

Summary of Harris County Safety+Justice Strategies

Assuming an average daily jail population (ADP) of between 8,500-8,700 persons, Harris County’s target reduction under the Safety + Justice Challenge will reduce ADP by 1,800 individuals. Two points are worth noting. First, more easily achieved reductions have been made. Since the CJCC’s inception in 2009, reduction efforts have resulted in marked decline from 2008 levels when jail population hit a high of 12,028. And, although the jail’s ADP reached a high of 9,114 in July, 2015, the ADP for 2015 settled at 8,520. Second, fully 14-15% of the ADP are individuals held for the State; they have no pending involvement with Harris County’s justice system.

Misdemeanor offenders consistently comprise only 8% of the pretrial population. While the numbers admitted to jail on misdemeanors is not insignificant (36,481 in 2014), jail stays are generally short due to release on bond or completion of short sentences. Average length of stay (ALOS) for those who made bond was 3 days; ALOS for those completing a misdemeanor jail sentence was 9 days. Not surprisingly, a high percentage of these (29%) have mental health indicators. Misdemeanants are not a driver of the jail population.

In spite of previous successes in reducing overall jail population, the felony pretrial detainee population has remained stubbornly high. When the planning team reviewed data specific to this population, there were some unexpected revelations. Surprisingly and consistently, nearly 50% of felony pretrial detainees were detained on violent offenses. Another 20% involved offenders charged with low-level, non-violent felonies, such as drug possession and theft. Finally, for those misdemeanor and felony pretrial detainees not charged with violent or serious felonies, there appeared to be low and moderate risk offenders detained pretrial who, with appropriate supervision, potentially could be safely released to the community pending disposition of their charges. The 1,800 jail reduction target is data-driven and rests upon analysis of these three populations.

Recognizing that the maximum funding from the MacArthur Foundation for this Challenge is \$2 million per year, much more is needed in order to reach the desired jail reduction target. The budget required to implement the Harris County Safety + Justice strategies total over \$11.1 million dollars over the grant timeframe.

	Budget	Requested Funding	Difference	3 year impact
Year 1	\$5,582,082	\$2,000,000	\$3,582,083	
Year 2	\$5,561,048	\$2,000,000	\$3,561,049	
Total	\$11,143,131	\$4,000,000	\$7,143,130	1,800 / 20%

This amount is in addition to expectations that funds can be leveraged from other sources that are synergistic, collaborative and critical to these strategies. Harris County’s Budget Director has committed to requesting that Commissioners Court fund the difference between the need and the request to successfully address racial and ethnic disparity in our criminal justice system and reduce the jail population.

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As noted in the narrative regarding Harris County's approach, the population drivers of our criminal justice system weigh heavily on 1) low level, non-violent felony offenders who recidivate at a very high rate, 2) the time to disposition for violent and serious cases whose defendants are widely regarded as posing a public safety risk and 3) pretrial detainees of low and moderate risk who do not make bond. In addition to identifying the jail population drivers, the data-driven analyses performed during the planning phase of the Safety + Justice Challenge enlightened the team to the disparate nature of the race and ethnic make-up of the Harris County incarcerated population as compared to the county's adult population. In a system the size of Harris County, a substantial investment of time and money is required to add adequate structure and capacity to the system in order to effectuate change and culture.

Strategy #1: Address Racial and Ethnic Disparity in the Criminal Justice System

	Budget	Requested Funding	Difference	3 year impact
Year 1	\$157,928	\$157,928		100 persons (shared
Year 2	\$157,928	\$157,928		with Strategy #6)
Total	\$315,856	\$315,856	0	(potential for more)

Acknowledging the fact that there is racial and ethnic disparity in Harris County's incarcerated population, a formal position (RED coordinator) will be established. That person will be charged with developing and implementing procedures and practices for engaging and facilitating open dialogue between communities and the criminal justice stakeholders, with a focus on establishing a strong collaborative relationship that will create transparency and legitimacy within the criminal justice system. This person will also coordinate and facilitate forums and training regarding implicit racial bias for all stakeholders.

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Strategy #2: Expand diversion opportunities through greater use of pretrial bond supervision, pre-charge diversion, and post-charge pretrial intervention.

	Budget	Requested Funding	Difference	3 year impact
Year 1	\$150,000	\$150,000		850 (overlaps with Strategies #3 and #5)
Year 2	\$25,000	\$25,000		
Total	\$175,000	\$175,000	0	

This strategy involves adopting and implementing a new pretrial risk assessment instrument, including training all stakeholders. In addition, the District Attorney’s office will implement policies to expand pretrial intervention to first-time felony drug and misdemeanor retail theft offenders.

Although a newer risk assessment instrument is currently being sought, Pretrial Services has analyzed the daily jail population on several dates, utilizing its current risk assessment instrument. For these analyses, certain aggravated and serious offenses were excluded from consideration. Of the remaining pool, an estimated 12% were assessed a low or low-moderate pretrial risk score; 22.5% were assessed as moderate risk; the remaining 65.5% were assessed as high risk. As a result, it is estimated that approximately 850 individuals held in jail are assessed as low, low moderate, and moderate risk and may be potential candidates for release, in many cases with supervision.

Strategy #3: Reduce jail stays, promote quick diversion and reduce recidivism for low-level, non-violent felonies (Reintegration Impact Court - RIC)

	Budget	Requested Funding	Difference	3 year impact
Year 1	\$1,883,680	\$683,132	\$1,200,548	885 (overlaps with Strategy #2)
Year 2	\$1,883,680	\$690,270	\$1,193,410	
Total	\$3,767,360	\$1,373,401	\$2,393,959	

Currently filed across 22 courts, over 8,000 low-level, non-violent cases (drug possession, third-offender theft, prostitution) will be filed in one non-trial court. The operating cost of the Reintegration Impact Court is \$1.9 million per year. In addition to assuring a more uniform, evidence-based approach to bond decisions, sentencing practices, probation conditions and technical violations, as well as expedited case disposition, this non-trial court will involve a recovery coordinator and peer support mentors at the front end – to encourage and support diversion choices and to bridge the court system, offenders and community. An important goal is to avoid the building of criminal histories for this group of offenders which is over-represented by African Americans. This approach is expected to reduce the recidivism rate of this population. A recent Council of State Governments study found this population has a recidivism rate of 75%.

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Based on state jail felony (SJF) data outlined above and more efficient case resolution, we expect community supervision placements to increase, resulting in a net increase of 1,520 yearly. Increased pretrial bonds, probation placement, and faster resolution for SJF offenders will result in an average daily decrease of 675 people. Additionally, based upon 2014 study, the RIC will reduce the rate SJF offenders returning to jail from 60% to a returnee rate of 25% for those diverted to probation. The RIC reduction in SJF recidivism will result in an average daily decrease of 112 people. Reductions in probation revocations will result in a further reduction of 101 people.

State jail felony offenses are largely considered low-level, non-violent felony offenses and compete with other, more serious felonies on court dockets. Data shows:

- In a 45-day analysis, those charged with state jail felony offenses comprised 29% of the felony population. Of these, 40% were charged with possession of a controlled substance; another 14% were charged with third-offender theft. 51% were Black, 21% Hispanic, and 26% White.
- A December 6, 2015 jail snapshot showed that 55% (664) of pretrial detainees charged with a state jail felony were charged with drug possession; another 15% were charged with third-offender theft
- District Court data shows that from January 1-July 31, 2015, felony courts disposed of 3,904 state jail felony drug cases. In 64% of the cases, defendants were in jail at the time of case disposition.
- In State FY2014, Harris County committed 5,715 non-violent offenders to state jail. 44% of these (2,511) were low-level drug offenders. Of these, 62.6% were Black; 14.8% Hispanic and 21.8% White
- Of the five largest counties in Texas, Harris County diverts the lowest number of low-level non-violent offenders to probation (571 per 100,000 versus an average of 853 per 100,000) and commits 61% more low-level non-violent offenders to State Jail (143 per 100,000 versus 89 on average per 100,000) than the other 4 large Texas urban counties.
- State jail offenders serve short sentences and 50% to 70% (moderate to high risk), reoffend and cycle back through jail within a year of release, while state jail offenders at the same risk level diverted to probation reoffend at a rate of 25% to 28%.

Expenses related to the court include salaries for a judge, court coordinator, interpreter, half time court reporter, prosecution staff, clerk and bailiff. Indigent Defense costs will be provided from current county funds. In addition, the strategy includes a recovery coordinator and 3 peer support specialists. Additional probation counselors and clinical assessment specialists round out the team.

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Strategy #4: Reduce the time to disposition for felony cases

A key benefit from improved case management would be reduced time to disposition. As a result, jail bed days will be reduced, defendants would be linked with treatment or reentry services more quickly, and victims would see justice served in a more timely manner. This strategy envisions a case flow management review and court-centered case management coaching for felony courts and two strategic impact dockets to tackle aged violent cases.

Strategic Impact Dockets

	Budget	Requested Funding	Difference	3 year impact
Year 1	\$2,503,691	\$122,157	\$2,381,534	
Year 2	\$2,503,691	\$136,053	\$2,367,638	
Total	\$5,007,383	\$258,210	\$ 4,749,172	65

Two Strategic Impact Dockets will be implemented to reduce the number of violent pretrial detainees whose cases have been pending over 365 days and also prevent a continual backlog build-up of these types of cases. Operating cost of these two dockets is \$2.5 million per year.

- A December 6, 2015 jail snapshot showed 448 defendants charged with violent and serious charges whose cases were over 365 days old.
- The same December 6 jail snapshot showed that while offenders charged with violent and serious cases comprised 57% of the cases aged 3-6 months (675), they comprised 95% of the cases aged between 1.5 and 2 years (104) and 94% of the cases aged over two years (133)
- Clearance rates for first-degree felony cases declined from 83.7% in 2011 to 70.6% in 2014.
- From 2010 to August 2015, the median time to original disposition for capital cases increased from 499 days to 726 days and, for first-degree cases, increased from 232 to 282 days.
- Analysis of a capital impact docket from September 2013 through March 2015 showed a 38% reduction in cases over 2 years old with 106 capital cases and 28 non-capital cases resolved.

Expenses related to these dockets include salary for a managing coordinator to manage the two dockets as well as the Reintegration Impact Court. Each docket requires a visiting judge, court reporter, prosecution staff, clerk and bailiff. Because these cases will be transferred from other courts, defense attorneys are already associated with these defendants.

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Establishment of Disposition Benchmarks and Docket Management Coaching

As these dockets are reducing the backlog, a consultant will be retained to perform a case management review followed by court efficiency coaching for the judges and staff of the 22 felony district courts. The cost of this is estimated to be \$176,566 over the two years.

	Budget	Requested Funding	Difference	3 year impact
Year 1	\$100,000	\$100,000		
Year 2	\$76,566	\$76,566		
Total	\$176,566	\$176,566	0	Great potential

Strategy #5: Increase diversion opportunities for mentally ill, frequent detainees.

	Budget	Requested Funding	Difference	3 year impact
Year 1	\$427,950	\$427,950		200 (overlaps with Strategies #1, #2, #3, and #6)
Year 2	\$465,350	\$465,350		
Total	\$893,300	\$893,300		Potentially greater

The Public Defender’s Office and the Harris County Criminal Courts at Law have proposed a pilot involving representation of mentally ill “frequent detainee” misdemeanants for the purpose of assisting and encouraging the defendants to cooperate with the MH screening, the personal bond interview, and the possibility of participation in a diversion plan created by the District Attorney’s office. Currently, the Public Defender’s Office represents a majority of these offenders in those courts. This earlier representation would increase the probability of engagement in diversion.

This strategy also includes the development and implementation of a three-pronged peer support certification and training that addresses mental health, substance use and criminogenic factors. Such curriculum does not currently exist, however it is well established that there are many individuals involved in the criminal justice system that have co-occurring disorders. In addition, addressing only mental illness and substance use, without addressing criminogenic factors usually does not result in successful outcomes. The training will be made available to peers and case managers that serve and support targeted populations, including the recovery support team for the Reintegration Court. Funds for a team to provide services to a specific group of individuals (those with 3 or more incarcerations in two years with a serious and persistent mental illness) will be leveraged from the Harris County Mental Health Jail Diversion Program (see below).

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Additional funding sources to complement Strategy #5 – value estimated to be \$900,000 annually for an additional diversion team plus housing, residential treatment and other support services as determined by need assessment. (This amount is not included in the Budget Worksheet)

The Harris County Mental Health Jail Diversion Program (MHJDP) received state of Texas legislative funding (Senate Bill 1185) in 2013 to provide services and supports for individuals with mental illness who frequently cycle through the Harris County Jail. With the required Harris County match, the funding is equivalent to \$10,000,000 per year. In response to what was learned from a planning team fact finding trip to Miami-Dade County and as part of Strategy #5, this program will expand its focus to include pretrial diversion for MHJDP qualified misdemeanants and qualified participants in the Reintegration Court. Following the Miami model, eligible detainees will receive a pretrial bond if they agree to participate in services and follow bond conditions as described above.

The data from the first year of MHJDP operation reveals that a large number of these detainees have co-occurring substance use and high criminogenic risk. The expanded strategy will include the development of an enhanced Peer Support Curriculum which includes criminal justice policies, Behavioral Health Recovery principles and criminogenic risk. The MHJDP will endeavor to have the curriculum certified by the Texas Department of State Health Services.

Strategy # 6: Improve Criminal Justice Processes and Actively Manage the Jail Population

	Budget	Requested Funding	Difference	3 year impact
Year 1	\$97,458	\$97,458		100 persons (overlaps with Strategies #1, #3, #5 and #6)
Year 2	\$97,458	\$97,458		
Total	\$194,916	\$194,916	0	(potential for more)

In addition, a position (CJ Processes Coordinator) will be established to coordinate the activities of a Criminal Justice process workgroup charged with identifying continuous improvement to criminal justice policies and procedures at each decision point through data-driven analysis and recommending changes to current practices to a Criminal Justice Processes Standing Committee. The CJ Processes Coordinator will be responsible for data collection, analysis and distribution, in collaboration with the RED Coordinator. This person will also be responsible for managing a jail population workgroup charged with monitoring the incarcerated population at a micro level to insure all detainees are released appropriately and as expeditiously as possible.

Expenses that are critical to the success of all strategies

Costs associated with developing training curriculum, stakeholder training, expenses related to community meetings, resources for pulling data from various data systems, resources for creating dashboards and analytical tools are essential for the success of our reform plan. Communication is key. The number of agencies and stakeholders, including the fact that the criminal justice system is a 24/7 operation, requires coordinated and substantial effort to ensure everyone is informed and understands the reason for system policies and their role in practices

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and change. This includes not only the people involved in the administration of justice, but also the community.

Employees of Harris County alone involved in criminal justice system decision points 2 through 6 (Prosecutorial Charging through Disposition and Sentencing) number over 4,000. This does not include the Defense Bar which numbers 1,900. Probation is a state agency and is also not included: CSCD employs around 550 people. At decision point 1 (Arrest) there are over 100 law enforcement agencies in Harris County. The Sheriff’s Office Patrol and Constables have 3,825 employees. The Houston Police Department has 5,300 sworn officers. There are many other arresting agencies that contribute to our jail population. At a minimum, 15,000 people with some decision-making power in the administration of justice will need to be reached, informed and/or trained, in addition to priority activities related to community engagement.

	Budget	Requested Funding	Difference	3 year impact
Year 1	\$179,552	\$179,552		Critical to all strategies
Year 2	\$219,552	\$219,552		
Total	\$399,104	\$399,104	0	1,800 +

Funding for grant activities not directly related to a specific strategy.

In addition to the funding needed to implement the six inter-related proposed strategies, there are costs associated with managing the grant:

Personnel and equipment required for data sharing activities, independent program evaluation team travel required by MacArthur, and expenses related to planning team meetings.

	Budget	Requested Funding	Difference	3 year impact
Year 1	\$81,823	\$81,823		
Year 2	\$131,823	\$131,823		
Total	\$213,646	\$213,646	0	N/A