations in any appropriate manner.

The recommendations set forth in this report should be seen as a guide to those areas which require change in the Agency's policies and operating procedures. No outside consultant can be totally cognizant of all the variables which affect an Agency's operations within the environment of a particular criminal justice system. Agency personnel functioning in that environment are in an optimum position to define how best to implement these recommendations.

We have also provided a ranking of priorities for the recommendations we have made. It should be noted that during the entire course of our study of the Pretrial Release Agency in Harris County we were extended every courtesy by all participants in each phase of the criminal justice process. Without that cooperation our task would have been impossible. In particular we feel that the Pretrial Release Agency staff is comprised of capable and dedicated individuals and that considerable progress has been made by the Agency under the administrative direction of Mr. Gerald Wheeler.

We wish to particularly express our appreciation to members of Harris County Judiciary, Court Administration Staff of both the District Court and the County Courts at Law, District Court Clerk's Office Staff, Police Departments of Houston, Baytown, La Porte City, and Pasadena, the Harris County Sheriff's Department, the Probation Department and the entire staff of the Pretrial Release Agency.

The Vera Consultant Staff bears sole responsibility for the contents and conclusions incorporated in this report.

ORGANIZATION AND OPERATION
OF THE
CRIMINAL JUSTICE SYSTEM
AND THE
PRETRIAL RELEASE AGENCY OF
HARRIS COUNTY

This section of the report provides a description of the present organization and operation of the Pretrial Release Agency in Harris County, Texas. It would be impossible to provide a meaningful description of that Agency's operations without also outlining the operations of the other criminal justice agencies with whom the Pretrial Release Agency interfaces on a daily basis. Pretrial Release's daily activities are so intertwined with the activities of the Police and Sheriff's Departments, the Deputy Court Clerk's Office, the District Attorney's Office, the District Courts and the County Courts at Law, that without first reviewing the procedures followed by those agencies in processing a criminal defendant from arrest through initial court hearing, the description of the Release Agency's procedures would be of little benefit to the reader. Therefore, this section also includes a brief description of the procedures followed by the agencies mentioned above in processing a criminal defendant.

This description was completed at the request of the Administrative Judge of the District Court and is included in the report to provide the reader with a framework within which the problems faced by the Pretrial Release Agency and the recommendations made to alleviate them may be more easily understood and appreciated.

Before reviewing the role of the Pretrial Release Agency, it may be useful to briefly discuss the manner in which a

defendant may obtain pretrial release in Harris County. After being arrested and having charges filed against him by the District Attorney, a defendant may only secure his pretrial release by the posting of a bond. The bond specifies an amount of money which may be forfeited if the defendant fails to appear in court when required.

A bond may be posted in one of three ways:

- a) The defendant may secure the services of private bondsman. If the defendant later fails to appear, the private bondsman is liable for the face amount of the bond.
- b) The defendant may be released on a bond written by the Pretrial Release Agency which, at least theoretically, may be liable for the face amount of the bond should the defendant flee.
- c) The court may also accept the posting of a Personal Recognizance Bond, in which the defendant himself is held liable for the face amount of the bond should it be forfeited.

There does not appear to be any provision in Texas statutes for releasing a defendant on non-financial recognizance (ROR) as is done in some jurisdictions. However, a judge has complete discretion in determining the amount of the bond and the type of bond he will accept to release a defendant.

The face amount of the bond may be set at different levels, depending upon at which stage of the process it is posted. If a defendant wishes to have a private bondsman post a bond for him after charges have been filed, but before he has appeared in court, the face amount of the bond will be in accordance with a bail schedule promulgated by the Justices of the Peace. If

the bond is posted after the defendant has appeared in court, it must be posted in the face amount set by the judge, which may differ from the amount specified in the bail schedule.

Summary Description of the Harris County Pretrial Release Agency

The Harris County Pretrial Release Agency was established in 1972 to assist the courts in effecting the pretrial release of selected defendants. The Agency is a unit of the District Court under the supervision of the Court Administrators Office and its staff are county employees.

Because the Agency effects the release of defendants by writing a bond for them, it may be viewed as a "Public Bonding Agency." It does not make routine reports to the Court on every incarcerated defendant but limits its involvement on misdemeanants to those defendants scoring six or more points and on felons only upon judicial request.

Pretrial Release personnel attempt to interview each defendant in either the Houston Police Department Jail or the Harris County Jail. The interview consists of asking the defendant various questions about his background and community ties. An attempt is then made to verify the information received from the defendant by telephoning persons named by him as references. If the information can be verified, it is then evaluated by the application of a point scoring schedule. This point score device, originally developed to provide objectivity in formulating recommendations concerning bail, assigns numerical values to speci-

fic items of information. For example, a defendant may receive two points for residing at the same residence for over one year. He may also lose points for negative indicators such as past criminal convictions. At the completion of the evaluation, the total score is tallied, adding the positive points and subtracting the negative ones. If a misdemeanor achieves a score of six points out of a possible thirteen, the Pretrial Release Agency will agree to write a bond for him and present it before a County Court at Law. This however, does not insure that the defendant will be released on a Pretrial Release bond. A judge may not approve Pretrial Release bond and may either remand the defendant without bail, permit the defendant to post a Personal Recognizance Bond, or set bail and require the posting of a bond by a private bondsman.

In felony cases, a Pretrial Release bond is presented to a judge at a defendant's 24 hour hearing. The Pretrial Release Agency does not present any information on a defendant unless they are requested to do so by the Justice of the Peace. If a judge releases a defendant on Pretrial Release bond, the defendant is required to pay a fee to the Agency, ranging between 0 and 3 percent of the face amount of the bond. The amount of the fee is set by the Pretrial Release Agency interviewer handling the case.

In certain misdemeanor cases, the Pretrial Release Agency may post a bond and secure the immediate release of a defendant with-

out benefit of a judge's signature on the bond. This procedure will be detailed in a later section of this report.

PROCESSING OF ARRESTS BY THE
HOUSTON POLICE DEPARTMENT

In Houston, formal arrest does not occur at the time and place where the officer first comes in contact with the defendant. The taking of a defendant into custody and the lodging of formal arrest charges are separate functions.

An officer can take a defendant into custody in one of the following ways:

1. Upon the observation of a crime being committed in the officer's presence (Section 14.01 through 14.06 CCP).
2. Upon the execution of an Arrest Warrant issued by a magistrate (Section 15.00 through 15.27 CCP). (Arrest Warrants issued by a judge in advance of the taking of a defendant into custody are referred to locally as "to be" or "2B" Warrants).
3. Upon information provided by a citizen's complaint which may encompass either or both of the above.

Once in custody the defendant is transported to the Houston Police Department Headquarters building. It is here that the formal arrest charge is decided upon and the defendant officially placed under arrest.

Pending the formal arrest, the defendant is booked into the police facility on an "investigative hold". This "hold" provides the necessary justification for detaining the defendant while an investigation is done to determine if the elements necessary to support a formal arrest are present. This determination is made by a detective in the detective division having jurisdiction over

the type of crime the defendant has allegedly committed. For example, a defendant who has been arrested on suspicion of burglary will be brought to the Burglary/Theft Division. The Police Officer and the detective discuss the case. On the basis of the facts presented by the police officer, the detective makes a determination as to whether sufficient grounds exist to make an arrest. In the event that sufficient facts are not available the defendant may be released. However, the immediate release of the defendant is not always certain since another Detective Division may be interested in talking with the defendant. It is the Police Department's position that the use of the "investigative hold" has an important benefit. When a defendant in custody is booked into the police facility, information concerning the defendant is provided routinely to all detective divisions. These divisions examine this information to determine if the defendant may have been involved in any crime currently under investigation. If any detective in another division wishes to interview the defendant, he contacts the detective investigating the instant charge and requests a subsequent "hold". This "hold" will only be removed when the detective from the other division is satisfied that either no additional charges are to be brought or formal charges are to be filed. To extend the previous example, the defendant being investigated by the Burglary/Theft Division may have another "hold" lodged against him if a detective in the Homicide Division wishes to question him.

There are four decisions which a detective may make concerning a defendant brought to the Detective Division by the

arresting officer. The detective may:

1. Instruct the arresting officer to file charges on the instant case.
2. Instruct the arresting officer to file charges on the instant case and the detective can lodge a subsequent hold on the defendant for further investigation.
3. Lodge a subsequent investigative hold and not file charges on the instant case.
4. Release the defendant.

In the event the detective determines the facts to be sufficient to support an arrest, he will prepare an arrest authorization, and obtain a complaint number from the Central records office. This decision is reviewed by a detective lieutenant who, if he approves, signs the arrest authorization form. This form is then transmitted to the control room in the Houston Police Department jail where it is filed with the arrest report. A copy is retained by the police officer.

The police officer then proceeds with the defendant and arrest authorization form to the Houston Police Department jail where the defendant is lodged in a holding cage. The arresting officer prepares an arrest blotter and property blotter at the booking desk. The arrest blotter is a multi-carbon form consisting of 12 hard copies, which are distributed as follows:

- a) Police office identification section
- b) Control room
- c) Control room - file copy to show where prisoner is lodged
- d) Detective specialist division

- e) Records division
- f) Detective specialist division (2nd copy)
- g) stays with prisoner
- h) property slip attached to property envelope
- i) property slip maintained with property envelope
- j) property slip prisoner's copy
- k) warrant
- l) not used

All of the information on the arrest blotter is typed and the arrest number on the blotter is assigned from an arrest log maintained at the booking desk. The defendant remains in the holding cage until taken to the property intake section of the jail. The police officer proceeds to the records room where he deposits a copy of an offense report. At this point the police officer can return to patrol if a decision has been made not to file charges on the instant case. If charges are to be filed against the defendant the police officer proceeds to the District Attorney's Intake Section. Upon filing of charges by the District Attorney, the police officer returns to the Houston Police Department jail control room with the commitment for that defendant.

While the police officer is at the District Attorney's Office the defendant is transferred from the holding cage to the property intake section of the jail. There the defendant is strip-searched, all of his property removed and he is photographed with a clock and calendar behind him. The defendant is then taken by an escort officer to the third floor identification section

where a pedigree statement, photograph and fingerprints are taken. When this is completed, the defendant is lodged, with females being lodged on the sixth floor and males on the fifth floor.

In the event the defendant has no holds, visits are authorized. If there are any holds lodged against the defendant, visits may be allowed only if authorized by the appropriate Detective Division.

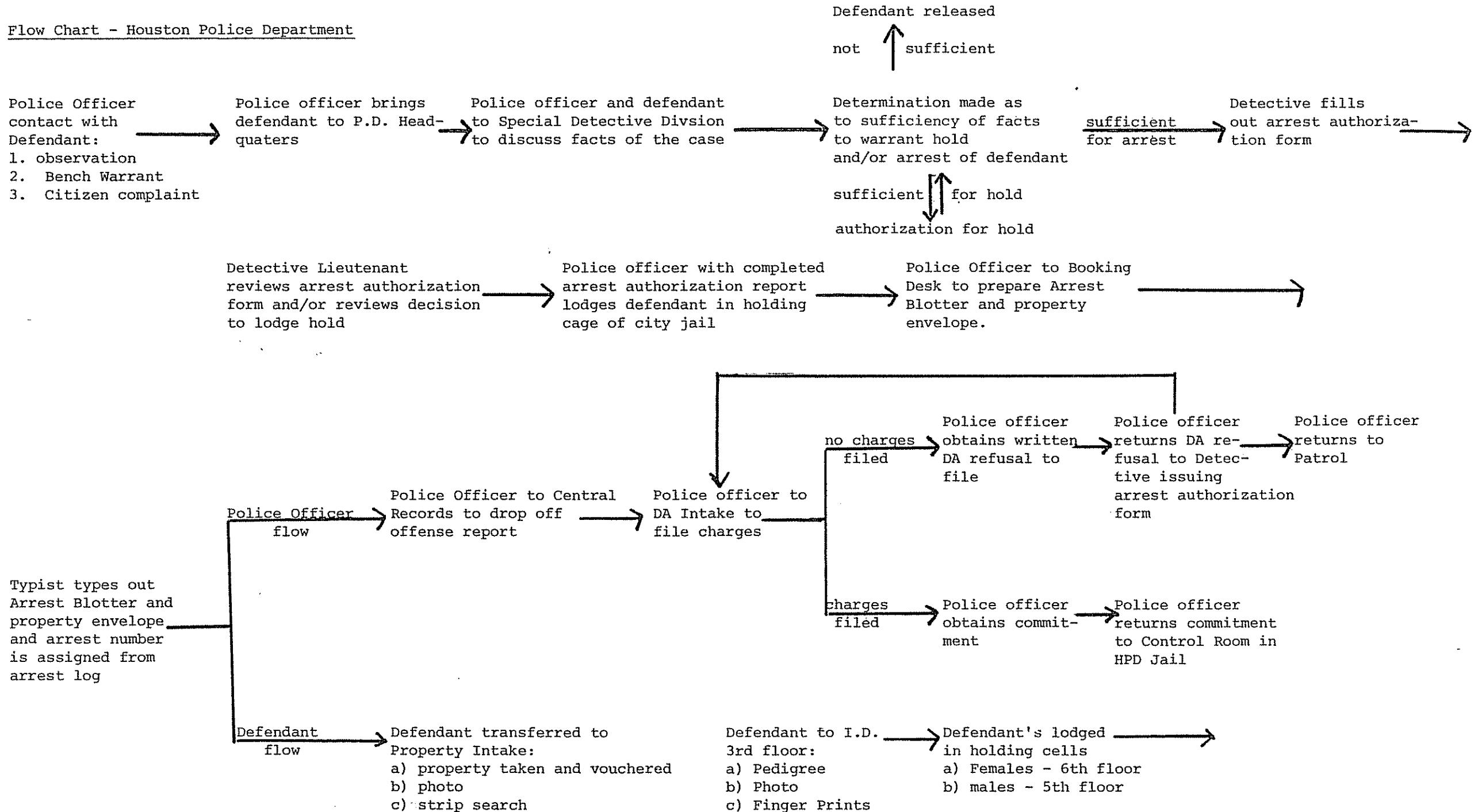
If charges have been filed against the defendant by the District Attorney and there are no further investigative holds pending, the defendant is transferred to the Sheriff's County jail by the Houston Police Department in one of the three daily prisoner transportations, locally termed drags. If charges have been filed against a defendant with a pending investigative hold, the defendant is transferred to the 24 hour court hearing in the custody of the Houston Police Department and at the conclusion of the hearing, the defendant is returned to the Houston Police Department jail in police custody.

A defendant can be removed from the custody of the Houston Police Department in one of three ways:

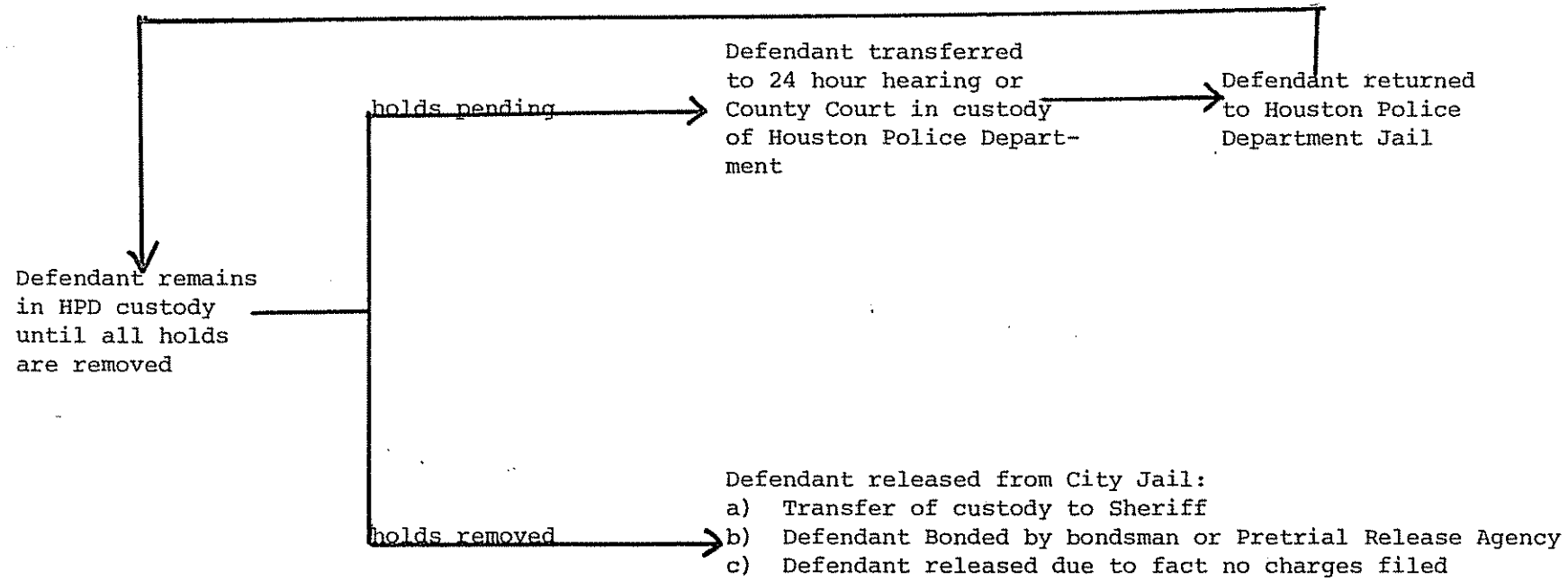
1. The defendant can make bond, or
2. A decision can be made not to file charges against defendant, or
3. Custody of the defendant can be transferred to the Sheriff in the Harris County jail.

If the defendant is to be released, he proceeds to the property outtake section of the jail where his personal belongings are returned to him. At this time, he is again photographed before the clock and the calendar.

Flow Chart - Houston Police Department



Flow Chart - Houston Police Department



PROCESSING OF ARRESTS MADE IN OUTLYING JURISDICTIONS

For purposes of reviewing the system and receiving an indicative sample of the outlying municipalities, three locales with varying arrest volumes were visited.

When an arrest is effected in an outlying area the prisoner is brought in to the local police station. Charges are prepared on an arrest blotter similiar to the type utilized by the Houston Police Department. The prisoner is booked in the outlying jail area and if his arrest is for a felony or an "A", "B" misdemeanor he is photographed and fingerprinted.

The arresting police officer completes his offense report and causes to have prepared a "Central Intake Field Report" for the District Attorney Intake Section located in the City of Houston, Municipal Court Building. The Central Intake Field Report is telecopied to the District Attorney intake section and the charges are prepared in the same manner as if the police officer appeared in person. Municipalities that do not have telecopiers, utilize one located in an adjoining municipality. If the Assistant District Attorney has any questions pertaining to the case, he telephones the police officer at the municipality. When the required court papers are completed, and an arrest warrant if the defendant is not in custody, or commitment if the defendant is in custody, is telecopied to the arresting municipality.

If the crime charged is a felony, the prisoner is picked up on the midnight drag by the Sheriff's office. If the arrest is not processed in time to make the drag, the prisoner is transported to the 24 hour hearing the next morning by the arresting municipality. After the hearing, the defendant is lodged with the Sheriff in the County Jail.

If the prisoner has additional Municipal Court or traffic charges or fines pending against him, transfer to the Sheriff's Department Jail may be delayed until the fines are paid or the required time served.

PROCESSING OF CASES BY THE DISTRICT ATTORNEYROLE OF THE INTAKE SECTION

The Office of the District Attorney is responsible for reviewing the facts of an alleged offense deciding if a crime was committed and, if so, the appropriate charge to be filed against the defendant.

The District Attorney will review alleged crimes made known to him in any of the following ways:

1. By a civilian complainant or a police officer appearing at his office on a matter in which a defendant has not yet been taken into custody.
2. By an arresting police officer in a case in which the Houston Police Department has determined that charges should be filed against a defendant in custody.
3. By receipt of a telecopied arrest report of an arrest made in an outlying jurisdiction.

A civilian complainant appearing to file charges against an individual will first stop at the reception desk. The receptionist performs a superficial screening to determine if the case is appropriate for consideration by the District Attorney. The receptionist requests the citizen to fill out a screening card which includes a basic statement of the facts of the incident. This card is returned to the receptionist and she reviews the facts to determine whether the crime alleged is a C Misdemeanor, a civil matter, or a minor theft case.* If it is a C Misdemeanor, it is referred to the City Prosecutor's Office, if civil in nature, the complaint is referred to Small Claims Court. If it is a

* Minor theft, as defined by the District Attorney, is considered to be theft from a Bailor, ie., overdue car rentals, etc.

minor theft case, a letter is sent to the accused requesting he contact the District Attorney regarding the matter. In all other matters, the receptionist refers the complainant to an Assistant District Attorney.

The civilian complainant and the Assistant District Attorney review the facts contained on the screening card. If warranted, the District Attorney will prepare a central intake screening report. This report includes a recommended bail amount taken from the Justice of the Peace bail schedule as well as designation of the trial Assistant District Attorney who will be assigned to the case when and if scheduled in the District Court. He will also fill out a description sheet, which in general terms, describes the physical appearance of the defendant.

After considering the facts, the Assistant District Attorney will decide whether or not to file charges against the defendant. If charges are not filed, the complainant whether a civilian or a Police Officer may receive a statement from the Assistant District Attorney setting forth the reasons for his decision. The District Attorney, may at this time, refer the complainant to the City Prosecutor or Small Claims Court. All decisions not to file charges are reviewed by a Supervising District Attorney on a regular basis.

If charges are filed, the complainant will be sent to the Police Department having jurisdiction over the area where the crime was committed to obtain a police offense number. Upon receipt of the number, the complainant returns to the Assistant District Attorney and informs him of the number, after which,

the Assistant District Attorney gives his secretary the central intake screening report and the description sheet.

If the defendant is in custody, the secretary will type out a complaint packet which includes a commitment form. If the defendant is not in custody, the secretary will type out a complaint packet containing a Warrant Form. The Warrant Form contains a probable cause statement which is prepared from the information provided on the central intake screening report and this probable cause statement is the basis for a Magistrate's signing of the arrest warrant.

If the defendant is charged with a felony, a felony file is prepared. The secretary fills out a research sheet and checks the computer to determine if the defendant has a pending felony case or is currently on probation in a District Court of Harris County. If there is a pending case or if the defendant is currently on probation, that fact is noted on the research sheet and the current case is assigned back to the original District Court having jurisdiction. If there is no pending felony or probation violation, the secretary then types the form in the District Attorney's folder. The secretary then types out the face of the folder and the complaining witness swears to the truth of the information contained in the affidavit. If the charges are misdemeanors, a misdemeanor packet is filled out, but the secretary does not fill out a research sheet. The District Attorney's file is then transferred to the Deputy District Court Clerk's office.

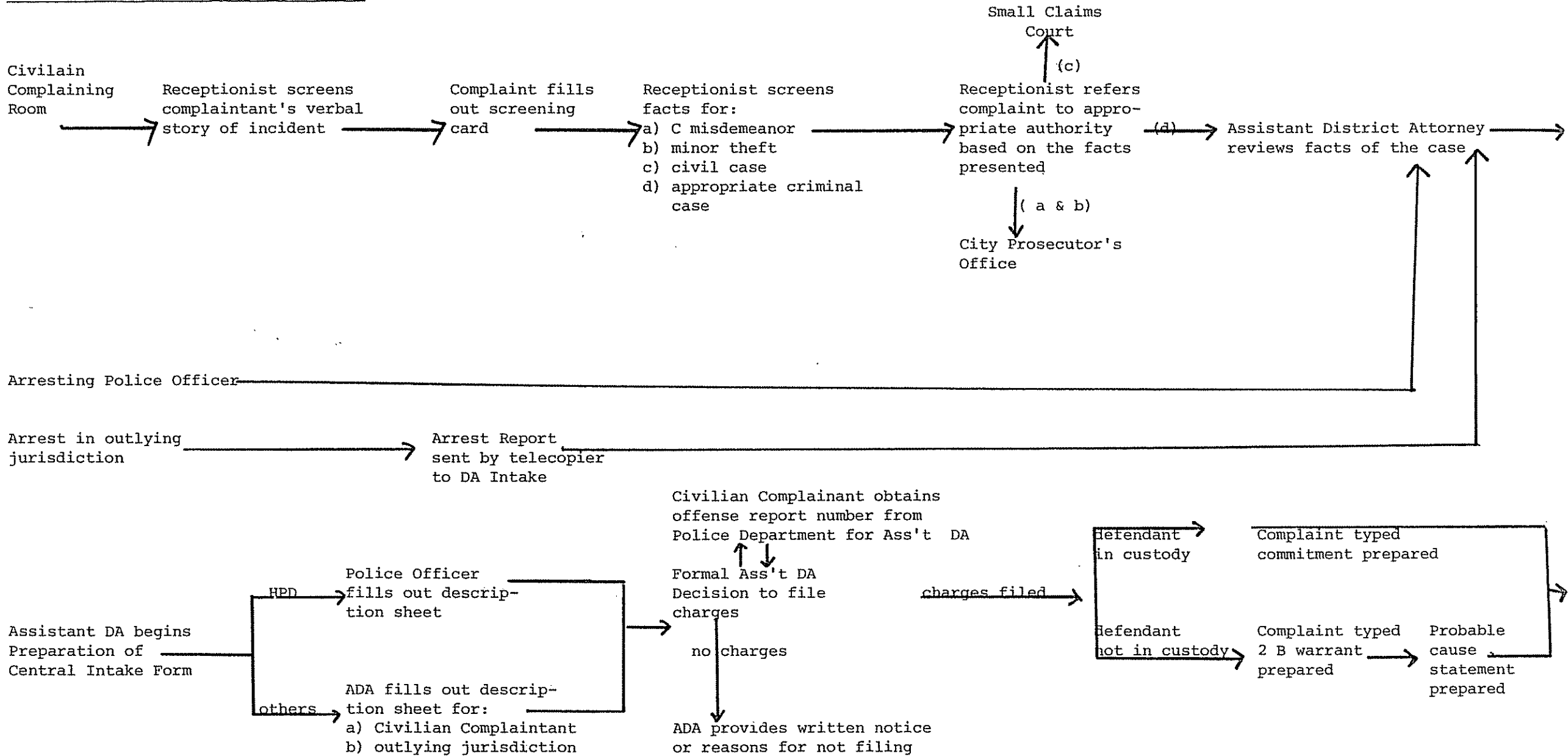
If the complaining witness is a police officer, he reviews

the facts of the case directly with the District Attorney, by-passing the receptionist. At this time, the police officer himself fills out the description sheet.

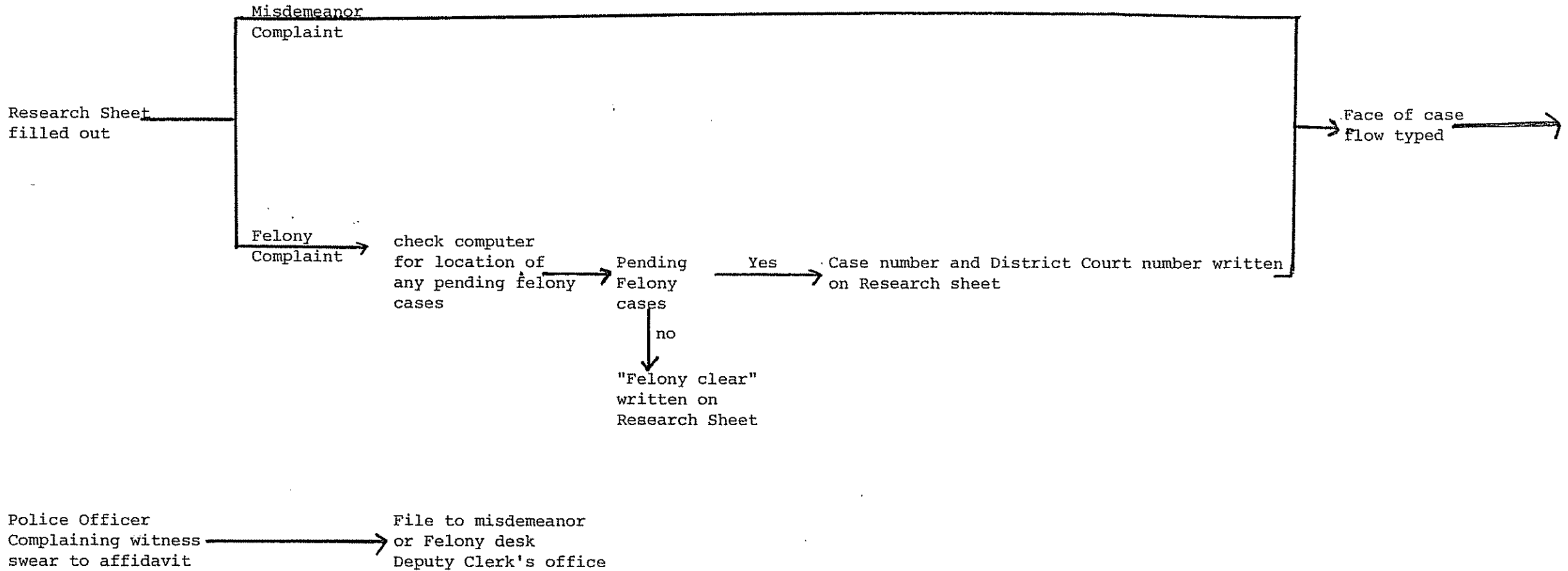
The District Attorney makes the decision based on the information received as to whether or not to file charges against the defendant. If the District Attorney decides not to file charges, the police officer receives a written statement as to the reasons why no charges were filed. If charges are to be filed, the secretary fills out the research sheet and selects the appropriate packet for in-custody or not-in-custody defendants and for misdemeanor or felony, and fills out the face of the folder. The police officer swears to the truth of the affidavit and the file is taken to the Deputy District Court Clerk's office.

If the arrest is made by a police officer from an outlying area, the same process is followed with the exception that the police officer and District Attorney's communication is accomplished by telecopier or telephone rather than by face to face conversation. If there are any questions regarding this arrest the District Attorney calls the arresting officer in the outlying area to resolve them.

Flow Chart - District Attorney Intake



Flow Chart - District Attorney Intake



CASE INTAKE - HARRIS COUNTY DISTRICT COURT CLERKROLE OF THE DEPUTY DISTRICT COURT CLERKA. Felony Cases

An Assistant District Attorney's secretary brings the Felony file to the District Court Clerk's office. The file is deposited with the clerk assigned to the felony desk who examines the research sheet completed by the District Attorney and, on the basis of that information, assigns the case to a District Court. If the research sheet indicates that the defendant has no pending felony cases the case is assigned on a random basis to an appropriate District Court. If the defendant has a pending felony or a violation of probation from the District Court, the instant case is assigned to the District Court originally having jurisdiction. If there are co-defendants and one of those defendants has a pending felony or a violation or probation then both defendants are assigned to that District Court Part. If neither defendant has a pending case, both cases are assigned to the same District Court on a random basis.

If an Arrest Warrant has been prepared in a case in which the defendant has not yet been taken into custody the clerk asks the police officer whether or not the officer wishes to obtain the magistrate's signature on the "to be" or "2B" warrant so that he may receive the warrant immediately rather than having it forwarded to him. If so, the clerk makes two xerox copies of the

Warrant, including the police officer's name, division and the date the police officer received the warrant, on the clerk's copy of the warrant. The police officer or a representative of the judge who signs the warrant will then inform the clerk that the warrant has been signed. The clerk then enters on the two copies of the warrant the judge's name, time and date of signature and court of the judge who signed the warrant. The clerk then enters into the warrant book the defendant's name, the District Court that the case is assigned to, the cause number, the date the case was filed and the division of the police officer who had the warrant signed.

If the clerk is to obtain the magistrate's signature on an Arrest Warrant, the warrant is presented to the Justice of the Peace at the next 24 hour hearing. The original warrant is then relayed to the police department having jurisdiction over the locality where the crime was alledged to have been committed. A copy of the warrant goes to the Data Entry section of the Clerk's office and another copy goes to the Sheriff's department.

The clerk is always responsible for having warrants signed which are issued as a result of a civilian compliant. A civilian complainant never obtains the judges signature.

If the defendant is in custody at the time the charges are filed, the police officer receives a copy of a commitment form from the clerk's office. The commitment is then taken by the police officer to the facility in which the defendant is detained.

On all felony complaints the clerk's file includes:

1. An original copy of the complaint
2. The District Court's copy of the complaint
3. A copy of the Arrest Warrant, where applicable

The Clerk will also make a copy of the complaint to be provided to the Justice of the Peace who will preside at the Examining Trial.

The clerk returns the balance of the packet to the District Attorney's secretary and the clerk types the information on the face of the Clerk's folder. The clerk then fills in the information required on the coding sheet, inputs all information regarding the defendant into the computer and completes the docket sheet and calendar for District Court and the 24 hour hearing.

Defendants in custody are scheduled to appear in court within 24 hours of the filing of charges against them.

B. Misdemeanor

The District Attorney's secretary brings the District Attorney's file to the misdemeanor desk of the District Court Clerk's office. The clerk checks the computer terminal for pending misdemeanor cases as the District Attorney's office does not check for pending misdemeanor cases for the research sheet. If the clerk locates a pending misdemeanor case, the instant case is assigned to the same County Court at Law. If there are no pending misdemeanor cases, the case is assigned on a rotating basis

to the appropriate County Court at Law. If the defendant is in custody, the clerk's file includes:

1. Original complaint
2. Defendant's copy of complaint
3. A copy of the Arrest Warrant, where applicable

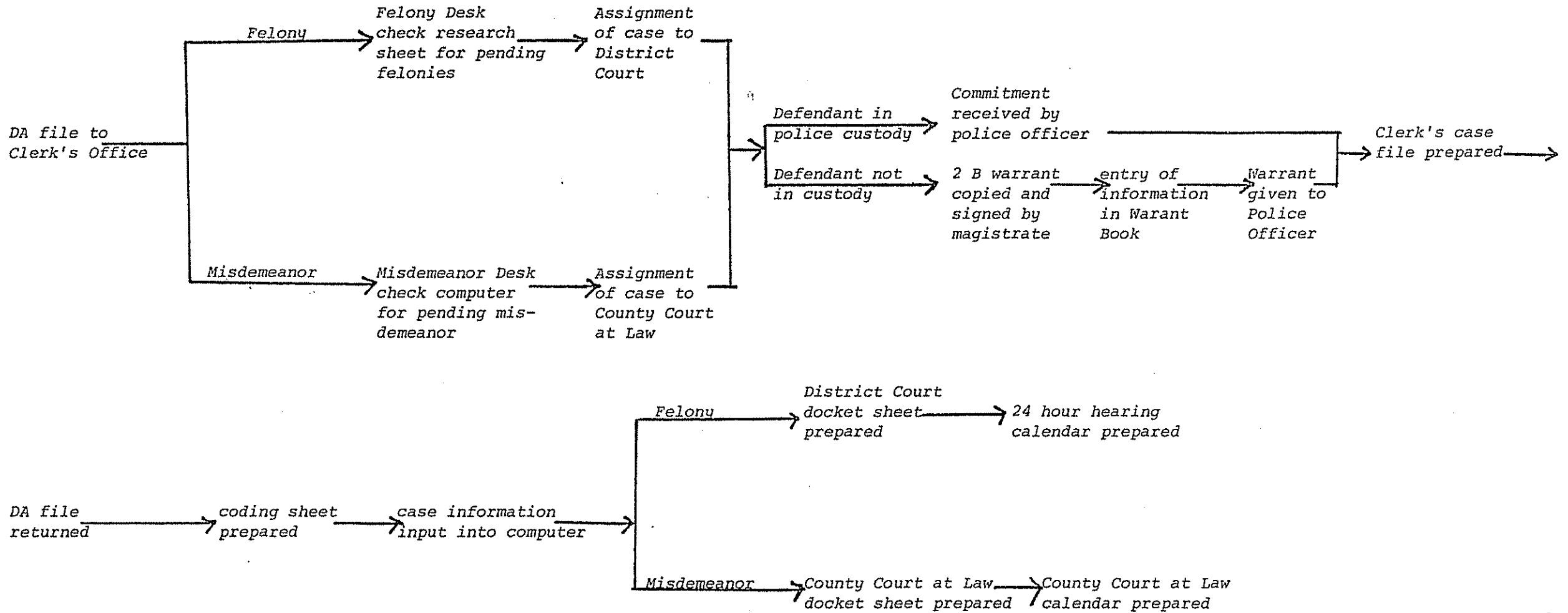
A copy is also put into the file at District Court Clerk's office. If the defendant is not yet in custody, the clerk holds a copy of the Arrest Warrant for a magistrates signature. The clerk has the warrant signed and is responsible for distributing the signed warrant to the appropriate police agencies daily. A police officer in the police agency receiving such a warrant is responsible for signing for the receipt of the warrant in the clerk's file book. These warrants are then assigned to police officers for execution.

Misdemeanor files in the clerk's office have pre-stamped docket numbers and cause numbers. The balance of the packet is returned to the District Attorney's secretary and the clerk types the information on the face of the folder. The misdemeanor coding sheet is completed along with the docket sheet and the County Court at Law calendars. If the defendant is in custody, the police officer receives the commitment. The clerk transports the case files daily to the District Clerk's office at 301 San Jacinto Street where they are filed.

If the defendant is not presently in custody, the Clerk's office, in filling out the respective coding sheet, docket and calendars, will not schedule a specific date for court appearance. For misdemeanors where the defendant is in custody, the clerk will schedule the defendant's first appearance at the County Court

at Law for seven days from the date of filing except for CC#3 where the adjourned date is scheduled in excess of seven days and could be as long as 21 days.

DEPUTY DISTRICT CLERK



DETENTION OF DEFENDANTSBY THE HARRIS COUNTY SHERIFF'S DEPARTMENT

The Houston Police Department transports in-custody defendants who have had charges filed on them and who have no holds lodged against them to the Harris County Jail, administered by the Harris County Sheriff's Department, three times daily. The time of these drags are as follows:

1. 11 a.m.
2. 6 p.m.
3. 2 a.m.

The Harris County Jail also receives prisoners at other times of the day as they are transported from outlying areas. As each defendant arrives he is immediately searched and, depending upon the size of the drag, is either lodged in a holding cell located close to the booking area or kept in the booking area. When the defendant enters the county jail booking area, he is assigned a SPN number which is computer generated, and a booking number. The SPN number is usually entered into the system at the District Attorney's Central Intake section. The booking officer puts biographical information taken from the arrest blotter/commitment form into the computer. A computer check is made to determine if the defendant has had any prior Harris County jail experience based on the name he has given for this arrest. The defendant is again searched and, depending on the size of the drag, is either placed in the holding area

or transported to the first floor identification section. The information which has been entered into the computer by the booking officer is printed out on the computer printer and this print-out is called the LEJC card. LEJC cards are distributed in the following manner:

1. one copy is forwarded to the Sheriff's Central Records office
2. one copy follows the prisoner within the institution
3. one copy is maintained on file in the booking area

After booking, male prisoners are transported from holding areas to the first floor identification section and females prisoners are taken to the third floor identification section.

At these locations the defendants are:

1. strip searched
2. permitted phone calls
3. issued Inmate Handbooks
4. issued jail clothing

Vistors cards are also prepared for each defendant.

Both males and females are then taken to the identification section on the third floor where they are pedigreed, fingerprinted and photographed for identification. They are then lodged in their respective holding areas, 4th floor for females, fifth floor for males. The felony prisoners that arrive on the 2 a.m. drag are sent directly to the third floor after the booking process to await transportation to the 24 hour hearing.

The classification officer at the respective holding area does the following:

1. prepares a classification sheet
2. takes visitors and LEJC cards
3. logs the prisoner into a Prisoner Control Book

Prisoners are also allowed telephone calls at this location and each prisoner is required to have a complete medical examination in the medical section. The classification officer receives a daily Court calendar and is required to arrange for appearances for defendants in the appropriate District Court or County Courts at Law.

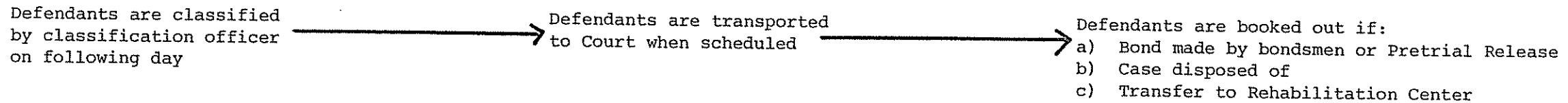
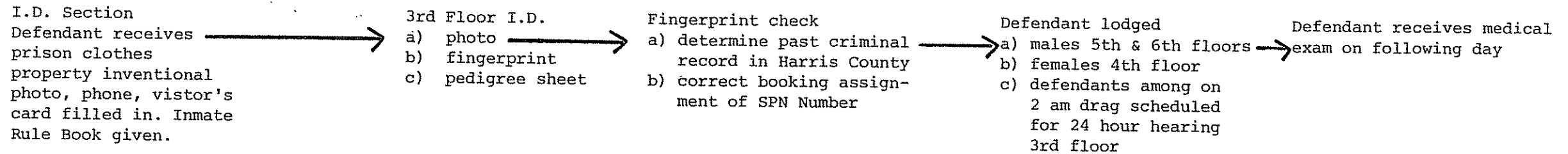
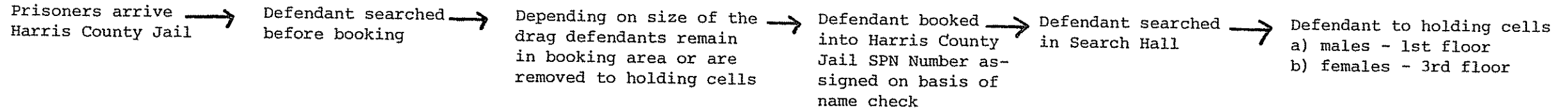
A defendant may leave the Harris County Jail in any of the following ways:

1. bond may be posted by private bondsman or Pretrial Release with the Central Records Office
2. the defendant's case may be disposed of
3. the defendant may be transferred to the Harris County Rehabilitation Center

If the prisoner is to be removed from custody, the Central records section sends the LEJC cards to the Floor Deputy.

The prisoner is then sent to the identification section where his clothes and property are returned. He then visits the cashier and is given a check for the balance of his personal funds, after which he returns to the booking area where he is processed out of the system and appropriate computer entries made to record the fact.

Flow Chart - Harris County Jail



PRETRIAL RELEASE AGENCY :CASE PROCESSING FLOW

The Pretrial Release Agency conducts interviews of defendants to determine eligibility for release on Pretrial Release bonds. While interview procedures are the same for defendants charged with felonies or misdemeanors, the bonding procedure differs depending on the nature of the charge. Defendants charged with felonies, who have not been released from custody by means of a private bond, may be released on a Pretrial Release bond at the 24 hour probable cause hearing. Defendants charged with misdemeanors, who have not been released from custody by means of a private bond, may be released on Pretrial Release in one of two ways:

- a) The County Court Judge having jurisdiction over the case may sign a Pretrial Release bond prior to the defendant's court appearance, or
- b) Under specific conditions, the Pretrial Release Agency may effect a defendant's release without the judge's signature.

Interviews

Interviewing of defendants by Pretrial Release Agency (PTR) personnel goes on 24 hours a day at two separate locations. Defendants are interviewed at either city jail while in custody of the Houston Police Department, or at the county jail while in custody of the Sheriff's Department. Pretrial Release also interviews a small number of defendants at a third location; felony defendants, who for some reason have not been interviewed during the course of the previous day, are interviewed by Pretrial

Release staff members in court while waiting for the 24 hour hearing to begin. In addition, individuals who have received notice that they are wanted for a crime may surrender themselves or be referred to the Pretrial Release Agency office located at the County Court House and are interviewed by a staff member at that location prior to being arrested.

Interviews at the City Jail

Throughout the day, Pretrial Release interviewers make periodic visits to the Deputy District Court Clerk's office to obtain copies of the coding sheet from the Deputy District Clerk. The coding sheet, which is a listing of all defendants who have had charges filed against them, is compared to the previous sheet obtained to determine which defendants have yet to be interviewed. The previous coding sheet includes a list of each defendant's name indicating whether or not the defendant has been interviewed, and, if not, the reason why.

Immediate interviews will be granted for defendants charged with misdemeanors, regardless of the fact that there may be investigative holds lodged against them, and for defendants charged with felonies who do not have additional holds lodged against them. The police department does not permit the interview of a person charged with a felony until all investigative holds against him have been removed.

If a defendant is available and the police department will allow interview, he is brought to the visitors pen on the fifth floor. When the interviewer completes the interview of all defendants who were made available, he returns to the desk officer to determine if any of the remaining defendants are now available. If so, they will be interviewed at this time. If there are no further interviews to be conducted, the interviewer returns to the Pretrial Release office where he conducts a computer inquiry to determine if the defendant has a past Harris County Criminal history. The interviewer then attempts to verify the information provided by the defendant and assign a point score.* The completed interview is then left with the Pretrial Release supervisor in the Municipal Court House office, after which the interviewer returns to the Deputy Clerk's intake office to repeat the process. At the conclusion of the midnight shift, all lists and completed interview forms are taken to the Pretrial Release office in the County Court Building.

Interviews at the County Jail

At the beginning of each shift an interviewer picks up:

- 1) A list of interviews done by the previous shift at the County Jail

* No verification is conducted between 10:00 p.m. and 7:00 a.m. Verification of interviews conducted during these hours are accomplished by the day shift beginning at 7 a.m.

- 2) A list of prisoners transferred from the City to the County Jail (Drag Sheet).
- 3) A list of interviews done at the City Jail.

The interviewer then goes to the booking area in the basement of the County Jail and determines from the sheriff's in/out book which defendants are in custody. These are crossed referenced against the list of previously interviewed defendants to determine who remains to be interviewed.

The interviewer then attempts to locate the defendants in any of the following locations:

- 1) holding area
- 2) first floor, identification section
- 3) third floor, identification section
- 4) fifth and sixth floor cells

Upon locating the defendants, interviews are conducted immediately.

After completing the interview of City Jail transfer cases, the interviewer returns to the Pretrial Release County Court Building office with a list of defendants not previously lodged in City Jail. These names are checked against the computer to separate those defendants in a pre-trial status from those who need not be interviewed, i.e., bail forfeiture, sentenced, etc. Those defendants requiring interview are then located and interviewed.

After all interviews have been completed, the interviewer returns to the Pretrial Release office and checks the computer for warrant and pending case information, and also determines if the defendant has previously been admitted to the Harris County

Jail by checking the Sheriff's records.

On midnight shifts, the interviewers call the city jail to determine which of the defendants delivered on the 2 a.m. drag have previously been interviewed. Those who have not are then located and interviewed, after which the process is completed as described above.

At the conclusion of each shift, a list of all defendants interviewed along with interview forms, and coding sheet indications of defendant's interviewed and not interviewed, are given to the oncoming shift.

2. FELONY BONDING PROCEDURE

The Pretrial Release representative picks up the 24 hour Probable Cause Hearing Docket which lists all cases to go before the judge that day. He checks the docketed cases against the interviews done the previous day to insure that all defendants have been interviewed. In the event a defendant has not been interviewed, the court representative interviews him in court before the session starts and completes verification. The court representative reviews the interviews of all of the defendants to be presented who are likely to be released. On these he prepares bonds in advance so that they will be available for the judge's signature. When court is in session, the court representative is present and provides information relative to bail

when requested. If the judge signs a bond, an assistant court representative conducts an exit interview, explaining to the defendant the conditions of his release. At the conclusion of the court session all interviews of defendants who are not released are stamped with the date of the hearing and "denied" or "low points".* A rolodex card is then prepared and filed for each defendant containing the following information:

- a) defendant's name
- b) date of hearing
- c) original bond and final bond amount
- d) Justice's name
- e) disposition
- f) Cause number
- g) result of 24 hour hearing

After the cards have been prepared, interview forms and Bonds on released defendants are sent to the Pretrial Release tracking unit.

3. MISDEMEANOR BONDING PROCEDURE

Each morning the previous day's interviews are screened by a supervisor and misdemeanor cases segregated. The supervisor determines from the computer whether or not the misdemeanor defendants are still in jail and if so, distributes their cases

* Denied - defendant received 6 or more points but was not granted Pretrial Release Bond by Judge.

Low Points - defendant received less than 6 points.

to four staff interviewers for further processing. In addition, the CRT print-out of defendants booked into the County Jail is crossed referenced to the drag sheet to insure that all defendants still in jail have been interviewed. If a defendant is in jail but there is no interview, the computer is rechecked to see if the defendant is being held in any of the following circumstances which obviate the need for interview:

- a) Motion to Revoke Probation
- b) Bench warrant
- c) County Criminal Court at Law #3
- d) defendant has been sentenced
- e) defendant charged with Class C misdemeanor
- f) defendant in jail for Civil Matter
- g) defendant is working off a Fine

If an eligible defendant who has not been interviewed is discovered, the interview is conducted at that time.

Verification is completed on all cases not previously verified and the computer checked to locate outstanding warrants. The Sheriff's Department I.D. section is also checked to obtain prior criminal history.

If the defendant has no outstanding warrants and scores 6 or more points, a bond is written and presented to the defendant for signature. The bond is then brought to the County Court at Law having jurisdiction for a judge's signature.

If signed, the bond is taken to Central Bonding where the Sheriff's Deputy makes an initial check of the bond to determine if it is informationally accurate. It is then given to the Deputy Court Clerk, who also checks the accuracy of the bond information and issues a C87 release form which is sent to the Sheriff's Department. Upon receipt of the C87 form, the defendant is released and receives his exit interview from a Pretrial Release staff member. The Pretrial Release copy of the bond is sent to the Pretrial Release Tracking Unit for supervision.

An exception to the Misdemeanor Bonding Process described above exists as follows. Seven of the nine County Courts at Law have delegated authority to the Pretrial Release Agency to release a defendant on Pretrial Release bond, without the judge's signature, during those hours when the court is not in session, if the defendant:

- a) Is a resident of the County for one year or more
- b) Has no prior arrests
- c) Receives 6 or more points on interview and verification

If the defendant meets these qualifications for release, the interviewer completes the bond which he has already had signed by the defendant, the bond is filed with the Deputy District Court Clerk, and a C87 release form is directed to the Sheriff.

INTERVIEW AND BONDING OF NON-ARREST DEFENDANTS

If an Arrest Warrant has been issued but not yet executed against a person, and that person is not in custody, he is categorized as a non-arrest. These persons may receive a letter from the Houston Police Department, Sheriff's Office or the District Attorney, telling him of the existence of this warrant. Before such an individual surrenders for an arrest, he may post bond.

The non-arrest defendant is interviewed in the Pretrial Release office and signs a blank bond. The computer is checked to ascertain the cause number, the bond amount, and any open warrants or prior charges. The information on the interview form is verified and the bond is brought to the judge who has jurisdiction over the arrest for signature. This bond is transported to the Justice of the Peace or Judge or the County Court at Law by an interviewer or a family member. When the bond is returned signed, it is filed with Central Bonding. If the charge against the defendant is a misdemeanor, the defendant is given a court date seven days from the filing of the bond. If the charge is a felony, the non-arrest defendant is turned over to the Sheriff's deputy in central bonding. The Sheriff's deputy takes the defendant's fingerprints, photographs the defendant and checks his past criminal history. If there are no warrants, the defendant is released but if warrants are discovered, the Sheriff's deputy will not accept the bond. The fees for all misdemeanor bonds must be paid before the bond is filed. If a misdemeanor bond is filed after 5:00 p.m., the fee

is paid subsequent to the bond filing. Felony bonds are filed without payment of fee.

ROLE OF THE PRETRIAL RELEASE TRACKING UNIT

The Pretrial Release Tracking Unit makes court date notifications to defendants released on Pretrial Release bond, attempts to arrange for the voluntary surrender of persons who have missed court appearances and have had warrants issued for their arrests, arranges for bond surrenders, and accounts for the fees received by the Agency. To accomplish this, at 7:00 a.m., each day, the unit receives all interviews and bonds for defendants who have been released on Pretrial Release bond. The following steps are then initiated:

- a) A file is established including the original interview and bond.
- b) A defendant check-in card is prepared and filed at the receptionist desk.
- c) Entries are made on a daily activity log.
- d) A point card is prepared and filed in a rolodex for the review of the ombudsman.
- e) Court date pages (lists of defendants due to appear in court on a given day) are prepared.

NOTIFICATIONS

The court date pages are utilized to facilitate notifying defendants of future court appearances. Notification is accomplished by sending a post card to each defendant three weeks in advance of the scheduled court date. As each post card is filled out, the sender initials the check-in card. If the post card is

returned due to an improper address, it is stapled to the defendant's check-in card and refiled with an indication that the address was improper. The court date pages are cross-checked with a computer generated list which indicates the court date for all defendants released on Pretrial Release bond.

The defendant has the obligation to check-in every two weeks and after each court appearance. Each time a defendant checks-in the fact is recorded on the check-in card.

BOND FORFEITURES

If a defendant fails to appear for a scheduled court date a warrant is issued for his arrest. Pretrial Release picks up a list of forfeitures for each day from the Bond Forfeitures section of the District Court. The unit attempts to locate the defendant, ascertain why he failed to appear, and urges him to return to court immediately. Those attempts to locate the defendant continue until the County Sheriff appears in the Pretrial Release office with an Alias Capias Warrant. At this point, Pretrial Release gives the sheriff all of the information the Agency has on the defendant and an entry pertaining to the defendant is made in the Pretrial Release Bond Forfeiture Book.

BOND SURRENDERS

Occasionally, Pretrial Release will request revocation of a bond the Agency has written. The reasons for this may be as follows:

- a) The defendant may have been re-arrested.
- b) The defendant may have failed to pay the Pretrial Release fee.
- c) The defendant may have failed to comply with Pre-trial Release monitoring conditions.

The request is made to the judge who has jurisdiction over the case, normally at the defendant's next scheduled appearance.

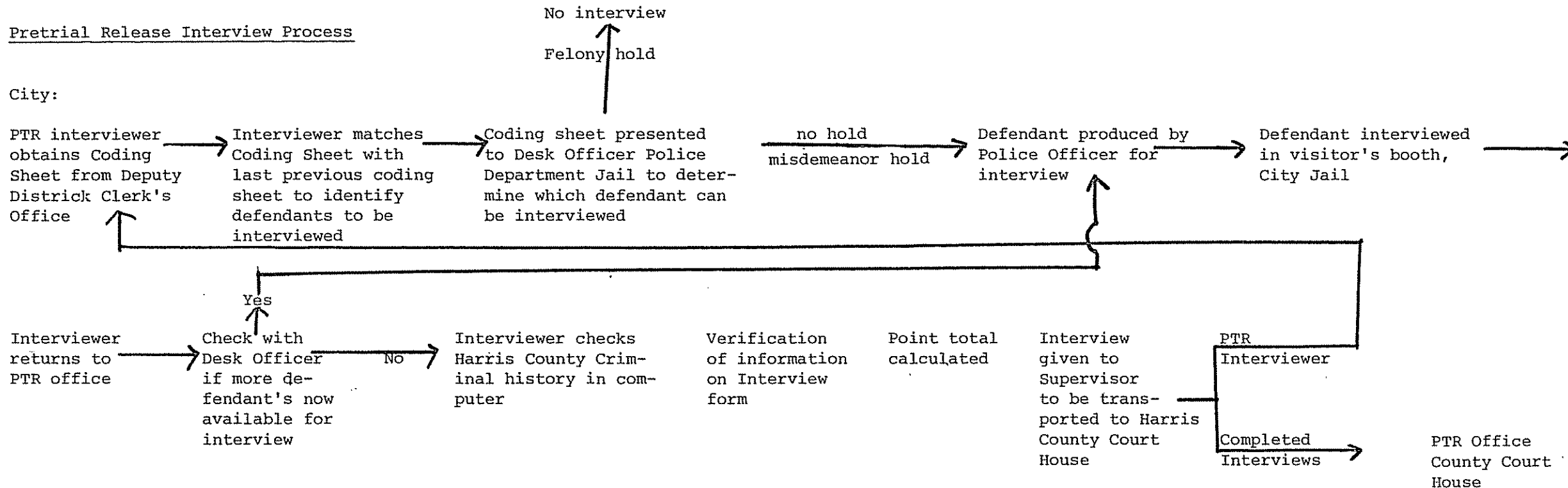
FEES

Upon release from custody a defendant is informed of his obligation to pay a fee of not more than 3% of the face value of the bond. The amount of the fee is determined by the interviewer.

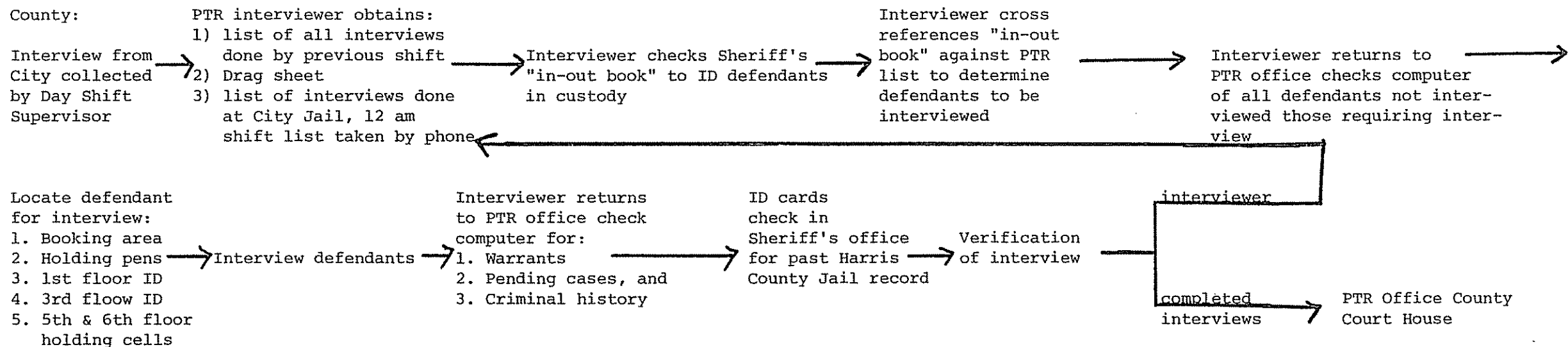
If the bond was written for a non-arrest, the fee is payable on the day the bond is filed, if the arrest charge is a misdemeanor the fee must be paid within seven days of filing; and if the bond is filed for a felony, the fee should be paid as soon as possible but a minimum \$50.00 is to be paid within five days. Daily logs are kept of those defendants who are in arrears of payment and a letter is sent if the fee is not paid. All money that is collected is brought daily to the Treasurer's office. All payments made by the defendant are listed on both the defendant's check-in card and bond.

Pretrial Release Interview Process

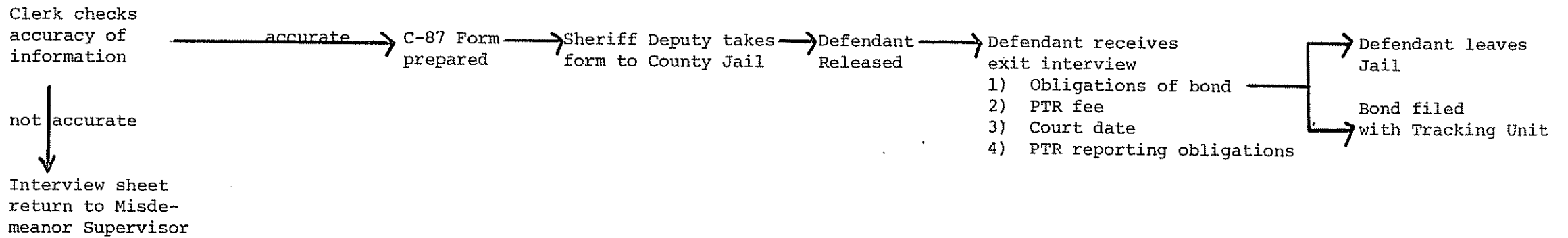
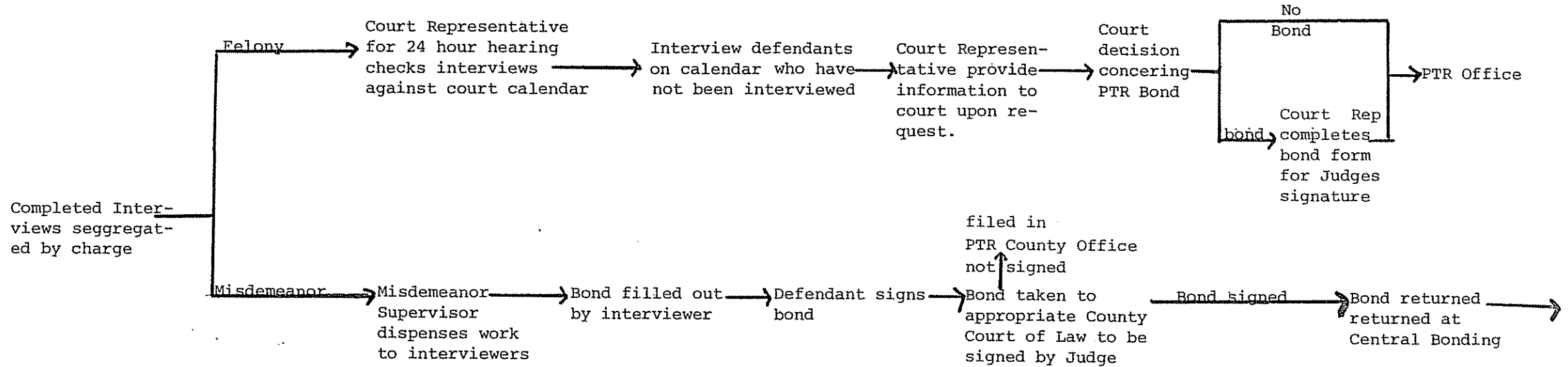
City:



County:



Pretrial Release Interview Process



Misdemeanor interview and bonding procedure when court not in session

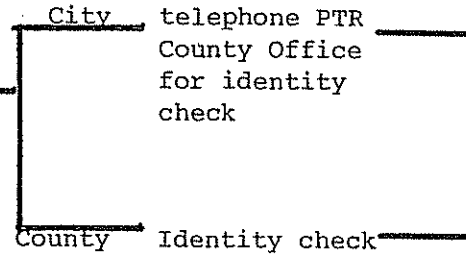
City

Interviewer examines Coding sheet to ID defendant's charged with Misdemeanor

Interview defendant

Defendant signs blank bond attaches bond to interview form

Interviewer returns to PTR Office for warrant check in computer



Verification of information on interview sheet

County

Interviewer examines "in-out book" to ID defendant's charged with Misdemeanor

Determines if defendant meets interview to be released by PTR:
1) Resident Harris County for 1 year
2) No prior arrest
3) Over 6 points
4) Defendant's case assigned to County Court recognizing PTR release for misdemeanor

Yes

Bond completed by interviewer

Bond taken to Deputy Clerk Central Bonding

Bond not accepted information not accurate

Clerk at Central Bonding
1) Checks accuracy of bond
2) completes Criminal history check

information accurate

Clerk issues C-87 Form

No

Interview placed on Misdemeanor Supervisor's desk

Misdemeanor interview and bonding procedure when court not in session

C-87 Form
transmitted

to holding agency:

- 1) County Jail
- 2) City Jail

→ Defendant Released
by holding agency

→ PTR interviewer completes
exit interview:

- 1) Rules of bond
- 2) Court dates
- 3) PTR fee
- 4) Defendant's reporting obligations

→ Defendant leaves
holding facility

→ Bond given to
PTR Tracking Unit

PROBLEMS AND RECOMMENDATIONS

This section of the report sets forth both problems effecting operations of the Pretrial Release Agency which were identified in the study, as well as recommendations designed to either eliminate the problem or reduce its impact.

Pretrial Release programs exist in virtually every major jurisdiction in the United States. While their organization and operational procedures differ from jurisdiction-to-jurisdiction, there is a consensus as to the overall purpose of such programs. These programs have been primarily established to insure fair application of bail statutes in a jurisdiction. They have attempted to accomplish this by providing the courts with objectively gathered and verified information on defendants which assists judges in individualizing bail decisions. By providing the judge with information dealing with the stability of the defendant's community ties and a prediction of the likelihood of his appearing in court when required, the judge is in a much stronger position to render a appropriate bail decision.

Additionally, the providing of such information early in the judicial process assists in speedy disposition of cases. Judges utilize this information to determine the appropriateness of offered pleas, and both the parameters and the type of sentence which should be imposed on the defendant.

As a result, program operations may have a direct bearing on the size of the pretrial detention population in a given jurisdiction. Where an effective program exists the detention population is generally found to be lower than in comparable jurisdictions without programs, or with inefficient programs.

Using the above as criteria against which to measure the effectiveness of the Harris County Pretrial Release Agency and guided by the fact that the Federal District Court had determined that the Agency was to play a role in the reduction of the detention population, which was judged to be excessively large, problems impeding the effective operation of the agency were identified and recommendations were formulated to address these problems.

It is important to note that the on-site examination of the Harris County Pretrial Release Agency took place between January 26th, 1977 and March 18th, 1977. Toward the end of this process the Agency, under the direction of a new program director, began movement on its own to rectify certain problems. It is the decision of the authors of this report to present for consideration all problem areas identified between January and March and to indicate those areas where the Agency began to take corrective action on its own behalf. In this way, proper recognition of the Agency's actions can be noted.

The organization of this section of the report for the presentation of problems and recommendations is divided into five areas. They are:

1. Pretrial Release Agency: Definition of Role and Function.
2. Pretrial Release Agency: Internal Structure.
3. Pretrial Release Agency: Operational Procedures - Interview and Verification.
4. Pretrial Release Agency: Utilization by Criminal Justice System.
5. Pretrial Release Agency: Utilization of Justice Information Management System.

The recommendation in this section have been ranked in order of their priority for implementation. This ranking should serve to assist the Agency in developing its implementation plan:

- a) A single asterisk (*) indicates that the recommendation should be implemented as soon as possible since it is essential for immediate improved agency performance.
- b) A double asterisk (**) indicates the recommendation, while important, can be attended to after first priority recommendations have been implemented.
- c) A triple asterisk (***) indicates a recommendation which should be worked on as time and resources permit.

1. PRETRIAL RELEASE AGENCY: DEFINITION OF ROLE AND FUNCTION

The perception of the Pretrial Release Agency's role as that of a release agent is detrimental to the effective operation of the Agency. The lack of a clear understanding, by those in the Agency as well as those outside, as to the Pretrial Release Agency's role is the single most important issue facing the Agency. As such we would place the highest priority on the implementation of the two recommendations in this section.

Problem: 1-1

At the present time the Agency appears to function as a "quasi-public bonding agency", writing bonds for defendants, charging a fee for each bond written, and theoretically being liable as a surety for the face value of the bond in the event a defendant fails to appear as scheduled. Superficially there appears to be little or no distinction between the Agency and private bondsmen. In fact the Agency's name states it is a releasing agency.

However, a closer examination of the Agency's activities leads one to a totally different conclusion. The Agency does not release defendants from custody on its own authority. In every case where a defendant is released from custody on an Agency bond that release has been authorized by either a Judge of the County Court at Law, a Justice of the Peace, or a District Court Judge. Even in those instances in which the Agency may effect the release of misdemeanants during the hours when court is not in session, such releases are

specifically authorized by prior judicial consent.

Private bondsmen function under no such restrictions. A bondsmen does not require Judicial approval to obtain a defendant's release. All that is required of a private bondsmen is the writing and filing of a bond on behalf of a defendant.

A further distinction between the Agency and private bondsmen is that the latter charge fairly uniform fees for the writing of a bond depending on the face amount of the bond. The Agency charges a sliding scale fee from 0% to 3% of the face value of the bond with the precise amount being set by the Agency representative handling the case.

The overall perception of the Pretrial Release Agency as a bonding agency is reinforced by the procedure followed with respect to the preparation and filing of their bonds. The Agency is only visible to the Judiciary when staff requests a Judge's signature on a bond. The only exception to this is at the 24 Hour Hearing when Justices of the Peace occasionally request Agency information in making bail decisions.

The bonding role of the Agency is further emphasized by the current practice of measuring the Agency's effectiveness by the number of bonds written.

Viewing of the Agency as a public bonding agency has the following consequences:

1. It reduces its credibility as a quasi-Criminal Justice Agency with the court and other related Criminal Justice Agencies.

2. It precludes the Agency's being used as a neutral information source to the Court, District Attorney, and Defense Bar with respect to bail decisions, and
3. It results in confusion in the minds of the media and general public at large.

In addition, the Agency's involvement with the writing of bonds causes two internal problems. The first is the perception by the staff of the bonding role as being the Agency's chief function and the second concerns itself with the bonding process which is procedurally cumbersome.

With respect to the first, the interviewer has two roles within the Agency: first that of a gatherer and verifier of information and second that of a release agent. The staff perception of the Agency as a public bonding agency leads to an emphasis on the release role rather than on the information gathering and verification role.

This direction of emphasis by staff has two consequences. First, there is a competition which develops between the individual staff members and the private bondsmen. Second, the interviewer is allowed a significant amount of discretion with regard to the allocation of his energies. There is a tendency on the part of the staff to be more concerned with the releasing of defendants than with the collection and verification of information. This can result in frustration if the interviewer perceives that the major portion of his time is spent in interviewing defendants who have not potential for release.

With respect to the second, the bonding process impacts the Agency by reducing its potential for the development of

a systematic work flow. This is due to the constant interruption of staff time required by the bond writing and filing procedures.

Recommendation: 1-1*

The function and role of the Pretrial Release Agency should be redefined to eliminate the writing of bonds for the release of defendants. In lieu of this, the Agency should be recognized as a Court Service Agency providing the Court, the District Attorney, and Defense Counsel with objectively verified community tie and past Criminal History information on every arrested defendant. In addition, prior to making this information available, it should be measured against research standards to arrive at a recommendation concerning the release of the defendant. The court after evaluating the Pretrial Release Agency information and taking into consideration the seriousness of the current charge can decide whether to release the defendant on a Personal Recognizance Bond or to set bail. If the court elects to release the defendant, the release can be accomplished by having the defendant execute a Personal Recognizance Bond pursuant to Texas Code of Criminal Procedure, Section 17.03.

"The Court before whom the case is pending may in its discretion, release the defendant on his personal bond without sureties or other security. (Acts 1965, 59th Leg., p. 317, ch 722, leff, Jan 1, 1966)

Art. 17.031 Release on Personal Bond

(a) A magistrate may, upon the setting of a bond, release the defendant on his personal bond, in which case the bond may be transferred to any Court wherein the case may later be heard, and subsequent Courts may not revoke the personal bond except for good cause shown.

(b) Any magistrate in this state may release a defendant on his personal bond where the complaint and warrant for arrest does not originate in the county wherein the accused is arrested if the magistrate would have had jurisdiction over the matter had the complaint arisen within the county wherein magistrate presides. The personal bond may not be revoked by the judge or the Court issuing the warrant for arrest except for good cause shown.

(c) If there is a personal bond office in the county from which the warrant for arrest was issued, the court releasing a defendant on his personal bond will forward a copy of the personal bond to the personal bond office in that county. (Acts 1971, 62nd Leg., p.2445, ch.787, § 1, eff. June 8, 1971).

Upon the defendant's release the Pretrial Release Agency will maintain contact with and notify the defendant of future required court appearances.

In implementing the above recommendation, the Agency should meet with appropriate members of other Criminal Justice Agencies for the purpose of acquainting them with the change in the Agency's emphasis. These should also be meetings with Agency staff for the purpose of re-orienting them to this change.

Problem: I-2

Bail decisions appear to be made with little regard to defendant background information gathered by the Pretrial Release Agency but with a great deal of emphasis on the bail schedule. The intent of the May 20, 1976 order establishing the bail

schedule was that it serve as a guide in the setting of bail. However, the schedule has evolved into more than a guide.

The District Attorney, after determining the appropriate charge, refers to the bail schedule and places a bond amount for the particular crime on the District Attorney's Central Intake Screening Report. A secretary then completes the process by typing out the actual complaint from the information supplied on the Central Screening Report. On the Screening Report the wording is "Bond Rec \$ ____". However, on the complaint the wording changes from "Bond Rec \$ ____" to "Bail \$ ____". The word recommendation has been deleted.

The Deputy District Clerk also makes notations on several of his forms. The clerk lists the bond amount on the misdemeanor and felony coding sheets and further lists the bond amount on the 24 Hour Probable Cause Hearing Docket. The word recommended is not used on any of the court forms.

When the defendant first appears before either a Justice of the Peace at the 24 Hour Hearing or a Judge of the County Court at Law for the first setting, the bond amount has already been decided. That decision has been based on two pieces of information: the instant charge and the defendant's past Criminal History. The bond setting procedure does not consider the likelihood of the defendant's appearance or non-appearance for future schedule court dates. It does not consider the defendant's ties and stability within Houston and Harris County. It also does not consider the defendant's place of residence, length of time at that residence, means of support, and number of individuals the defendant is sup-

porting. All of the above are essential pieces of information which have a predictive value in determining a defendant's likelihood for appearance if released.

The impact of the bail schedule can be seen by an examination of the frequency with which the bail schedule amount is followed by the court. A sample of cases processed during three weeks in November 1976 were traced through 24 Hour Hearing, 72 Hour Hearing, Examining Trial, First District Court Setting and Second District Court Setting. In each of the 342 cases included in the sample, the District Attorney's office made a bail recommendation based upon the bail schedule. At the 24 Hour Hearing, the recommended bail amount was followed by the Judge in 86% of the cases (294 defendants), reduced in only 9% of the cases (31 defendants), and increased in 3% (11 defendants).

Tracing the cases through the 72 Hour Hearing, Examining Trial, First and Second District Court Settings, demonstrates that the bail amount is rarely reduced after the 24 Hour Hearings. (see following table).

Houring
Hearing

Houring
Hearing

Examining Trial

District
Court
Arraignment

2nd
District
Court
Settling

	342	323	285	233	185
Number of detained defendants	294	308	270	223	153
Bail remains the same	86%	95.4%	94.7%	95.7%	82.7%
Bail Reduced	31	13	14	10	1
Bail Increased	11	0	0	0	0
Bail Set	6	2	1	0	0
Number of defendants who made surety	18	37	39	11	4
Defendants cases dismissed or no bill from Grand Jury	1	1	13	37	17
	0.3%	0.3%	4.6%	15.9%	9.2%

Recommendation: 1-2

The use of a bail schedule should be discontinued in Harris County for all defendants charged with felonies. The Court should make its own determination as to an appropriate bail amount considering the instant charge, the past criminal record of the defendant, and the community tie and social stability indicators as supplied by the Pretrial Release Agency. It is further recommended that the bail schedule for misdemeanors be discontinued when the equivalent of a 24 Hour Hearing is instituted for misdemeanants.

II. PRETRIAL RELEASE AGENCY: INTERNAL STRUCTURE

The Agency's current organizational structure does not distribute its resources nor utilize them in the most effective manner.

Problem II-I

The interviewing staff is currently distributed by physical location of interview areas, city and county facilities, and by type of defendant for which the interviewer is responsible, misdemeanor felon. This distribution by physical location, while necessary, tends to isolate staff from one another. Currently, those interviewers assigned to the city believe themselves to be, by virtue of their physical distance, isolated and effectively removed from any important consideration by the rest of the Agency.

The current practice of dividing staff by defendant type allows each interviewer to work on a case from the interview through the processing of a bond. In addition, the time consumed in the bonding process is difficult to estimate. Both of these factors, contribute negatively to any administrative attempt to efficiently and systematically organize the staff for the performance of requisite tasks.

Recommendation: II-I*

The staff, while maintaining a presence both at city and county facilities, should be organized with respect to the tasks to be performed. Consistent with the recommendations made to eliminate bond writing, the staff should be dis-

tributed as follows:

- a) Interview Unit - gathering and verification of defendant information
- b) Pretrial Release Representative - agency representation in the 24 Hour Probable Cause Hearing

The rotation of interview staff between the city and county should occur on a regular basis.

Problem: II-2

Presently the Agency notifies only those defendants who have been released on Pretrial Release Bond. The method through which this notification is accomplished is by a post card which is mailed to a defendant three weeks in advance of his court date. If the defendant fails to contact the Agency, the Agency will then telephone the defendant to ascertain the reason why the defendant failed to check in as required and will remind the defendant of his Court obligations.

While this procedure currently appears to be adequate for the limited number of releases now occurring, if the release rate increases a more expanded notification system will be required to insure the successful appearance of these defendants and thereby maintain an acceptable failure to appear rate.

Recommendation: II-2a**

The Agency should establish a pro-active Notification Unit. The Unit should initiate both letter and phone contact for every defendant released pre-trial. Experience in New York indicates that intensive telephone and letter contact requiring defendant response close to the Court

appearance date can maintain an acceptable failure to appear rate while allowing for a high percentage of releases.

Recommendation: II-2b***

The Agency should seriously consider undertaking notification of all defendants who are released pre-trial regardless of the type of Bond. This should decrease the failure to appear rate among released defendants and render a beneficial service to the Court and related agencies.

Problem: II-3

The Agency's present procedure with respect to defendants having warrants for failure to appear is not intensive or systematic. Efforts with regard to the return of defendants with warrants do not utilize information in the Agency's possession to the fullest extent possible.

A low failure to appear rate is a critical indicator of the Pretrial Release Agency's success. An efficient procedure for returning to Court defendants with warrants can have a significant impact on the Agency's failure to appear rate. The experience in New York has shown that the initial failure to appear rate can be reduced approximately by one half with an effective functioning warrant unit.

Recommendation: II-3*

The Agency should create a warrant unit responsible for notifying all defendants, regardless of the method of release, that a warrant for their arrest has been issued

for failure to appear in Court as scheduled. This can be accomplished by obtaining a daily computer generated list of defendants who failed to appear and attempted to contact these defendants by the use of information contained on the defendant's interview form.

Problem: II-4

Agency personnel maintain a visible Court presence for felonies at the 24 Hour Probable Cause Hearing presided over by a Justice of the Peace. There is seldom if ever any Agency appearance on behalf of a felony defendant in Court after his initial Court appearance. If the defendant is not released at the 24 Hour Hearing he faces a lengthy period of pre-trial detention before his case is adjudicated.

A three week study was conducted of detained defendants appearing for the 24 Hour Hearing. Out of a total of 342 defendants 19 (5.6%) were released while 323 (94.6%) remained in detention after their initial court appearance.

At the time of Arraignment in District Court, which occurs on an average of 6 weeks from 24 Hour Hearing, 233 defendants (68%) of the original sample were still detained while 109 (32%) had been released either on private bond or had their case dismissed. At the second District Court Setting 185 defendants (54%) remained incarcerated while 157 defendants (46%) had been released either on private bond or had their case dismissed. It appears that a significant number of felony defendants remain in detention after the 24 Hour Hearing with no concentrated effort on their behalf by the Pretrial Release Agency.

	Houring Hearing	Houring Hearing	Examining Trial	Court Arrangement	Court Setting
Number of detained defendants	342	323	295	233	185
Bail remains the same	294 86%	308 95.4%	270 94.7%	223 95.7%	153 82.7%
Bail Reduced	31 9%	13 4%	14 5%	10 4.3%	1 0.5%
Bail Increased	11 3%	0 0%	0 0%	0 0%	0 0%
Bail Set	6 1.8%	2 0.6%	1 0.3%	0 0%	0 0%
Number of defendants who made surety	18 5.3%	37 11.5%	39 13.7%	11 4.7%	4 2.2%
Defendants cas- es dismissed or no bill from Grand Jury	1 0.3%	1 0.3%	13 4.6%	37 15.9%	17 9.2%

Recommendation: II-4**

The Pretrial Release Agency should establish a unit to examine all felony cases detained after the 24 Hour Hearing. This unit should provide the District Court, at the defendant's first setting, with updated verified information, past Criminal History information relative to the defendant and to the extent possible, an appearance history for each defendant. By appearance history it is meant a record of a defendant's appearances or non-appearance at each Court setting for each arrest. It should also state the arrest charge and bail status at each setting.

This information would be available to assist the Court in reassessing the current bail and/or making early case dispositional decisions. The unit will further be available to provide the District Court Judge with any other information the Court feels necessary to make a decision with regard to a defendant.

Problem: II-5

The adoption of the preceding recommendations will require a redistribution of staff. It will involve a movement of interviewing staff to the city jail to handle an anticipated increase in interviews at that facility. Reassignment of staff to establish a follow-up unit to work with detained felony defendants as well as warrant and notification units will also be necessary. At present, there does not appear to be a systematic mechanism employed by the Agency for determining the requisite staffing levels and the appropriate distribution of staff.

Recommendation: II-5*

Decisions with respect to the necessary staffing requirements and their appropriate distribution within the Agency should take place on the basis of a work demand analysis.

With respect to the initial interview of defendants, such an analysis would set forth the approximate number of defendants to be processed at each interview location, i.e., city jail and county jail, as well as the approximate time required to process each defendant. This data should be gathered for each day of the week as well as each hour in each day to account for varying arrest patterns. An analysis of the data will show the man hours required to process defendants each day and from this can be determined the appropriate staffing requirements.

With respect to the work required by the follow-up unit, an analysis of the population of recommended felony defendants

detained after the 24 Hour Probable Cause Hearing coupled with an estimate of the time required to produce a work product on each case should show the man hours required to process each day's intake. The analysis of this data should be used to determine the necessary staffing for the unit.

The recommended changes in the notification unit and the establishment of a warrant unit will require that a similar work demand analysis be undertaken. However, given the expanded use of the Agency's computer resources, (discussed later in the report) the changes should not be expected to require additional staff.

The supervisory positions as detailed in the current Agency Table of Organization effective April 1, 1977 are adequate to support these recommended changes with the addition of a Follow-up Supervisor. Any staffing analysis should also include a consideration as to the number of bilingual Spanish speaking interviewers which will be necessary to insure 24 hour capability to interview non-English speaking defendants.

Problem: II-6

The Harris County Pretrial Release Agency does not maintain a Procedures Manual. Such a manual would provide a definition of Agency policies currently in force which are meant to be uniformly applied by all staff as well as assisting staff in solving daily operational problems. Without such a manual each staff member is left to develop policies and solve problems independently.

This situation allows for a great degree of interviewer and supervisor discretion which may be detrimental to an organization such as the Pretrial Release Agency.

Recommendation: II-6*

A detailed Agency Procedure Manual should be developed and distributed to every employee. This manual should include:

- 1) A detailed description of the Agency, its goals and objectives, and its role in the Criminal Justice System.
- 2) A job description specifically delineating tasks and responsibilities for each position in the Agency.
- 3) A description of acceptable interview, verification, notification, follow-up and computer techniques.
- 4) A full description of standard operating procedures which each Agency employee should be required to follow.

The benefits of such a manual would be that each employee would have a reference tool available to assist him or her in solving daily problems in accord with standard policy. The manual would limit the discretion which individual interviewers and supervisors currently exercise. If the goal of the Agency is to provide objective information and recommendations to the Court, Defense and District Attorney discretion and subjectivity become dysfunctional.

Problem: II-7

There is no formalized training procedure whereby new Agency employees are taught how to perform tasks which will be required of them. As a result of the lack of a detailed training procedure, new employees are at times left to

their own devices to master job requirements. Usually new interviewers are assigned to a more experienced interviewer to receive training and to answer their questions. This, in effect, works against any uniform understanding of Agency Policy. Each new interviewer becomes trained consistent with the perception of the training interviewer as to the policies and operational procedures of the Agency. This training process has a high potential for developing individual variations within the Agency's policies and operational procedures.

Recommendation: II-7**

The Agency should develop a formal training program providing instruction to all Agency employees on:

- 1) agency goals and objectives
- 2) the Criminal Justice System in Harris County and the Agency role in that system
- 3) interview procedure
- 4) verification procedure
- 5) computer use
- 6) notification procedure
- 7) warrant procedure
- 8) felony follow-up procedure

By implementing this training program the Agency would be better able to insure a more uniform application of Agency policy and operating procedures. This would also demonstrate to the Agency staff the role they play within the Harris County Criminal Justice System.

Problem: II-8

There is no current evaluation system which objectively measures the job performance of Agency employees. As a result of this, job performance is subjectively measured based upon supervisor impressions of individual employees. An effective evaluation system can provide management with an invaluable tool in measuring employee's job performance.

Recommendation: II-8***

The Agency should develop a employee evaluation system. This system should measure the difference between job requirements and actual job performance. The inherent benefit of an effective evaluation system is that it allows an employee to know how close his/her job performance approaches the goals and expectations the Agency Administrators have set for his/her performance.

Problem: II-9

It is necessary for the Agency to remain flexible and responsive to the needs of the Criminal Justice System. The Pretrial Release Agency must also be in a position to allow for early identification of problems as they develop within and without the Agency.

Recommendation: II-9*

Agency administrators, including the Director, Deputy Director, City and County Supervisor, should regularly meet as a group with employees to identify problems and receive input necessary to improve procedures.

In addition to regular meetings with line staff it is essential that the administrators meet regularly as a management team to discuss problems, analyze current situations, suggest and plan new procedures, and implement changes as required. The total effect of this will be to provide the Agency with a mechanism to maintain the high degree of flexibility required to produce necessary change and maintain Agency effectiveness. It should be noted that this approach has been begun by the current director and we would strongly recommend its continuance.

Problem: II-10

The Agency does not provide a visible work product which can be seen by other agencies. The interviews which the Agency conducts of arrested defendants are not regularly seen by the Court at any jurisdictional level or by any other Criminal Justice Agency. The only physical indicator of the Agency's efforts is the presentation of a bond for a Judge's signature and the filing of that bond with the Sheriff. Further, the monthly Agency statistics are not indicative of the actual work performed. The statistics are geared to emphasize release rather than Agency contribution to the overall functioning of the Criminal Justice System.

Recommendation: II-10*

The Agency should routinely supply the courts, the District Attorney, and Defense Counsel with copies of the interview form on all arrested defendants.

In addition, by providing on the form recommendations concerning release based on objective research standards the Agency's credibility should be increased. This will occur particularly if the Agency can show the strength of its recommendations as a predictor of future court appearances.

Once a sufficiently large data bank of Pretrial Release interviewed defendants is available statistics can be generated which should reflect:

- a) number of releases
- b) failure to appear rate as related to the recommendation category
- c) percentage of releases at defendant's first court appearance and subsequent court appearances
- d) percentage of disposition of cases by charge and recommendation

Problem: II-11

The Justice Information Management System (JIMS) is a well conceived, comprehensive information resource for the Justice System in Harris County. The Pretrial Release Agency neither avails itself of the online capabilities of the system nor contributes its data to the system-wide information base.

Pretrial Release has no effective systems level liaison with the Justice Information Management System staff. Effective use of the JIMS resource can best be assumed if a Pretrial Release Staff member, well acquainted with daily operational requirements, works in close concert with the JIMS programming staff.

Recommendation: II-11 *

In its January 1977 Progress Report, section 10, the JIMS staff displays considerable insight into the computerization potential of the Pretrial Release Agency. For its part the Pretrial Release Agency administration should actively pursue the complete computerization of the agency. Among the JIMS stated priorities for Pretrial Release, batch reports should be de-emphasized. If the manual records system is abolished, the batch reports become unnecessary. The only batch processing which should be required is for the production of weekly statistical reports.

III. PRETRIAL RELEASE AGENCY: OPERATIONAL PROCEDURES - INTERVIEW AND VERIFICATION

A great deal of time and energy on the part of Agency staff is wasted by unnecessary movement and redundancy of work. The current identification of defendants and subsequent access to these persons does not allow for any easy and certain interview of each arrested defendant.

Problem: III-1

The current procedure employed by the Pretrial Release Agency to identify defendants requiring an Agency interview while detained in the Houston Police Jail is inefficient.

The inefficiency occurs in two areas. First, there is unnecessary movement on the part of staff to identify defendants. Interview staff is required to move from the Pretrial Release office in the Municipal Court Building to the office of the Deputy District Clerk, xerox a copy of the coding sheet and then go to the 5th floor in the City Jail. This process is time consuming and since it occurs frequently the aggregate time loss is significant.

Second, this movement frequently interrupts the orderly processing of work. Interviewers must leave the interviewing area in the City Jail or the Agency's office to check on whether or not there have been any new cases filed.

Eighty percent (80%) of all defendants arrested in Harris County are initially detained in the City Jail. The Agency should be able to identify those defendants

as soon as possible after charges have been filed in order to have sufficient time to complete the interview and verification process.

Recommendation: III-1*

The Pretrial Release Agency should use the JIMS System to identify clients. The computer system in use has the capability of generating a list of all defendants who have had charges filed against them and have been listed on the coding sheet. This list should include the defendants name and the charges pending against him and should be accessible to the Agency from an on-line printing terminal adjacent to the interviewing area.

The Agency should meet with the staffs of both JIMS and the Deputy District Court Clerk to develop a procedure for providing this list. By having a computer print-out list needless interviewer movement between the Clerk's office, Pretrial Release office, and the City Jail would be eliminated.

Problem: III-2

The access of Pretrial Release Agency staff to charged defendants is controlled by the Houston Police Department. Such access to charged persons can be withheld if they fall into one of three categories:

1. Defendants with investigative holds lodged against them
2. Defendants being questioned by Police.
3. Defendants readied for movement to the County Jail.

This limiting of access reduces the potential of the Agency to interview all charged defendants while they are held in the Police facility.

Since Agency staff are unable to interview defendants where they are lodged, police personnel must be used to transport defendants for the Pretrial Release interview. This use of police personnel necessarily interferes with routine police activities.

Recommendation: III-2a*

The Agency should be permitted to interview charged defendants who appear on the coding sheet, regardless of any holds against them, while they are still lodged in the City Jail. This would not constitute a radical change since misdemeanants currently can be interviewed based on the coding sheet. Also, since felony defendants with holds are now transported to the 24 hour hearing where a Pretrial Release interview may take place, moving the time of the interview up by several hours should not impair police procedures but would significantly assist the Agency in its goal of interviewing all defendants in the police facility.

Since it is crucial that the Agency have as much time as possible to complete the interview process for all defendants, Pretrial Release should be allowed to interview defendants until such time as the defendants are physically moved to the Harris County Jail.

In order to implement this recommendation the Pretrial Release Agency should meet with appropriate Police Officials to work out a mutually agreed upon procedure for the regular movement of defendants which would minimize disruption of normal police activities.

Problem: III-3

Interviews are currently being conducted in the "Visitor's Booth" in the Houston Police Jail, a facility which is quite unsatisfactory for a number of reasons:

1. The space is small, approximately 3 1/2 x 6'.
2. The acoustics of the space are so poor as to threaten accurate transcription of information.
3. The space may be shared with non-Pretrial Release staff, such as Lawyers, visitors, further reducing the interview space and privacy.

In addition, since the Agency does not have assigned space in the jail verification of information obtained in a defendant's interview must await the interviewer's return to the Pretrial Release office. This movement is time consuming and also makes it difficult to re-interview a defendant and obtain further verification sources.

Recommendation: III-3*

The Pretrial Release Agency should seek assigned space within the jail from the Police Department. It is our understanding that the assignment of some space is currently being discussed.

Prior to reaching any final agreement the Agency should determine that the space provided and the renovation

planned are sufficient to allow for the interviewing of all defendants within the Jail, the verification of information and the installation of computer hardware.

Problem: III-4

The Pretrial Release Agency currently has very limited access to defendant criminal history information as maintained by the Houston Police Department. With the exception of felony defendants scoring six or more points on the Pretrial Release interview, the Agency is forced to rely on a defendant's own statements as to past arrests and convictions in Houston. This exception allowing access to some information is the result of a recent change in Police policy. If the objective of the Agency is to provide the Court with reliable information on each defendant then continued reliance on information supplied by a defendant concerning past arrest and convictions is not feasible.

Recommendation: III-4*

The Agency should be authorized to obtain criminal history information, as it is known to the Police, for every defendant who has had charges filed against him. This would somewhat expand the current procedure which provides the Agency access to criminal history information for only those defendants attaining 6 or more points and would provide the Court with reliable information on all defendants.

Problem: III-5

The procedure used by the Pretrial Release Agency to identify defendants appropriate for interview in the Harris County Jail requires excessive movement on the part of Agency staff and the potential for missing defendants exists.

Defendants booked into the Harris County Jail includes both persons who require a Pretrial Release interview and those who do not. In the latter category are defendants who have been previously interviewed by Pretrial Release in the Houston Police Department Jail as well as defendants whose situation is of such a nature that the question of bail is not at issue, i.e., sentenced prisoners, probation surrenders, defendants held for other jurisdictions, and those charged with C misdemeanors.

The identification of persons to be interviewed involves comparison of several lists with the elimination of those defendants not requiring an interview. The generation of lists and their comparison takes place both in the County Jail as well as in the Pretrial Release office in the County Court House. This defendant identification procedure involves unnecessary time wasted in cross referencing of lists as well as Agency staff movement back and forth between County Jail Intake and the Pretrial Release office.

Recommendation: III-5*

The Pretrial Release Agency should have a terminal in or near the Booking Area giving interviewers on-line access to charge information collected at booking. This information is required for the Agency to determine which persons, booked

into the jail, require interview.

The Agency also requires a facsimile machine to receive a list of all defendants interviewed in the Houston Police Department Jail.

These changes would allow Agency interviewers to examine a defendant's charged-based information and determine his appropriateness for interview as he is booked into the facility. By cross referencing potential defendants against the facsimile list from the City Jail the Agency staff would have the ability to identify all defendants requiring an interview at the time the booking process is complete. The impact of these changes would be to systemize defendant identification and interview.

Problem: III-6

Access by Agency staff to defendants in the Harris County Jail is a secondary priority to the Sheriff's Department personnel in prisoner processing. Since the Agency at no time has a priority on the defendant, it is impossible for Pretrial Release staff to have access to defendants on a routine basis for a specified time. Interviewers not only must identify defendants but also locate them prior to interview. Once an interview begins it can be terminated at any stage if the Sheriff's Department requires the defendant.

Interviews are done subject to interruptions and often in full view and hearing of other defendants and Sheriff's Department personnel this lack of privacy, poor acoustics,

and often rushed nature of the interview raises serious questions as to the completeness of information gathered and the accuracy of the transcription of that information.

In addition, the verification process must take place in the Agency's office further requiring movement by interview staff from the Jail facility to the third floor of the County Court Building.

Recommendation: III-6*

The Agency should explore with the Harris County Sheriff's Department the possibility of developing a prisoner flow whereby the Pretrial Release Agency should obtain uninterrupted access to defendants for a specified length of time on a regular basis. Such access should occur immediately after the booking of a defendant into the facility and prior to his movement from the first floor. Concomitant with the development of these procedures the Pretrial Release Agency should request the allocation of space for the Agency's use from the Sheriff's Department. This space should be as close as possible to the Booking Desk in order to intergrate the Agency's defendant identification and interview process into the Sheriff's booking process.*

* Pretrial Release staff indicated that it was very helpful to interview a defendant before his wallet was taken, since it may contain address and telephone information which can assist in verification.

Plans are now in existence which call for the construction of a new jail. In this new facility Pretrial Release will be allocated space in the Intake Section, and while this design is good it cannot be implemented for at least two years. In the interim space should be found in the existing Jail.

The Pretrial Release Agency should insure that any space provided is large enough to allow for verification and to house the necessary computer hardware.

Problem: III-7

The Agency utilizes Harris County criminal history information in the preparation of it's reports. This information is taken from the Pretrial Release computer terminal and is transcribed onto the interview sheet. A more systematic approach to interview/verification process would be for Pretrial Release to have the availability of this criminal history record in hard copy form, in the jail.

While access to this record on a terminal screen may be sufficient, it has been the experience in New York that if the volume of cases increases and the pressure on the interviewers to work expeditiously increases, the availability of hard copy reduces potential mistakes and also allows the work to be organized around those times when defendant intake is lessened.

Recommendation: III-7*

The Pretrial Release Agency should be allocated space in the jail sufficient to accommodate a terminal which would be able to provide on-line access to the Sheriff's

Criminal History information. Ideally, this information should be generated in hard copy form.

Problem: III-8

The Pretrial Release Agency currently has access to a person arrested in an outlying jurisdiction when that defendant is booked into the Harris County Jail or when that defendant appears in Court for the 24 hour hearing. Defendants held by the arresting jurisdiction until appearance before County Courts at Law regularly escape the attention of the Agency. This precludes the Pretrial Release Agency from initiating any work on a case while the defendant is lodged in the arresting jurisdiction.

Additionally, for defendants arrested in these outlying areas the Agency must rely on a defendant's statement as to his past arrest history in the jurisdiction of his/her current arrest.

Recommendation: III-8***

The Agency should explore with outlying police jurisdictions the possibility of allowing defendants to be interviewed by phone. This will enable Agency staff to verify the defendant's personal information and check for criminal history information in the Harris County Sheriff's Department in advance of the defendant's appearance in Court.

While a telephone interview is less than the optimum, geographic size of the County along with Agency staffing limitations make it the most realistic alternative, and one which has been found acceptable in other jurisdictions.

The Agency should further explore with outlying police jurisdictions the possibility of obtaining copies of defendant criminal history information. This could be accomplished if a copy of the defendant's arrest history could be transmitted to Pretrial Release by facsimile machine at time of defendant interview.

Problem: III-10

There is no system to provide for an interview of all non-arrest cases.

A significant number of charges are filed against defendants who are not in custody at the time charges are filed by the District Attorney. These defendants are referred to as "non-arrests" and a "to be" (2B) warrant is issued against them. If a defendant is arrested as a result of a "to be" (2B) warrant he will be identified and processed by the Pretrial Release Agency in the same manner as defendants who are in custody at the time charges are filed. Therefore, it is possible for the Agency to interview all of these defendants. However, some defendants upon learning of the existence of a warrant, voluntarily surrender themselves to a police agency, Sheriff's Department, or the District Attorney's office. At this time these defendants are able to post bond in lieu of incarceration. It is this population of non-arrest cases which are not routinely interviewed by the Pretrial Release Agency.

Recommendation: III-10***

The Agency in conjunction with Police Agencies, Sheriff's Department and the District Attorney's office should develop a procedure whereby defendants who voluntarily surrender are systematically referred to the Pretrial Release Agency for an interview. This would enable Pretrial Release Agency information to be available on all such defendants and would provide the Agency with the information necessary to make court date notifications.

IV. PRETRIAL RELEASE AGENCY: UTILIZATION BY THE CRIMINAL JUSTICE SYSTEM.

While information is gathered by the Pretrial Release Agency on a substantial number of defendants, little of this information is made available to the various participants in the Criminal Justice System. That information which is made available, is presented in a form which lacks clarity and prevents easy comprehension.

Problem: IV-1

Although the Pretrial Release Agency gathers and verifies information on a defendant's community ties and previous criminal history such information is not routinely made available to the Judges of the District Courts, county Courts at Law, and Justices of the Peace. Experience in other jurisdictions indicates that such verified information is of assistance to Judges at various stages of the Criminal Justice Process.

Conversations with various members of the Harris County Judiciary indicated that the judges find the following items of information important to them in making bail and disposition decisions:

1. Defendant's residence
2. Length of time in residence
3. Persons with whom the defendant resides
4. Employment status (means of support)
5. Past Criminal History Information

The Judiciary further indicated that if the information were provided to the Court it would be important to know which of the items have been verified as accurate. With the possession of this type of information and with an awareness of the facts of the instant charge as enumerated by both the Prosecutor and Defense, the Court is in a strong position to make an appropriate bail decision. Additionally, this information can also be used by the Court in making case dispositional decisions. Various Judges indicated information pertaining to a defendant's community ties and past criminal activity would be useful in the following circumstances:

- a. In making appropriate bail decisions.
- b. Assisting in the early disposition of a case by providing the Judge with additional information to consider in determining the appropriateness of suggested pleas.
- c. As a reference point from which the Judge may direct specific inquiries by the Probation Department.

The Pretrial Release Agency currently has objectively verified information relative to defendant's ties to the community and his past criminal record but it is not provided to any Court on a regular basis.

Recommendation: IV-1*

The Pretrial Release Agency should provide the Court with a form which contains verified social stability indicators and past Criminal History information on every arrested

defendant.

The social stability information on this form should be objectively gathered and should be verified through a source provided by the defendant. The past Criminal History information should be obtained from the Houston Police Department and the Harris County Sheriff's Department. The Pretrial Release form should be attached to Court's moving papers and follow the case from first setting to disposition and sentence.

Problem: IV-2

The District Attorney does not receive at the defendant's first Court appearance any information relative to the defendant's community ties nor does he receive criminal history information relative to the defendant from the Harris County Sheriff's Department. However, he does have a summary of the defendant's past criminal history from the Houston Police Department. The District Attorney bases his bail recommendation on two factors. The first is the instant charge lodged against the defendant and the second is the defendant's past criminal history.

If the District Attorney were in possession of objective, verified information demonstrating a defendant's roots in the community, and his entire past criminal history, he would be in an informationally strong position to argue for reasonable bail.

Recommendation: IV-3*

The Pretrial Release Agency should provide the District Attorney, at the defendant's first court appearance, with a

form which contains verified social stability indicators and past criminal history information on every defendant. This form should be identical in all respects to the form which the Court receives.

Problem: IV-4

For the purpose of this section all reference made to Defense Counsel will include Staff Attorneys. Defense Counsel can be chosen to represent a defendant in one of two ways. Counsel can be privately retained either by the defendant himself or the defendant's family or if the defendant is indigent the Court will assign Counsel to represent him. In either case Counsel has little time to interview a defendant adequately and verify the information the defendant has supplied relative to social stability indicators and past criminal history. Since bail is one of the most important decisions made at the defendant's first court appearance, it is necessary for Defense Counsel to have objectively verified community tie information relative to the defendant in his possession to argue for appropriate conditions of release. It would be further useful for Defense Counsel to be in possession of an accurate record of the defendant's past criminal history in order to make appropriate oral arguments and persuade the Court that if the defendant is released without posting a surety bond he will return when required. This information may also be used by Defense Counsel in making decisions relative to an early case disposition for his client.

Recommendation: IV-4*

The Pretrial Release Agency should provide the Defense Counsel at the defendant's first court appearance with a form which contains verified social stability indicators and past criminal history information on every arrested defendant. The form should be identical in all respects the form which the Court and District Attorney receive.

Problem: IV-5

While this is not seen as a crucial problem, Pretrial Release information could be of use to Probation and other correctional agencies. The defendant based information used by Probation in beginning its pre-sentence reports and by correctional agencies in their classification process is similiar to that collected and verified by the Pretrial Release Agency. At present the information is rarely made available to either Probation or other correctional agencies.

Recommendation: IV-5***

The Pretrial Release Agency should initiate meetings with these respective agencies to acquaint them with the type of information available through the Agency and to develop a systematized procedure for information exchange.

Problem: IV-6

The layout of the existing form is visually cluttered and information is presented in a way that precludes easy comprehension.

The tabulation of the point score is done on the face of the form, thereby obscuring some information. There is no

graphic emphasis used to highlight different types of information. Information is recorded in a way which does not distinguish important pieces of information from those of lesser importance. In addition, there is no readily comprehensible indication on the form as to those items which have been verified.

Recommendation: IV-6*

The Pretrial Release Agency should redesign its interview form to make the layout more visually attractive and to highlight the key elements. This can be accomplished by shading, boxing, and the use of arrows. There also should be separate sections of the form devoted to a clear indication of items verified and the tabulation of the point scale.

Problem: IV-7

The types of information recorded on Pretrial Release's form are less than adequate in assisting the Judge in making a bail/release decision.

Recommendation: IV-7*

Items such as make and model of automobile, which are clearly irrelevant to a defendant's likelihood to appear in court, should be dropped entirely. A verified summary of the defendant's prior convictions, open cases and outstanding warrants should be added.

A clear and graphic indication of which item relating to the defendant's past and present personal characteristics have been verified by Pretrial Release should be added. Stability of residence, present employment, and past court attendance record are generally accepted as valid ind-

icators of the defendant's likelihood of appearing in Court; this they should be clearly emphasized.

Problem: IV-8

The point system currently in use lacks a Houston based research justification. It is grounded on old data from a different jurisdiction. It is difficult for non-Agency personnel to understand and cumbersome for Agency staff to calculate.

Recommendation: IV-8**

An improved screening system should be developed to predict likelihood-to-return to Court based upon Houston-Harris County defendants. A multivariate predictor can be produced using existing social science techniques. Examination of alternative screening techniques employed by similar agencies elsewhere in the nation should be pursued systematically.

The new Harris County point system should have;

1. substantial face validity
2. a simple method of calculation, and
3. a direct connection to a series of differential release recommendations

Problem: IV-9

No recommendation concerning release/non release is placed on the Pretrial Release Agency interview form.

Recommendation: IV-9*

The Agency should unequivocally state its recommendation on the form, so that it is available as a decision-making resource for all Judges reviewing the case papers at any stage in the Judicial process.

This assumes the form accompanies the remainder of the case papers, and the recommendation is substantiated by the Houston based research. The recommendation constitutes a shorthand prediction of the defendant's likelihood to return for future scheduled court dates.

Problem: IV-10

Defendant information garnered by the Pretrial Release Agency is not appended to the JIMS data files.

Recommendation: IV-10*

The Agency should begin immediately to supplement the JIMS data with information gathered under its own auspices. Adequate programming mechanisms exists in JIMS to ensure the confidentiality of restricted information. Two other major categories of data should be input regularly.

1. The Agency's recommendation, and
2. The outcome of Pretrial Release-defendant contacts.

V. PRETRIAL RELEASE AGENCY: UTILIZATION OF JUSTICE
INFORMATION MANAGEMENT SYSTEM

The Pretrial Release Agency unnecessarily relies upon dispersed paper files and a labor intensive information system rather than upon the Harris County Criminal Justice Information System (JIMS).

Problem: V-1

Pretrial Release presently employs the outputs of the JIMS system only for the transfer of information to manual records. The ability of an on-line, real-time computer system to expedite administration is not utilized.

Recommendation: V-1**

Assuming that the Agency has input to JIMS current defendant addresses, and that JIMS has its defendant files indexed by adjournment dates, the Pretrial Release Agency should utilize the JIMS system to generate notification letters for released defendants. Check-ins by defendants also should be done on-line for the dual purpose of eliminating manual lookup of defendants and to permit the automated production of check-in failure lists. Defendants appearing on the latter lists should be contacted by telephone and the results of the contact recorded on-line.

JIMS should be employed to produce weekly statistical reports of release and disposition status, cross-classified by charge level and Agency recommendation. The post-release Court attendance behavior of release defendants should be

available in weekly failure-to-appear tables, cross-referenced by Agency recommendation. All of the court-outcome information is already available in JIMS; all that needs to be added are the Agency's data elements.

Problem: V-2

The research and evaluative capacity of JIMS are not used.

Recommendation: V-2*

In order to adequately assess Pretrial Release's impact, the JIMS data base on the totality of criminal cases should be used. It is essential that Pretrial Release employ JIMS data to account for the detention status of both its clients and defendants not released under its auspices. With the JIMS data, important defendant characteristics such as prior convictions, previous appearance history and current charges can be held statistically constant in order to determine the independent effect of Pretrial Release's efforts. Regular comparison of warrant rates, re-arrest and dispositions should be made between defendants released on recognizance, released on bail and held on bail or remand.

Problem: V-3

The JIMS is not used to conduct cost-benefit analysis of the Agency's operations.

Recommendation: V-3**

The Pretrial Release Agency should extract sufficient information from JIMS to determine the unit cost of defendant interviewing and notification.

Combined with aggregate counts of defendant interviews, releases and notification contacts, the cost-effectiveness of the Agency can be calculated. If historical files are available in JIMS it may be possible to determine the dollar-saving associated with the decreased detention time resulting from Pretrial Release's activity.

Problem: V-4

JIMS is not used for early identification of defendants for purposes of interviewing.

Recommendation: V-4*

The entry of a new defendant into the JIMS files by the District Clerk's staff represents an early signal that a defendant exists for interview. A list of interviewable defendants could be generated automatically by JIMS, replacing the present cumbersome referral to various manual logs and records. (see Recommendation III-1 and III-5).

A P P E N D I X

In the following section, we have enclosed those forms which have been referred to in the body of this report.

HARRIS COUNTY BAIL SCHEDULE

ORDER OF THE HARRIS COUNTY
JUSTICES OF THE PEACE
(BOND AMOUNTS)

COME NOW the justices of the peace of Harris County, Texas with this the order of their respective courts setting bond amounts pending grand jury indictment.

LET IT BE ORDERED, ADJUDGED, AND DECREED on this the 20 day of May, 1976, bonds be set at the following amounts for the following violations.

Assault on Police Officer	\$ 5,000
Assault with Deadly Weapon	\$ 5,000
Aggravated Robbery - when pistol discharged or weapon used	\$ - 40,000.
(merely displayed)	\$20,000

WOMEN
Felony DWI (recidivist)

with accident	\$ 2,000
accident with injury	\$ 5,000
no accident	\$ 1,000

Narcotic Violations - large quantity (consider-street value)

Violation where actor is on parole or probation \$40,000

Capital No Bail

First-degree felony \$10,000

Second-degree felony \$ 5,000

Third-degree felony \$ 1,000

Class C Misdemeanor

JUN 21 1976

No recommendation (to be set by each JP court)

Recidivists

Habitual

No Bail

First-degree felony (w/previous felony) \$30,000.

First-degree felony (second w/previous felony) \$20,000

Second-degree felony (third w/previous felony) \$10,000

Class A or B Misdemeanor \$ 1,000

Multiple count indictment

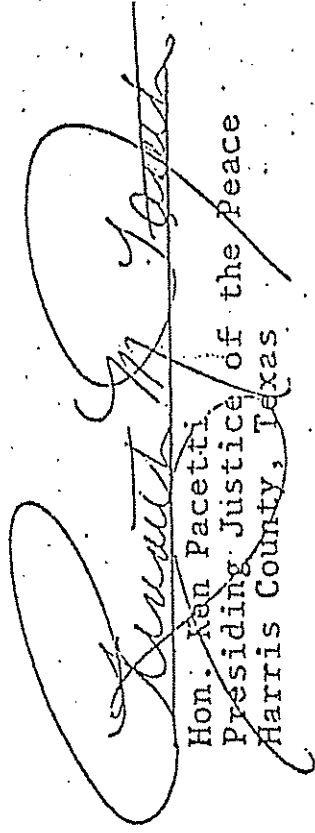
Separate bail for each transaction

Defendant on bail for felony and is charged with:

First-degree felony	\$40,000
Second-degree felony	\$20,000
Third-degree felony	\$10,000

FURTHER, it is the order of the respective justices of the peace each case is subject to being considered by each respective justice of the peace on its own circumstances. Each case is subject to a higher or lower bond.

This order shall become effective on the 20 day of May, 1976.


Hon. Ken Pacetti
Presiding Justice of the Peace
Harris County, Texas

HARRIS COUNTY DISTRICT ATTORNEY INTAKE SECTION

CENTRAL INTAKE SCREENING REPORT

CENTRAL INTAKE SCREENING REPORT

FELONY _____ MISDEMEANOR _____ J. P. PRECINCT _____
JAIL _____ TO BE _____ BOND REC. \$ _____

Level of trial assistant: 1 2 3
SCREENING ASSISTANT _____

DEFENDANT (Including Aliases): _____

DEFENDANT'S DOB, SEX AND RACE: _____

DEFENDANT'S ADDRESS: _____

CHARGE: _____

OTHER CHARGES: (Same Transaction): _____

CO-DEFENDANTS (Name Only): _____

DATE OF OFFENSE _____ POLICE AGENCY _____ OFFENSE REPORT # _____

HPD ID # _____ OTHER LAW ENF. AGENCY ID # _____

PROPERTY TAKEN AND/OR PHYSICAL VEDENCE (If Applicable): _____

PRIOR CON VICIONS/PENDING CASES: _____

OFFICER FILING CHARGES (Affiant): _____

WITNESSES: Include Names and Addresses - Show Badge No. for Officers
SCREENING ASSISTANT: In felonies indicate those witnesses ABSOLUTELY
necessary (AND NO OTHERS) for examining trial by check mark () at left.

COMPLAINANT/VICTIM: _____

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____

OFFENSE DATE: _____ TIME: _____ AM/PM LOCATION _____

ARREST DATE: _____ TIME: _____ AM/PM LOCATION _____

BRIEF STATEMENT OF FACTS ON FELONY CASES BY SCREENING ASSISTANT FOR TWENTY-FOUR
(24) HOUR HEARING AND GRAND JURY PRESENTATION: _____

HARRIS COUNTY DISTRICT ATTORNEY INTAKE SECTION

RESEARCH SHEET

RESEARCH INFORMATION
HARRIS COUNTY DISTRICT ATTORNEY

DEFENDANT: _____

COURT _____

Alias _____

CAUSE # _____

Alias _____

CHARGE _____

Alias _____

This Defendant HAS:

Case pending in _____

Cause # _____ District Ct. _____

Circle one (Indicted) (NOT Indicted)

Case pending under ALIAS: _____

Cause # _____ District Ct. _____

on ADULT PROBATION In _____

Cause # _____ District Ct. _____

Presently on appeal _____

Cause # _____ District Ct. _____

COMPANION NAMED: _____

with case pending in _____

Cause # _____ District Ct. _____

case pending under ALIAS: _____

Cause # _____ District Ct. _____

on ADULT PROBATION in _____

Cause # _____ District Ct. _____

This cause arises out of same episode or transaction as:

Cause # _____ District Ct. _____

COMPANIONS ARE: _____

A connection in this cause has been determined and is hereinafter described:

Date: _____

Signature of person completing form

District Clerk's case file
Presiding Judge
District Attorney's File

HARRIS COUNTY DISTRICT ATTORNEY INTAKE SECTION

FELONY COMPLAINT PACKET FOR DEFEN-
DANT IN CUSTODY AT TIME OF
FILING

CONTROL No. _____
See Also: _____

THE STATE OF TEXAS

VS.

Time Issued _____

CAUSE No.
& COURT

CHARGE _____

JUSTICE COURT No. _____

BAIL \$ _____

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

The Grand Jury of Harris County, State of Texas, duly organized at the _____ Term, 19____,
of the _____ District Court of said County, in said Court, at said term, do present that in the County of Harris and
State of Texas one * * * * *
hereinafter referred to as the Defendant, heretofore on or about _____, did then and
there unlawfully * * * * *

AGAINST THE PEACE AND DIGNITY OF THE STATE.

HARRIS COUNTY DISTRICT ATTORNEY INTAKE SECTION

MISDEMEANOR COMPLAINT PACKET
FOR
DEFENDANTS IN CUSTODY AT TIME
OF FILING

CONTROL No. _____
See Also: _____

THE STATE OF TEXAS
VS.

First Setting _____
Time Issued _____

CAUSE No. _____
& COURT _____

MISDEMEANOR
CHARGE _____

JUSTICE COURT No. _____
BAIL \$ _____

TO ANY PEACE OFFICER OF THE STATE OF TEXAS: G R E E T I N G S

WHEREAS complaint has been made by the undersigned affiant who upon his oath says that he has good reason to believe and does believe that in the County of Harris and State of Texas one

hereinafter referred to as the Defendant, heretofore on or about _____, did then and there unlawfully

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Sworn to and subscribed before me _____

Affiant

Assistant District Attorney of Harris County, Texas

NOW THEREFORE, HAVING DEFENDANT IN CUSTODY, YOU ARE HEREBY COMMANDED TO HAVE the Defendant AT ONCE before the Honorable said County Criminal Court at Law in Harris County, Texas, then and there to answer the above charge.

Herein fail not: Return this writ and indicate how it was executed.

Bail is hereby set at \$_____. Given under my hand _____

RAY HARDY
District Clerk, Harris County, Texas
By _____ Deputy

Magistrate, Harris County, Texas

HARRIS COUNTY DISTRICT ATTORNEY INTAKE SECTION

FELONY/MISDEMEANOR ARREST WARRANT
FORM
("to be" or "2B")

CONTROL No. _____
See Also: _____

THE STATE OF TEXAS

VS.

Time Issued _____

CHARGE _____

JUSTICE COURT No. _____

CAUSE No. _____
& COURT _____

BAIL \$ _____

TO ANY PEACE OFFICER OF THE STATE OF TEXAS: G R E E T I N G S

WHEREAS complaint has been made by the undersigned affiant who upon his oath says that he has good reason to believe and does believe that in the County of Harris and State of Texas one

hereinafter referred to as the Defendant, heretofore on or about did then and there unlawfully

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Sworn to and subscribed before me _____

Affiant Assistant District Attorney of Harris County, Texas

NOW THEREFORE, YOU ARE HEREBY COMMANDED TO ARREST the Defendant and bring him AT ONCE before the undersigned magistrate at his office in Harris County, Texas, then and there to answer the above charge.

Herein fail not: Return this writ and indicate how it was executed.

Bail is hereby set at \$ _____. Given under my hand _____

Magistrate, Harris County, Texas

WRIT RECEIVED _____ 19____ and EXECUTED _____ 19____ by arresting the Defendant and (1) placing him in jail in Harris County, Texas, or (2) taking his bond. (Cross out inapplicable action.)

By _____ Deputy

Harris County, Texas

HARRIS COUNTY DEPUTY DISTRICT COURT CLERK

FELONY CODING SHEET

PROBABLE CAUSE: 2-16-77

FELONY BOND INFORMATION:

DATE: FEB 15 1977

CASE NUMBER	DEFENDANT NAME	OFFENSE	JAIL or N/ARREST	DISTRICT COURT #	BOND	JP	JP NUMBER	WH RES
259241	DONALD RAY MOUTRA	THEFT	JAIL	180th	1,000	PE	5938	WH
259242	WALTER ADOLPH OTTO	DWI	JAIL	174th	1,000	WA	437178	WH
259243	MICHAEL TED GARSCHAGEN	TO COMIT THEFT AGG KIDNAP W/INTENT	JAIL	177th	40,000	WA	437179	RES
259244	MORRIS GLENN HOWE	DWI	JAIL	174th	2,500	WA	437180	WH
259245	AKA MARY JUNE ASBERRY MARY JUNE ANDERSON AKA MARY WARE	PASS FORGED INSTRM	JAIL	179th	10,000	WA	437181 438	WH
259246	MICHAEL GREGG JOINER	AGG. ROBBERY (2CTS)	JAIL	182nd	40,000	WA	437183	RES
259247	MICHAEL GREGG JOINER	AGG. RARE (2 CTS)	JAIL	182nd	40,000	WA	437184	RES
259248	MICHAEL GREGG JOINER	C/CARD ABUSE	JAIL	182nd	1,000	WA	437185	RES
259249	ZANE EDWARD LATHAM	AGG. ROBBERY	JAIL	208th	NO BOND	WA	437188	RES
259250	ZANE EDWARD LATHAM	AGG. ROBBERY	JAIL	208th	NO BOND	WA	437189	RES
259251	ZANE EDWARD LATHAM	AGG. ROBBERY	JAIL	208th	NO BOND	WA	437187	RES
259252	ZANE EDWARD LATHAM	AGG. ROBBERY & ATT. CAPITAL MURDER	JAIL	208th	NO BOND	WA	437186	RES
259253	VENITA LOUISE TAYLOR	PASSING FORGED INSTRUMENT	JAIL	177th	1,000	WA	437190	WH
259254	ALBERT ROYCE MOOREHEAD	FORG & PASSING	JAIL	180th	1,000	EM	4618	WH
259255	HENRY NANRSO MARTINEZ	FORG & PASSING	JAIL	180th	1,000	EM	4617	RES

HARRIS COUNTY PRETRIAL RELEASE AGENCY

TABLE OF ORGANIZATION

DIRECTOR

T.O. PRE-TRIAL RELEASE AGENCY
EFFECTIVE APRIL 1, 1977

ADM. ASSISTANT

CASE MONITORING
COURT APP. SUPER.

DOCKET CLERK

DOCKET CLERK

RECEPTIONIST

CLERK TYP.

FILE CLERK

DEPUTY DIRECTOR

CASE MANAGEMENT SERVICES

COUNTY CASE REVIEW
SUPERVISOR

DAY MISD.
SENIOR INT.

INTERVIEWER

INTERVIEWER

INTERVIEWER

MIDNIGHT
INTERVIEWER

INTERVIEWER

PROB. CAUSE
REP.

ASST. PROB. C.

INTERVIEWER

EVE. SENIOR
INTERVIEWER

INTERVIEWER

INTERVIEWER

CITY CASE REVIEW
SUPERVISOR

DAY INTERVIEWER

DAY INTERVIEWER

EVE. INTERVIEWER

INTERVIEWER

INTERVIEWER

MID. SENIOR
INTERVIEWER

INTERVIEWER

INTERVIEWER
(VACANT)

PRETRIAL RELEASE AGENCY INTERVIEW

FORM

Harris County Texas

APPLICATION FOR PRE-TRIAL RELEASE BOND

PLEASE PRINT CLEARLY

X S.O. # _____ HOLDS _____
X TANK _____ DEF LOC _____
X CHARGE 1 _____ 2 _____ 3 _____
X CAUSE #1 _____ 2 _____ 3 _____
X COURT 1 _____ 2 _____ 3 _____
X BOND 1 _____ 2 _____ 3 _____
XXXXXXXXXXXXX OFFICE USE ONLY XXXXXXXXXXXXXXXX

DATE ARRESTED _____

NAME LAST _____ FIRST _____ MIDDLE _____ HOME PHONE _____
OTHER PHONE _____
ADDRESS _____ APT# _____ CITY _____ ZIP _____

OTHER NAMES YOU HAVE USED (MAIDEN, ALIAS) _____

DATE OF BIRTH _____ / _____ / _____ AGE _____ RACE (BLACK) (WHITE) (MEX-AM) (OTHER) SEX _____
HOW LONG HAVE YOU LIVED AT THE ABOVE ADDRESS _____ HOW LONG IN HARRIS COUNTY _____
PRIOR RESIDENCE OUTSIDE HARRIS COUNTY _____

ARE YOU: (MARRIED) (SINGLE) (WIDOWED) (DIVORCED) (SEPARATED) NUMBER OF CHILDREN _____
NAME OF PERSON YOU LIVE WITH _____ RELATIONSHIP _____

WORK PHONE OF THAT PERSON _____ ATTORNEY _____ PHONE# _____
XX

EMPLOYER _____ HOW LONG _____ ADDRESS _____
SUPERVISOR _____ SKILLS _____ SALARY _____

OTHER INCOME _____ SPOUSE'S INCOME _____ WELFARE _____ S.S. _____
HOME: DO YOU: OWN _____ RENT _____ BUYING _____ AMOUNT _____ OTHER DEBTS _____ CHILD SUP _____

AUTO: DO YOU: OWN _____ BUYING _____ AMOUNT _____ MAKE _____ MODEL _____ LICENSE# _____ COLOR _____
SOCIAL SECURITY # _____ DRIVER'S LICENSE# _____ MILITARY _____ / _____ DISCH _____

HAT GRADE DID YOU FINISH IN SCHOOL _____ WHEN _____ DESCRIBE HEALTH _____
XX

HAVE YOU EVER BEEN ARRESTED _____
LIST AND FELONIES 1 _____ 2 _____ 3 _____ DISP 1 _____ 2 _____ 3 _____
DATE: MISDEMEA 1 _____ 2 _____ 3 _____ DISP 1 _____ 2 _____ 3 _____

HAVE YOU EVER BEEN ON BOND _____ BOND FORFEITS _____ REASON _____
PROBATION _____ PAROLE _____

ANY FALSE STATEMENTS ABOUT YOUR ARREST RECORD MAY RESULT IN A DENIAL OF YOUR BOND
APPLICATION _____

XX
ST FOUR PEOPLE OVER 21 WHO LIVE IN THE HOUSTON AREA AND CAN SPEAK WELL OF YOUR CHARACTER. THEY MUST LIVE AT A DIFFERENT ADDRESS THAN YOU. INCLUDE RELATIONSHIP.

ME _____ REL _____ ADD _____ CITY _____ PHONE# _____
ME _____ REL _____ ADD _____ CITY _____ PHONE# _____
ME _____ REL _____ ADD _____ CITY _____ PHONE# _____
ME _____ REL _____ ADD _____ CITY _____ PHONE# _____

XX
WARRANTS CHECKED BY _____ X
J.'S CHECKED BY _____ X
ICATION OF WARRANT _____ X
XX

NOTE ALL COMMENTS _____
INTERVIEWER _____ DATE _____
FEE RECOMMENDED _____ BY _____

HARRIS COUNTY PRETRIAL RELEASE AGENCY

POINT SCHEDULE

APPLICATION FOR PRE-TRIAL RELEASE BOND

PLEASE PRINT CLEARLY

NAME ARRESTED

X S.O. # _____ HOLDS
X TANK _____ DEF LOC

X CHARGE 1 _____ 2 _____ 3 _____
X CAUSE #1 _____ 2 _____ 3 _____
X COURT 1 _____ 2 _____ 3 _____
X BOND 1 _____ 2 _____ 3 _____

XXXXXXXXXXXXX OFFICE USE ONLY XXXXXXXX

HOME PHONE _____

OTHER PHONE _____

MIDDLE _____

FIRST _____

ADDRESS _____

STREET _____

APT # _____

THIS ADD. HOW LONG? _____

3 CURRENT ADD. IN AREA 1 YR
2 CURRENT ADD. IN AREA 6 M
OR CURRENT & PRIOR 1 YR.
1 CURRENT ADD. IN AREA 4 M
OR CURRENT & PRIOR 6 MO
OR LOCAL 1 YR.
1 4 YR. OR MORE IN HCO AREA

CITY _____ ZIP _____ TIME IN COUNTY _____
DATE OF BIRTH _____ AGE _____ RACE B W MA SEX M F
RESIDENCE OUTSIDE HARRIS COUNTY
MARRIED () DIVORCED () SINGLE, CHILDREN _____
NAME OF PERSON YOU LIVE WITH AND RELATIONSHIP _____
ATTORNEY _____ TEL# _____

() EMPLOYED () UNEMP () RETIRED () STUDENT () WEL () SS
EMPLOYER'S ADDRESS _____
HOW LONG? _____ SALARY _____ SKILLS _____ SUPV _____
PRIOR EMPLOYER _____ SS# _____

INCOME OF: SPOUSE _____ FATHER _____ MOTHER _____ OTH _____
NAME: OWN _____ RENT _____ BUYING _____ OTHER _____
AUTO: OWN _____ BUYING _____ MAKE _____ MODEL _____ TDL# _____
CREDITING _____ HEALTH _____ DRUG USE _____ MILITARY _____

ARREST RECORD:
FELONY 1 _____ 2 _____ DISP 1 _____ 2 _____
MISD 1 _____ 2 _____ DISP 1 _____ 2 _____
PRIOR BOND _____ BOND FORFEIT _____ PROBATION _____ PAROLE _____

LIST FOUR PEOPLE OVER 21 WHO LIVE IN THE HOUSTON AREA THAT KNOW YOU (INCLUDE RELATIONSHIP)

NAME _____ RELATIONSHIP _____ PHONE# _____
ADD _____ CITY _____
NAME _____ RELATIONSHIP _____ PHONE# _____
ADD _____ CITY _____
NAME _____ RELATIONSHIP _____ PHONE# _____
ADD _____ CITY _____
NAME _____ RELATIONSHIP _____ PHONE# _____
ADD _____ CITY _____

RECOMMENDATION SHOULD BE MADE FOR THOSE PERSONS PRESENTLY OUT ON BOND, MRP, ON PROBATION, NB, AGG BATTERY, SEX OFFENSES, SALE AND DEL OF CONT/SUB, & POSSESSION OF HARD CORE DRUGS.

COMMENTS Unusual circumstances, etc.

4 LIVES W/SPOUSE & CHILDREN
3 LIVES W/PARENTS, SPOUSE, SINGLE PARENT LIVES W/CHILDREN
2 LIVES W/OTHER RELATIVE
1 LIVES W/NON-FAMILY MEMBER OR REGULAR CONTACT W/FAMILY

4 EMPLOYMENT, SCHOOL, RESOURCES
PRESENT JOB 1 YR. OR MORE HOUSEWIFE
3 PRESENT JOB 1 YR.
2 PRESENT JOB 4 MOS. OR MORE
1 PRESENT & PRIOR 6 MOS. OR MORE CURRENT JOB, RECEIVING UNEMPLOYMENT, WORKMEN'S COMPENSATION
4 PRESENTLY IN SCHOOL, REGULARLY FULL TIME
2 LEFT SCHOOL IN LAST 6 MONTHS & EMPLOYED
1 LEFT SCHOOL IN LAST 3 MONTHS & UNEMPLOYED

2 PRIOR RECORD
0 NO CONVICTIONS
-1 1 MISD. CONVICTIONS
-2 2 MISD. CONVICTIONS
-3 1 MISD. & 1 FELONY CONV.
-4 2 FELONIES & 2 MISD. CONVICTIONS MORE THAN ABOVE CONVICT

1 HEALTH
1 POOR HEALTH, OLD AGE, PREGNANCY
-1 DEFINITE KNOWLEDGE OF ALCOHOLISM
-1 DEFINITE KNOWLEDGE OF ADDICTION (HEROIN, COCAINE, PILLS)

(Must score 6 Points)

Points must be verified

TOTAL POINTS _____

LETTER FROM S.O. _____

INTERVIEWER _____

DATE _____

BY _____

RECOMMENDED _____

BY _____

BY _____

BY _____

NOTE ALL COMMENTS

HARRIS COUNTY PRETRIAL RELEASE AGENCY

BOND APPLICATION

PERSONAL BOND APPLICATION

NAME LAST FIRST MIDDLE DATE CAUSE NO. CHARGE BOND
ADDRESS ZIP
OTHER NAMES (ALIAS)
LIVE WITH WHOM RELATIONSHIP
HOW LONG COUNTY OWN HOME BUYING RENT OTHER
MARRIED SINGLE DIV CHILDREN HOME PHONE OTHER PHO. AGE RACE SEX

REFERENCES

NAME & REL. ADDRESS PHONE
NAME & REL. ADDRESS PHONE
NAME & REL. ADDRESS PHONE
NAME & REL. ADDRESS PHONE

EMPLOYMENT

EMPLOYER SUPV. ADD. OR PHONE
JOB PROSPECTS SKILLS OTHER MEANS OF SUPPORT
OTHER INFORMATION
MILITARY SERVICE DISCH. PENSIONS SAVINGS SS#
AUTO LIC.# MAKE MODEL COLOR DL# VALID
ATTY PHONE ATTY APPOINTED BY JUDGE
RECOMMENDED NOT RECOMMENDED RECOMMENDED BY
JUDGE OTHER INFO. SEE REMARKS

PERSONAL BOND

THE STATE OF TEXAS CAUSE NO.
COUNTY OF HARRIS KNOW ALL MEN BY THESE PRESENTS

THAT I, charged with the offense of a (Misdemeanor) (Felony), to wit,

am held and firmly bound unto the State of Texas in the penal sum stated below for the payment of which sum well and truly to be made, and in addition all necessary and reasonable fees and expenses that may be incurred by peace officers in rearresting me in the event the conditions of this bond are violated, I do bind myself, my heirs, executors and administrators, jointly and severally by these presents.

THE CONDITIONS OF THE ABOVE OBLIGATION IS THAT I swear that I will appear before the Houston, Harris County, Texas, upon notice by the Court, or pay to the Court the principal sum of \$ plus all necessary and reasonable expenses incurred in any arrest for failure to appear.

I further swear that I will appear before any court or magistrate before whom this cause may hereinafter be pending at any time and place as may be required.

Now if I shall well and truly make said appearance before the said Court, and there remain from day to day and term to term of said Court, until discharged by due course of law, then and there to answer said accusation against me, and further shall well and truly make my personal appearance in any and all subsequent proceedings that may be had relative to said charge in the course of the criminal action based on said charge, this obligation shall become void; Otherwise to remain in full force and effect.

SWORN TO AND SUBSCRIBED BEFORE ME, this day of 19
SIGNATURE OF DEFENDANT

NOTARY PUBLIC IN AND FOR HARRIS COUNTY, TEXAS

THIS PERSONAL BOND IS APPROVED, effective only after arresting agency has completed its booking process, and the defendant at such time is ordered released on the conditions of this bond.

JUDGE

ARREST RECORD FEL MISD. CONVICTIONS PROBATION PAROLE DET. PRIOR BONDS FORFEITURE OF BONDS

HARRIS COUNTY JIMS REPORT

HARRIS COUNTY PRE-TRIAL RELEASE AGENCY
SYSTEM STUDY - PROGRESS REPORT

December 13, 1976

I. PRIORITIES

- A. *This is complete and has been implemented.*
- B. *This is complete and is ready to be implemented.*
- C. *This is in design stages.*
- D. *This is in development stages. Programs are to be written for update/inquiry, and records have been defined.*
- E.-G. *These are in design stages.*

HARRIS COUNTY PRE-TRIAL RELEASE
SYSTEM STUDY (Initial Outline)

December 6, 1976

I. PRIORITIES

- A. Batch produced report of results of cases of persons previously released under Personal Recognizance Bond for misdemeanor and felony offenses.
- B. Automatic checking of new cases being initiated through normal procedures for cases filed against persons currently under PTR Bond, including a means for reporting, such as terminal inquiry and batch reports.
- C. Process for notifying pre-trial personnel of cases reset by coordinators for any reason other than results of a court appearance. This would eliminate appearances being missed by the defendant due to not being notified of case being reset earlier or later than originally indicated.
- D. Programs and procedures necessary for creating and maintaining pre-trial interview results records, inquiries, and statistical batch reporting.
- E. Computerized notification of trial dates, status changes, etc. to defendants released under Pre-Trial Release bond.
- F. A system or sub-system for accounting of fees charged for making PTR bonds to defendants, including basic fee accounting, automatic receipt production, and batch reporting for auditor recap.
- G. Pre-Trial check-in calendaring and tracking for bonded persons.

II. CURRENT PROCEDURES

- A. Presently, the results of trials for PTR bonded persons are determined by manually checking through several reports produced not exclusively for PTR. These reports contain some data not required or desirable, and lack some data that could be valuable for review.

- B. Currently, no procedure exists for determining at the moment of case initiation whether or not a person is under terms of PTR. This is discovered only after manual examination and re-interview of jailed persons. Under these procedures, a person released with a recognizance bond could possibly be released again without the previous bond being discovered.
- C. The problem of cases for PTR being reset by courts' personnel without notifying Pre-Trial personnel is a very real problem. Since many of these cases are reset for dates earlier than originally scheduled, and usually not in time for mail notification, defendants often miss their court appearances and are then responsible for bond forfeiture as well as the original offense.
- D. All interview and ultimate result records are maintained manually. Initially, a person must supply all information in respect to his descriptors, address, employment, previous criminal activity, etc. All this must be handwritten and carried in a file with all other case data available. The ultimate results, bond granted or denied, will be placed into the file manually. Any statistical reporting must be researched and calculated manually and is often somewhat dated by completion. Immediate review is possible by searching the file of an individual and updating when necessary.
- E. All communication between a bonded person and the Pre-Trial Release Agency is direct. Any non-verbal correspondence must be personally produced by PTR personnel. A lag may occur between the recognition of a need for communication and actual contact, whether by mail or personal appearance.
- F. Bond fee accounting is done on a ledger system as bonds are made. On a monthly basis reports are made to the Auditor on amounts of money taken in. Receipts are prepared at the point of transaction. Some statistics are compiled at intervals. All operations are manual. The approximate annual dollar amount is upwards of \$250,000.00.
- G. All persons bonded through the agency are required to report back at specified time intervals. Whether the report is personal, written, or verbal is decided by the agency personnel, depending on the individual defendant. All appearance/notification data is kept on a card specifically for the defendant. The only way to determine if a person is behind in his appearances is if some action forces a manual search of the file cards. At that time, any updates available are made. Since most personal information is not updated, at this point addresses, etc., may not be current, and contacting the person may be impossible of, at best, difficult and time consuming.

III. DEVELOPMENTAL POSSIBILITIES

- A. A program is in existence which can be modified to produce the information on case results desired by Pre-Trial Release. Program COD10P06 will list all the persons on each docket for a previous day who were released by Pre-Trial, and show the results of the particular appearance. The report will include misdemeanor and felony courts. A change will have to be made to COLDAA to keep from flagging old docket records for delete, except in certain cases, so that data which is two to three days old will exist at reporting time. This is necessary due to the lag in updating of the misdemeanor dockets and some felony dockets.
- B. A modification to sub-routine LPROB001 can be made to check the Bondsman, BAB, records for Pre-Trial Release SPN's, 00002400 through 00002403, in transaction LP93. Every time a case is initiated against a person on PTR bond, a sub-file record will be written. These records will serve as input to an on-line inquiry and a batch report accessible to Pre-Trial Release personnel.
- C. On-line docketing sub-routine COLDAA can be made to test all cases being set to determine whether that person is out on PTR bond and create a sub-file record to indicate the setting, defendant, and case data. If it is determined that the new setting is three days or less either before or after the original setting, a sub-file record will be created for special handling. A batch program will be run on a daily basis reporting all these cases to allow Pre-Trial Release to personally contact the defendants to assure that they appear in court.
- D. A record can be designed to handle all data, or point to other records, concerning a person's interview for personal bond and the ultimate results determined by a judge. One task would create all the data necessary for record set-up at interview time, and another would update the record on the Person Master with data on the judge's decision and create a sub-file record to be used in creating statistical reports. A general inquiry containing all data existent pertaining to Pre-Trial Release could be written for use by that agency. From this task, update programs could be accessed if necessary. Additionally, inquiries within case bond booking areas could be branched from the main inquiry.
- E. Using data created through the initial process in Item C., batch reports could use the record as input for creation of direct defendant notification. The method used could range from verbal by PTR personnel, to letters or "pull out" notices produced automatically. The actual medium used will probably be decided on an economics basis.

- F. Fee accounting for the Pre-Trial Release Agency can be accomplished through a set of programs to initiate financial records, then allow updating of the records with payment data. Receipts can be printed on terminal printers at transaction time. All fee intake can be recapped on a daily basis on-line for internal audit procedures. The same records established for on-line audit can be used for monthly reporting of monies to the Auditor's Office. Enough cross-reference records can be produced to provide data for several statistical applications.
- G. Appearance scheduling can be carried out as an off-shoot of the fee accounting sub-system. On-line inquiries of histories, future schedules, etc. can be made. Reports on persons not appearing as agreed may prove of some value. Updating the appearance schedule with each actual appearance, and appearance history/projection inquiries, can eliminate some manual entry of data and speed look-up when necessary.

IV. CONCLUSIONS

- A. Since only minor modifications to program COD10P09 to create program COD10P06 will be required, and since the change to COLDAA comes within existing logic, this project should be started and completed as soon as possible. With this data available, PTR will be able to more easily review all persons in their charge, and the results of the appearances. This may be a factor in reducing bond forfeitures and increasing Agency efficiency.
- B. The changes to LPROB001 sub-routine to check for Pre-Trial bonded individuals are easily made and will be carried out immediately. The daily batch report and on-line inquiry will come from altered programs already in existence. The results of the sub-routine and supplemental programs should be available in a very short period of time. These programs will provide PTR with a tool for tracking bonded persons who repeat offenses during their wait for trial, and may serve to eliminate some forfeitures.
- C. Many instances of "bond jumping", determined by failure to appear for court, result from cases being reset for some reason and PTR not being notified of the reset. If PTR is notified by only a day or so prior to the new appearance date, time may not be sufficient to contact the defendant and inform him of the new date. The program(s) required should virtually eliminate this particular problem.
- D. Interviews of jailed persons by PTR staff often reveal data and details not available to Central Intake and booking personnel. Updating the existing records with this new data would be of value to all system users. Since all interview data is completely maintained manually, no

updates are made to any of the JIMS system data when additional information is learned by PTR. If interview records were existent and updatable at interview time, not only could the interview data be logged, but corrections to other pertinent data could be made. Some paper handling may be eliminated if the majority of information is available via terminal inquiry. The records could also provide personal history data for a judge to review when deciding whether to allow personal bond. His decision would be entered as update data to the interview record.

Creation of sub-file records summarizing the interview/decision information will also provide a basis for statistical reporting which can be accumulated in any form desired. This would probably free some PTR personnel from preparation of this data.

- E. Computerized notification to defendants of court appearance dates is easily accomplished when the record-building process of Item III-C is completed. Hopefully, with some address updating being done by Pre-Trial, most of the mailing addressed for bonded persons will be accurate enough to insure timely delivery. Depending upon the total dollar amount concerned, if a person misses a court date, direct mailing of reset notices may prove to be desirable from a financial viewpoint at least. For instance, if a person misses a court date due to misinformation, court time is wasted, costs are incurred through filing bond forfeiture and any additional cases, warrant division time and personnel will be required to find the person and re-book him into jail. If the person was indeed misinformed, a great deal of time and money could have been saved by sending a setting notification which would probably cost less than a dollar.
- F. PTR fee accounting could fit nicely in with at least two other fee systems with very little alteration. Those alterations would be to map and program literals more than to logic flow. Automatic receipt printing is a standard feature in all three applications as well as extensive cross-referencing, and recap/balancing features. Statistical and Auditor reports now manually produced could be simply and quickly produced via the computer. Most, if not all, of the actual human intervention in the fee accounting will be accomplished in one on-line transaction.
- G. Check-in appearance scheduling follows closely the concept in calendaring the Adult Probation Department appearance scheduling. All logic would be the same with only minor record differences to distinguish Probation from PTR. Three transactions and one batch program would be required for all maintenance and reporting. Some manual operations could be eliminated, such as searching cardfiles, updating cards, re-filing updated cards, etc. Updating could probably be accomplished in a fraction of the time now required.