



# INTERIM REPORT

## TO THE 88<sup>TH</sup> TEXAS LEGISLATURE

---

HOUSE COMMITTEE ON CRIMINAL JUSTICE REFORM  
JANUARY 2023



**HOUSE INTERIM STUDY COMMITTEE ON CRIMINAL JUSTICE REFORM  
TEXAS HOUSE OF REPRESENTATIVES  
INTERIM REPORT 2022**

**A REPORT TO THE  
HOUSE OF REPRESENTATIVES  
88<sup>TH</sup> TEXAS LEGISLATURE**

**JEFF LEACH  
CHAIRMAN**

**COMMITTEE CLERK  
CASSIDY ZGABAY**





Interim Study Committee On  
Criminal Justice Reform

January 3, 2023

Jeff Leach  
Chairman

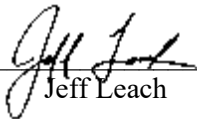
P.O. Box 2910  
Austin, Texas 78768-2910

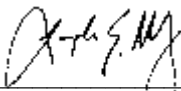
The Honorable Dade Phelan  
Speaker, Texas House of Representatives  
Members of the Texas House of Representatives  
Texas State Capitol, Rm. 2W.13  
Austin, Texas 78701

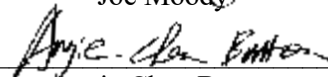
Dear Mr. Speaker and Fellow Members:


The Interim Study Committee on Criminal Justice Reform of the Eighty-seventh Legislature hereby submits its interim report for review and consideration by the Eighty-eighth Legislature.

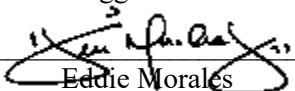
Respectfully submitted,

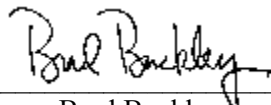
  
Jeff Leach

  
Joe Moody

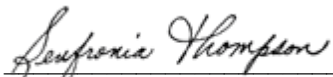
  
Angie Chen Button

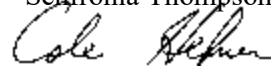
  
Reggie Smith

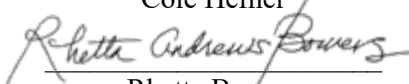
  
Eddie Morales

  
Brad Buckley

  
David Cook

  
Senfronia Thompson

  
Cole Hefner

  
Rhetta Bowers

  
Brett Tolman

Joe Moody  
Vice Chair

Members: Senfronia Thompson, Angie Chen Button, Cole Hefner, Reggie Smith, Brad Buckley, Rhetta Bowers, Eddie Morales, David Cook,  
Brett Tolman - Public Member

Joe Moody  
Vice Chair

Members: Senfronia Thompson, Angie Chen Button, Cole Hefner, Reggie Smith, Brad Buckley, Rhetta Bowers, Eddie Morales, David Cook,  
Brett Tolman - Public Member

# TABLE OF CONTENTS

Chairman’s Acknowledgements .....	1
Introduction.....	2
Interim Study Charges .....	3
Bail Reform.....	4
Background.....	4
Findings.....	4
Recommendations.....	5
Policing .....	6
Background.....	6
Findings.....	6
Recommendations.....	7
Drug Offenses .....	9
Background.....	9
Findings.....	9
Recommendations.....	9
Prosecutorial Discretion.....	10
Background.....	10
Findings.....	10
Recommendations.....	10
Detention and Incarceration.....	12
Background.....	12
Findings.....	12
Recommendations.....	13
Civil Asset Forfeiture.....	14
Background.....	14
Findings.....	14
Recommendations.....	15
Jury Instructions.....	17
Background.....	17
Findings.....	17
Recommendations.....	17
The Grand Jury Process .....	18
Background.....	18
Findings.....	18
Recommendations.....	18

Joe Moody  
Vice Chair

Members: Senfronia Thompson, Angie Chen Button, Cole Hefner, Reggie Smith, Brad Buckley, Rhett Bowers, Eddie Morales, David Cook,  
Brett Tolman - Public Member

The Juvenile Age Range .....	20
Background .....	20
Findings.....	20
Recommendations.....	21
Recidivism And Re-Entry.....	23
Background .....	23
Findings.....	23
Recommendations.....	24
Letter from Representative Thompson .....	26
Appendix A.....	27
Appendix B.....	28
Appendix C .....	29
ENDNOTES .....	30

Joe Moody  
Vice Chair

Members: Senfronia Thompson, Angie Chen Button, Cole Hefner, Reggie Smith, Brad Buckley, Rhetta Bowers, Eddie Morales, David Cook,  
Brett Tolman - Public Member



## **Chairman's Acknowledgements**

I wish to thank Speaker Dade Phelan, and his staff, for their extraordinary leadership of the Texas House of Representatives and their faithful stewardship of the trust of the people of Texas. Speaker Phelan recognizes the importance of a strong, open, fair, and reliable Criminal Justice System, and he has given our Committee broad discretion, authority, and responsibility to ensure we meet those important goals. I am proud to serve under his leadership and believe the State of Texas — including our state's system of criminal justice — is stronger as a result.

Further, I want to expressly thank the members of our Committee: Vice Chair Joe Moody, Dean Senfronia Thompson, Representative Angie Chen Button, Representative Cole Hefner, Representative Reggie Smith, Representative Brad Buckley, Representative Rhetta Bowers, Representative Eddie Morales, Representative David Cook, and Brett Tolman. We have agreed on many issues and disagreed on many as well— but we have done so in a positive, productive and respectful way. I believe these members represent the very best of the Texas House — and I am grateful to have served and worked with them. And without reservation, I believe our work in the interim will pave the way for a successful legislative session.

Finally, I want to thank my Chief of Staff, Lauren Young, and our Committee Clerk, Cassidy Zgabay. These amazing women have been key parts of my team for several years — and they have worked tirelessly to serve and support each of the members of this Committee. Our accomplishments simply would not have been possible without each of them — and we owe them a debt of gratitude for working hard to make all of us, and our State, stronger and better.

## **Introduction**

On March 10, 2022, Speaker Dade Phelan created the House Interim Study Committee on Criminal Justice Reform. The Committee members included the following: Jeff Leach, Chair; Joe Moody, Vice Chair; Senfronia Thompson, Angie Chen Button, Cole Hefner, Reggie Smith, Brad Buckley, Rhetta Bowers, Eddie Morales, David Cook, and Brett Tolman, a public member.

The Committee was created to "examine all elements of state policy that influence intake and outcomes in the state's criminal justice system and make recommendations to protect the safety of all Texans and preserve Texans' constitutional right to due process of law."

In examining the assigned charges, Committee held four public hearings on April 12, August 24, October 12, and October 13, 2022.

## Interim Study Charges

**CHARGE 1:** Monitor the implementation of S.B. 6 (87<sup>th</sup> Legislature, 2<sup>nd</sup> Called Session), relating to changes in the state's bail system, to determine if additional legislation is needed to ensure that Texans are protected from the most dangerous criminals while ensuring the constitutional rights of defendants;

**CHARGE 2:** Examine the following areas of criminal justice policy:

(A) Policing, including training, use of force, arrest procedures, and alternative responses to nonviolent and noncriminal issues;

(B) Criminal procedures and due process from initial detention through appeal, including:

- policies and penalties related to drug offenses;
- use of prosecutorial discretion;
- use and conditions of detention and incarceration;
- the civil asset forfeiture process; and
- jury instructions and sentencing in felony cases;

(C) The level of transparency in policing and prosecution, including the grand jury process;

(D) the appropriate age range for the juvenile justice system and parole eligibility, in addition to procedures for juveniles certified as adults; and

(E) Opportunities to reduce recidivism and remove barriers to re-entry after justice involvement.

## **Bail Reform**

*Monitor the implementation of S.B. 6 (87<sup>th</sup> Legislature, 2<sup>nd</sup> Called Session), relating to changes in the state's bail system, to determine if additional legislation is needed to ensure that Texans are protected from the most dangerous criminals while ensuring the constitutional rights of defendants.*

### **Background**

#### ***SB 6***

Senate Bill 6, known as The Damon Allen Act, was passed by the 87<sup>th</sup> Legislature during the Second Called Session. It was the first significant set of reforms to Texas' bail system since the 19<sup>th</sup> century. The bill instituted a Public Safety Report System, developed and implemented by the Office of Court Administration (OCA), which is to be considered by magistrates when setting bail. Further, it requires additional judicial education for magistrates. The bill also prohibits the misuse of personal bonds by establishing that defendants may not be released on personal bond if charged with a violent or sexual offense. The legislation aimed to ensure a balanced process whereby the constitutional right to bail is upheld while addressing increases in violent and habitual offenders being released on personal bonds and low cash bonds.

#### ***Public Hearing***

On October 12, 2022, the Committee met in a public hearing at the Capitol to hear the following invited testimony:

Megan LaVoie, Administrative Director, Office of Court Administration  
Bronson Tucker, Curriculum Director, Justice Court Training Center  
Michelle Farris, Crime Records Division Chief, Texas Department of Public Safety  
Judge J.R. Woolley, Justices of the Peace & Constables Association  
Steve Brand, Texas Criminal Defense Lawyers Association  
Ken Good, Professional Bondsmen of Texas  
Kevin Lawrence, Executive Director, Texas Municipal Police Association  
Sheriff Brian Hawthorne, Sheriff's Association of Texas  
Andy Kahan, Director of Victim Services, Crime Stoppers of Houston

### **Findings**

#### ***Public Safety Report System***

Launched on April 1, 2022, the Public Safety Report System (PSRS) aims to provide a summary report of criminal information for magistrates to consider when setting bail, and to provide a mechanism to report bail decisions to the Office of Court Administration (OCA), which is then posted on OCA's website<sup>1</sup>.

The bail form includes<sup>2</sup>:

- defendant name
- arrest date
- county
- magistrate name
- bail amount and type
- bond conditions

Following the bill's passage into law in September of 2021, OCA developed requirements for the system, interviewed vendors, contracted with AutoMon in November of 2021, and worked with numerous state officials before the statutory date of April 1, 2022<sup>3</sup>.

As of August 31, 2022, there were 5,718 active users and 228 counties that have completed magistrations in the system, with a total of 215,836 completed bail forms<sup>4</sup>.

To get an idea of who is using the system, OCA provided data on completed bail forms by location (*See Appendix A*). Magistrate courts are the top user, followed by justices of the peace, municipal courts, county courts, and sheriffs' offices. The most reported types of offenses were Class A misdemeanors (27%), followed by Class B misdemeanors (24%), Third Degree Felonies (18%), and State Jail Felonies (17%). The top reported offense was Driving While Intoxicated (3,152), followed by Possession of a Controlled Substance Less than 1 Gram (3,127), and Assault Causing Bodily Injury (3,099) (*See Appendix B*). Reported bail types are 83% cash/surety, 12% personal, and 5% bail denied; the average amount for cash/surety bonds is \$16,224 and \$4,205 for personal bonds (*See Appendix C*).

There is a cost factor with regard to integration of the local case management systems with the PSRS, which could be an issue for some jurisdictions<sup>5</sup>. However, once integration is done, this will be an improvement from current duplicative efforts.

Challenges have also arisen with the ambiguity of responsibility of entering a party into the PSRS. In some counties, law enforcement prepares the PSR; in other counties, magistrates or their staff are preparing the reports.

### ***Judicial Education and Training***

SB 6 requires eight hours of judicial education for magistrates setting bail, which must be completed by December 1, 2022<sup>6</sup>.

Of the 806 justices of the peace in the state, 652 have been trained so far<sup>7</sup>.

## **Recommendations**

The Texas Legislature must continue to focus on fixing, improving, and strengthening the state's broken bail system, including considering whether additional legislation is necessary to ensure that all Texans are protected from the most dangerous criminals while also ensuring the safeguarding of the constitutional rights of each and every defendant who finds himself or herself in a Texas court. The solutions to this problem should not be and must not be political or partisan. No matter our politics, each of us should be laser-focused on the safety of our citizens, and work to advance policies necessary to ensure that our criminal justice system is fair, reliable, and constitutional — and strong and smart on crime.

## **Policing**

*Examine policing, including training, use of force, arrest procedures, and alternative responses to nonviolent and noncriminal issues.*

## **Background**

### ***Public Hearing***

On October 13, 2022, the Committee met in a public hearing at the Capitol to hear the following invited testimony:

John Beauchamp, Interim Executive Director, Texas Commission on Law Enforcement  
Cullen Grissom, Credentialing Director, Texas Commission on Law Enforcement  
Chief Scott Rubin, Texas Police Chiefs Association  
Kelly Moore, Deputy Director, NYU School of Law Policing Project  
Marc Levin, Chief Policy Counsel, Council on Criminal Justice  
Luis Soberon, Policy Advisor, Texas 2036

## **Findings**

### ***Police Training***

In Texas, there are nearly 80,000 peace officers employed by over 2,700 law enforcement agencies across the state<sup>8</sup>.

The Texas Commission on Law Enforcement (TCOLE) oversees law enforcement training and sets the minimum standards for all basic licensing courses for peace officers, jailers, and telecommunicators<sup>9</sup>. The longest and most comprehensive licensing course is the Basic Peace Officer Course, which currently runs at a minimum of 720 hours<sup>10</sup>. It is delivered by a network of 115 academies which take the state learning objectives set by TCOLE; many of these exceed the minimal number of hours dedicated to each topic area<sup>11</sup>.

Required continuing education for peace officers is 40 hours every two years, which includes the latest state and federal law updates.<sup>12</sup> Additional requirements are based on proficiency level and job assignment<sup>13</sup>. During the 87<sup>th</sup> Session, the Legislature passed House Bill 3712 by Representative Ed Thompson, which allowed TCOLE to mandate up to 16 hours of what the required 40 hours must include<sup>14</sup>. TCOLE is continuing to work on what these courses will be, and it is their intent to have them be readily available online<sup>15</sup>.

### ***Accountability Measures***

Concerns have risen with regard to law enforcement agencies unknowingly hiring peace officers who were terminated in another department. During the 87<sup>th</sup> Session, the Legislature passed Senate Bill 24 by Senator Huffman, which allows TCOLE the capacity to provide the Secure Share system, which allows employment files to be shared among agencies for background investigation purposes<sup>16</sup>.

Other suggested improvements involve the F-5 Termination Report. Currently, local departments are required to file an F-5 report with TCOLE, which reflects an officer's departure; this departure is listed as an honorable, general, or dishonorable discharge<sup>17</sup>. Both the form and the process could

be made much more transparent. Indeed, the only information that is public is if an appeal is filed at the State Office of Administrative Hearings (SOAH)<sup>18</sup>. Additionally, some have supported establishing a better F-5 process that would ultimately decertify an officer and remove his or her license more effectively<sup>19</sup>.

Citizens' trust and confidence is key to an institution's effective functioning. In the case of law enforcement, the trust and confidence of the public has a direct effect on public safety in both the short and long term. A significant part of growing and maintaining that trust is public transparency and zero tolerance for bad actors. While those bad actors may make up a small population among law enforcement, they produce disproportionate damage and harm to the public faith.

### ***Data Collection***

Good policy comes from good data. Texas was an early leader in data collection, particularly with motor vehicle stop data. However, there is an opportunity to improve the quality of the data we collect and expand upon it to collect more comprehensive data. Current data quality issues arise from both lack of clear instructions to agencies and lack of proactive checking to ensure accuracy<sup>20</sup>.

## **Recommendations**

### **F-5 Termination Reports**

The Legislature should direct TCOLE to better address officers who have been terminated and are re-hired by another police department. First, the current F-5 Termination Form should be re-worked to provide a better picture of terminations. While there is a legitimate need for some level of confidentiality, however, once there is a final determination, there is a great need for transparency and the information to be available, if not to the public, then at a minimum to all other law enforcement agencies. Further, grounds for decertification only come into play after two dishonorable discharges. A dishonorable discharge can be anything from insubordination to criminal conduct. In the instance of criminal conduct or more serious allegations, it should not take two separate instances of misconduct before a decertification is possible, especially as they are appealable and due process is in place.

The Legislature should consider existing law and analyze ways to hold unfit officers accountable at all levels, while maintaining their rights to due process under the law. Sustained Brady violations or sustained excessive force complaints should be grounds for decertification. The existing appeals process for F-5 terminations could be followed for these other types of complaints as well, providing for appeals and confidentiality until a final resolution is reached.

### **Decertification Database**

The Legislature should consider creating a decertification database or registry. Several other states, including North Carolina, Kentucky, Louisiana and California, among others, have implemented such practices to boost police accountability and ensure that those who have proven misconduct do not perpetuate harm by moving on to another community or agency. Access to the created database should be available to the chiefs or heads of law enforcement agencies and could be checked during the hiring process.

### **Data Collection and Transparency**

The Legislature should provide clear and concise guidelines on what data and variables should be collected and the oversight of that data collection. We should provide TCOLE with the resources

they need to be able to have the appropriate IT infrastructure to identify errors, make corrections, and enforce compliance. Further, the Legislature should consider expanding our existing data collection practices outside of vehicle stops. This can include data from pedestrian stops and arrests; use of force, particularly settlements, judgements, payouts, and ultimate outcomes; and basic data on department policies and procedures. Finally, with any proposal before us in the Legislature, we should balance the need for confidentiality and uncompromised data on the behalf of law enforcement with the public interest and need for transparency.

Additionally, the Legislature should consider granting TCOLE the authority to create a set of statewide professional law enforcement standards and give them the ability to impose sanctions for noncompliance with these standards.



# Drug Offenses

*Examine policies and penalties related to drug offenses.*

## Background

### ***Drug Laws in Texas***

Under Texas law, it is illegal to possess, manufacture, or distribute controlled substances. Penalties range from a Class B misdemeanor to a First Degree Felony.

### ***Public Hearing***

On October 12, 2022, the Committee met in a public hearing at the Capitol to hear the following invited testimony:

Katharine Neill Harris, Fellow in Drug Policy, Rice University's Baker Institute for Public Policy  
Terra Tucker, Texas State Director, Alliance for Safety & Justice

## Findings

### ***Drug Offenses in Texas***

Texas has some of the most stringent penalties for minor drug possession in the country. These minor possession charges, while important to address in some way, are different and distinct from more violent and serious crimes, including major drug possession, manufacturing, and distribution. In 2021, 87,000 drug possession cases were filed<sup>21</sup>.

Recent calls have been made to lower the penalties for drug offenses. One proposal is to lower the penalty for less than a gram of controlled substances to a Class A misdemeanor. Another is to reduce the penalty for less than a gram of THC concentrates to a misdemeanor. Another is to reduce marijuana possession to a fine only offense.

### ***Effects on State Jail System***

Texas' state jail felony system was created to address drug and alcohol crimes with the aim of getting offenders both the treatment and services they need and eventual community supervision. 53,000 state jail felonies were filed in 2021, with 40,000 felonies for drug offenses — a significant amount of overlap. This experiment, however, has failed to achieve the intended results. State jails are overcrowded, services are needed, probation departments are underfunded and frequently are not utilized as intended, and recidivism rates remain very high.

## Recommendations

Changes in drug policy should be carefully analyzed by the Legislature, if the intent is to have individuals in a system that provides treatment and necessary services helping them get back on their feet. In order to reduce recidivism rates, the system should be built around that goal with a framework in place to ensure those services and treatment are being provided. The Legislature should consider proposals that maintain public safety, but ultimately ensure that money and resources are being used where they are most needed and most effective — on violent and serious crimes.

# Prosecutorial Discretion

*Examine the use of prosecutorial discretion.*

## Background

### ***Public Hearing***

On October 13, 2022, the Committee met in a public hearing at the Capitol to hear the following invited testimony:

Pam Metzger, Director, Deason Criminal Justice Reform Center at SMU Dedman School of Law  
Jeff Reisig, District Attorney, Yolo County, California  
Erleigh Wiley, Criminal District Attorney, Kaufman County  
Brian Middleton, District Attorney, Fort Bend County  
Ken Cuccinelli, Former Attorney General of Virginia

## Findings

### ***Declining to Prosecute***

Local prosecutors have the discretionary power to screen and charge cases, ultimately deciding to either pursue or decline prosecution<sup>22</sup>.

Recent concerns have risen with regard to local prosecutors adopting internal policies to not prosecute certain classes of crimes. The exercise of discretion is a key tool for prosecutors. It is what they use to reflect the goals of their community and implement democratic action<sup>23</sup>. Ultimately, it is key to balance local control with state law, allowing for prosecutorial discretion on a case-by-case basis, while not allowing the usurpation of the Legislature's role as the policymaking body.

When examining the process, one suggestion is for prosecutors to develop transparent data systems, both internal and external. Data dashboards, for example, can provide information on how many are in jail who have not yet been charged. With this information, prosecutors can be held accountable in real time<sup>24</sup>. Another proposal is to encourage more internal accountability, such as monthly check-ins and circulating jail lists<sup>25</sup>.

### ***Prosecutor-Initiated Resentencing***

Enacted in California, Louisiana, Oregon, and Illinois, prosecutor-initiated resentencing is a post-conviction policy that allows a prosecutor to look back at cases where the sentence merits a second look<sup>26</sup>. A modest and surgical reform, it's an approach that brings transparency, accountability, and redemption into the prosecutor's office in a post-conviction sense<sup>27</sup>. Specifically, they will look at who the person is, what crime they committed, how they have done in prison with rehabilitation, and most importantly, consent from the victims<sup>28</sup>. After an extensive review, the prosecutor files a motion with the court supporting their recommendation to resentence; judges then independently make the decision<sup>29</sup>.

## Recommendations

Prosecutors swear a solemn oath to uphold and defend the laws of the state of Texas, as passed by the duly elected Texas Legislature. For prosecutors to knowingly and willingly refuse to enforce

state laws — and even further, publicly announce their refusal to follow and enforce state laws — is a violation of their oath and greatly jeopardizes the entire justice system and weakens the rule of law. The foundational principle of prosecutorial discretion on a case-by-case basis must be protected. But state laws must be enforced. Any prosecutor who refuses to do so must be held to account.

# Detention and Incarceration

*Examine the use and conditions of detention and incarceration.*

## Background

### ***The Texas Prison System***

The Texas Department of Criminal Justice (TDCJ) currently operates 98 facilities, with the total inmate population being just over 123,000<sup>30</sup>. Among the wide variety of facilities, 51% of beds are dormitory-style, and 49% of beds are cell-block housing<sup>31</sup>. Current staffing is at 30,000 employees, of these 24,000 are directly involved in inmate management<sup>32</sup>.

Types of facilities include<sup>33</sup>:

- prisons
- pre-release facilities
- psychiatric/developmentally disabled
- geriatric
- medical
- private prisons
- multi-use facilities
- state jails
- private state jails
- substance abuse treatment

### ***Public Hearing***

On October 13, 2022, the Committee met in a public hearing at the Capitol to hear the following invited testimony:

Bryan Collier, Executive Director, Texas Department of Criminal Justice  
Bobby Lumpkin, Correctional Institutions Director, Texas Department of Criminal Justice  
Amite Dominik, President, Texas Prisons Community Advocates  
Sharon McKinney, Executive Director, Texas Inmate Families Association  
Luis Soberon, Policy Advisor, Texas 2036

## Findings

### ***Population Trends and Demographics***

The inmate population declined significantly before the COVID-19 pandemic, from roughly 156,000 to 142,000<sup>34</sup>. During the pandemic, the population dropped to 116,000, but has risen to 123,000. TDCJ estimates the population by the end of the 2022 will be roughly 125,000<sup>35</sup>.

There are two main growing populations: aging inmates and mental health caseloads<sup>36</sup>.

- Nearly 20,000 inmates are over the age of 55, up 38% from 10 years ago; many of these have aged in the system.
- Mental health caseloads run just under 30,000 of the overall inmate population. These inmates are either under a caseload or they may be in in-patient services at one of TDCJ's hospitals.

### ***TDCJ Staffing Shortages***

Over the last two years, TDCJ has struggled significantly with staffing shortages. Current staffing average statewide is at 70.84%. Some units are well over 100% staffed and are able to assist short-staffed units — some as low as in the 30<sup>th</sup> percentile<sup>37</sup>. In April of 2021, TDCJ was able to implement a 15% pay increase, bringing vacancies down from 8,000 to below 7,000<sup>38</sup>.

TDCJ is able to staff some units, mainly those near Dallas and Houston, at over 100% and rotate those staff to short-staffed facilities. Additionally, TDCJ has hired mobile officers who travel and work at different units each week for one year. After a year, they are offered the opportunity to choose which unit they would like to stay at. Initiatives such as these have been helpful, but they are not sustainable models to permanently address the staffing shortage<sup>39</sup>.

Additionally, recent calls have been made to focus on the pressures and demands that corrections officers often face. Meaningful reform will need to include this aspect in order to rehabilitate the inmates they are asked to provide correction to.

### ***Prison Air Conditioning***

14% of TDCJ's facilities currently have no air conditioning in any housing area, 55% have limited pockets, and 31% have air conditioning throughout the facility. Within TDCJ, there are 43,000 air-conditioned beds; this includes temporary air conditioning for inmates transferring into the system. In July of 2022, TDCJ presented to the House Appropriations Committee a four-phase plan over 10 years to air condition the system, totaling \$1.1 billion. This plan would first prioritize special needs housing, followed by older facilities, and finally the oldest facilities that would require significant retrofitting<sup>40</sup>.

Absent an overall significant investment, TDCJ has been adding air-conditioned beds over the last several years, adding 9,500 beds since 2018<sup>41</sup>.

## **Recommendations**

### **TDCJ's Phased AC Installation Plan**

The issue of air conditioning directly relates to TDCJ's issues with recruiting and retaining staff. In addition, it impacts inmates themselves and their health, as both TDCJ and inmate advocates have emphasized. Then Legislature then should fulfill TDCJ's Legislative Appropriation Request, allowing them to install and retrofit all facilities with air conditioning over a 10 year four-phase plan.

# Civil Asset Forfeiture

*Examine the civil asset forfeiture process.*

## Background

### ***Civil Asset Forfeiture***

Civil forfeiture permits the government to seize someone's property based on the mere suspicion that the property is connected to criminal activity and to permanently forfeit and keep that property without securing a criminal conviction, bringing criminal charges against the owner, or arresting them. This is unlike criminal forfeiture, which requires prosecutors to prove beyond a reasonable doubt that the property owner is guilty of a crime and then, in the same proceeding, prove the property is connected to the crime. In Texas, prosecutors use Chapter 59 of the Code of Criminal Procedure to litigate in civil courts the question of whether seized property gets forfeited to the state. The statute requires establishing probable cause that the property and its owner can be connected to a specific forfeitable offense, and that the seized property is contraband. A property owner can lose their property without being convicted of a crime or even arrested and the property owner is saddled with the burden of proof, not the state.

Concerns have been raised relating to the civil asset forfeiture process, specifically over the burden of proof, violations of property rights, violations of due process, profit incentives, delayed hearings, and lack of transparency. Issues such as these have the potential to endanger both individual rights and the integrity of law enforcement agencies.

### ***Public Hearing***

On October 12, 2022, the Committee met in a public hearing at the Capitol to hear the following invited testimony:

Arif Panju, Managing Attorney, Institute for Justice  
Sheriff Brian Hawthorne, Sheriff's Association of Texas  
Marc Levin, Chief Policy Counsel, Council on Criminal Justice

## Findings

### ***The Asset Forfeiture Process***

Civil asset forfeiture is a process by which law enforcement agencies are able to seize currency or property under suspicion that it was used for or obtained through criminal activity. This is done so without charging the owner with a crime; rather, the property is charged instead.

Before a civil court transfers ownership of the seized property to the state, the property owner is able to recover the property, but only if they prove by a "preponderance of the evidence" that they are innocent<sup>42</sup>. Thus, the burden of proof is placed on the owner rather than the state. Witnesses provided testimony on both sides of this issue; concerns from law enforcement centered on their need to utilize the seizure and forfeiture process to put a stop to drug smuggling and trafficking rings, while other concerns focused on the lack of safeguards and a process that allows and incentivizes forfeiture as a funding stream for departments and agencies. Further, according an Office of Court Administration report, prosecution of forfeitures in civil courts "make[s] it extremely difficult for asset owners to recover their assets in a forfeiture hearing even if the claims

to the assets are legitimate"<sup>43</sup>, largely due to property owners not being entitled to representation in civil court and thereby needing to hire an attorney, the burden of proof requirements being on the property owner and the lack of requiring a criminal conviction — all things that would not be additional burdens if forfeiture was dealt with in the criminal court setting.

There have been recent efforts to amend this. During the 87<sup>th</sup> Session, House Bill 1441 by Representative Schaefer would have raised the standard of proof from "preponderance of the evidence" to "clear and convincing evidence", while also shifting the burden of proof from the owner to the state<sup>44</sup>. While the bill ultimately did not pass, it was voted out of the House<sup>45</sup>.

Another proposed reform involves returning asset forfeiture back to the criminal system and out of the civil system. Currently, four states — Maine, Nebraska, New Mexico, and North Carolina — have done so<sup>46</sup>. Ultimately, this would require a criminal conviction before the property can be forfeited.

Despite calls for reforms, there are still legitimate uses for civil asset forfeiture. It has served as a useful tool for law enforcement to combat drug cartel operations and cash smuggling<sup>47</sup>.

## **Recommendations**

The Legislature must continue to balance maintaining a useful and effective tool for our law enforcement officers with meaningful reforms to ensure no Texan has his or her rights and due process violated, and also ensure that there is a transparent process when dealing with forfeiture claims.

### **Expand Reporting Requirements**

The Legislature should expand reporting requirements and require the tracking of county level data on civil forfeitures. At the county level, we should know the basic information regarding any forfeiture, the location it occurred, the amounts and a description of the property, any criminal charges associated with the seizure and their outcome, as well as the final disposition of property. In conjunction with county level data collection, the state should require departments to submit an annual report on their forfeitures with much of the same information — the number of annual forfeitures, different types of forfeitures collected, the values and the reasons/offenses that gave cause for the seizure, where did the property end up or where were the forfeiture funds spent, the number of convictions associated with forfeitures, etc. This information should be easily accessible and not require months of paperwork and public information requests to obtain. This would not only provide access to important and valuable information, but would create greater transparency throughout the process which in turn, helps foster greater faith in the justice system and its proper functioning.

### **Examine Procedural Reforms**

The Legislature should strongly consider and evaluate any legislative proposals that would make procedural reforms to asset forfeiture. We should consider proposals that strike the balance between asset forfeiture's validity as a tool and streamlining the seizure process in a more effective, efficient, and transparent process — whether those proposals focus on a return of forfeiture to the criminal court system, shifting the burden of proof, or making changes to the requirements to utilize forfeiture. As there is no requirement for a prompt post-seizure hearing or even any time of framework for such a process, property owners seeking the return of their property never get before a judge until a forfeiture case has already been filed, oftentimes even after a district attorney has

already served them with written discovery requests. The Legislature should consider proposals that provide a clear and efficient framework for returning any seized property when there was no conviction or criminal charges pursued.



# Jury Instructions

*Examine jury instructions and sentencing in felony cases.*

## Background

### ***Jury Instructions***

Following a trial, a jury is provided detailed instructions to follow when deciding a case. These are delivered by the judge and ultimately guide the jury towards deciding issues of facts<sup>48</sup>.

### ***Public Hearing***

On October 12, 2022, the Committee met in a public hearing at the Capitol to hear the following invited testimony:

Shannon Edmonds, Texas District and County Attorneys Association  
Steve Brand, Texas Criminal Defense Lawyers Association  
Robert Owen, Self

## Findings

### ***Jury Instructions in Capital Cases***

Recent legislation addressing jury instructions included House Bill 252 by Representative Moody. In some capital cases, jury instructions are often confusing and lead to misunderstandings in sentencing. HB 252 would have provided clarity for jury instructions in capital felony cases. Specifically, it addressed the issue that some jurors have reported, which is confusion over reaching certain vote counts rather than answering the question provided<sup>49</sup>. During the 87<sup>th</sup> Session, the bill passed the House with 148 Yeas and 0 Nays<sup>50</sup>.

## Recommendations

### **HB 252**

During 87<sup>th</sup> Session, the House passed House Bill 252, relating to certain sentencing procedures in capital cases. The bill would have provided clarity for jury sentencing instructions in capital cases. When dealing with capital cases, cases of serious consequence where the death penalty is on the line, there can be no room for confusion and misunderstanding. Instead, transparency and ease of understanding should be a goal of the upmost importance. The Legislature should pass HB 252 or similar legislation to address this issue and provide much needed clarity to jurors.

# The Grand Jury Process

*Examine the level of transparency in policing and prosecution, including the grand jury process.*

## Background

### ***Grand Juries***

A grand jury determines whether or not there is probable cause to believe that a crime was committed and that an individual should be indicted. Historically, grand juries were created as a check on overzealous prosecutions; however, some concerns have risen with regard to proceedings operating at the expense of the accused's constitutional protections<sup>51</sup>.

### ***Public Hearing***

On October 13, 2022, the Committee met in a public hearing at the Capitol to hear the following invited testimony:

Dustin Boyd, District Attorney, Coryell County

Marc Levin, Chief Policy Counsel, Council on Criminal Justice

Pam Metzger, Director, Deason Criminal Justice Reform Center at SMU Dedman School of Law

## Findings

### ***Grand Jury Reform***

Recent reform to the grand jury process occurred during the 84<sup>th</sup> Session with the passage of House Bill 2150 by Representative Alvarado. The bill changed the mechanism for selecting individuals who serve on grand juries; courts now have a general jury summons, and the district judge is in charge of seating the new grand jury<sup>52</sup>.

It is important to keep in place the requirement that proceedings not be shared publicly and protect the integrity of the investigation. However, issues can arise with no transcript requirements, either written or audio, which could ensure that nothing improper was said<sup>53</sup>. Required transcripts can then be made available upon the conclusion of the grand jury or at the request of the defense. Other proposed changes include requiring prosecutors to share any exculpatory evidence with the grand jury and preventing prosecutors from taking the case to additional grand juries<sup>54</sup>.

## Recommendations

The Legislature should carefully consider proposals that provide meaningful reforms to the grand jury process. When the grand jury process is done correctly and is executed as intended, it can work well. However, it is also a process that can be easily manipulated or abused. The grand jury being a secretive process provides much needed protections for individuals and their right to privacy, but secret does not and should not inherently mean untransparent.

### **Increased Transparency**

In the interest of transparency, the Legislature should require transcripts of the grand jury process to be made available, either transcribed or recorded. Additionally, the Legislative should require policies that would prohibit the same case to be taken back to grand juries multiple times without

the addition of new evidence, which would act as a check on the power of the prosecutor. Ultimately, any proposal on grand jury reform should all be considered and weighed through multiple lenses. Does this create new problems or unintended consequences that defeat the purpose of the reform? Does this create a focus on the use and abuse of the system and work to protect the integrity of the system? Does this benefit every potential defendant, or only those with the resources and adequate counsel to take advantage of them? The Legislature's goal should be to protect the integrity of a system that works from potential misuse, providing transparency, and returning grand juries to their original intent.

## The Juvenile Age Range

*Examine the appropriate age range for the juvenile justice system and parole eligibility, in addition to procedures for juveniles certified as adults.*

### Background

#### ***Juvenile Offenders***

In Texas, a juvenile is legally defined as someone between the ages of ten and sixteen<sup>55</sup>. The juvenile justice system is a separate system from that of the adult system, and has recently faced its own series of challenges.

#### ***Raising the Age***

Recent calls have been made to raise the adult age of criminal responsibility from 17 years to 18 years. With what we know regarding adolescent brain development and its effect on decision-making, there is a general consensus for raising the age of criminal responsibility to 18 years. However, additional resources will be needed to meet the demands for this change.

#### ***Public Hearing***

On August 24, 2022, the Committee met in a public hearing at the Capitol to hear the following invited testimony:

Shandra Carter, Interim Executive Director, Texas Juvenile Justice Department

Joe Evans, Mentor, IEA — Inspire, Encourage, Achieve

Gary Ivory, President, Youth Advocate Programs, Inc.

William Carter, Chief Juvenile Probation Officer, Lubbock County Juvenile Justice Center

H. Lynn Hadnot, Director, Collin County Juvenile Probation Services

Marc Marquez, Deputy Chief Probation Officer, El Paso County Juvenile Probation Department

Elizabeth Henneke, Founder and CEO, Lone Star Justice Alliance

Martin Martinez, Youth Justice Policy Advocate, Texas Appleseed

Sarah Reyes, Policy Analyst, Texas Center for Justice & Equity

### Findings

#### ***TJJD's Staffing Shortages***

The Texas Juvenile Justice Department (TJJD) operates five secure facilities in Brownwood, Edinburg, Gainesville, Giddings, and Mart<sup>56</sup>.

With their present resources, TJJD is unable to serve all of the youth who have been committed to TJJD. Currently, there are 140 youth in county detention centers waiting to come to TJJD; at one point it was as high as 165 youth, and some have been waiting for up to three months<sup>57</sup>. The only reason TJJD cannot take these youth is lack of adequate staffing and direct supervision, which compromises the ability to meet its mission for rehabilitation<sup>58</sup>. There is only adequate staffing for normal programming for 342 youth, with about 555 youth in the secure facilities, or 160% capacity<sup>59</sup>.

In April of 2021, TJJD completed an analysis of Raise the Age; it was estimated that over the course of five years, Raise the Age would increase their secure facility population by 723 youth,

doubling their current population<sup>60</sup>. Additionally, it would increase the youth population on parole to 324; today, there are about 200<sup>61</sup>.

Should Raise the Age occur, TJJD's five facilities do have the physical bedspace to absorb these additional youth, but would not be able to secure the necessary staffing to utilize those beds, due to the facilities' locations in rural areas with limited labor pools<sup>62</sup>. Consequently, TJJD would need to either build new facilities or find facilities that would be retrofitted, with both options needing to be strategically located<sup>63</sup>. In their discussions with the Facilities Commission, TJJD is proposing 9 new buildings, at roughly 64 youth per building, and at \$40 million per building, totaling to \$360 million and incurring an additional cost of \$244 million to staff and handle the new population<sup>64</sup>.

### ***Juvenile Probation***

Within Texas' 254 counties, there are 165 juvenile probation departments<sup>65</sup>. In 2019, there were 53,801 referrals to juvenile probation. Of these referrals<sup>66</sup>:

- 16,201 (30% of the total referrals) were felony offenses
- 700 (1.3%) were committed to TJJD
- 142 (0.2%) were certified as an adult
- 1,684 (3%) were under the age of 12

While there is general consensus for raising the age, the question of available resources arises. In 2019, there were 21,532 17 year olds arrested; should raise the age have occurred, that would have been a 40% increase in referrals<sup>67</sup>. Of these, 8,409 were felony referrals (39%), which would be a 52% increase in felony referrals to juvenile probation<sup>68</sup>.

## **Recommendations**

Juvenile justice issues are frequently some of the most difficult issues we face. In these instances, the state handles children who have often not had the easiest path through their young lives and are dealing with trauma, circumstances outside of their control, and whose brains have not finished developing in ways to evaluate logic, risk, and consequences. It is essential for the Legislature to find ways to balance these issues with the need for justice.

### **Raise the Lower Age**

We recommend that the 88<sup>th</sup> Legislature raise the lower age of criminal responsibility. Currently, the minimum age of criminal responsibility for minors is 10 years old. Children below the age of 13 need responses to behavior that can reach down to the root of the behavior by addressing trauma and the causes of their behavior. Indeed, in 2021, approximately 60% of juvenile justice referrals were for misdemeanor offenses.

We recommend then passing legislation that would raise the minimum age of criminal responsibility to exclude 10, 11, and 12 year olds, with certain exceptions. The presumption should be that children in that age range be referred to the mental and physical services that they need in their communities rather than TJJD facilities. However, if a law enforcement officer has received a referral and believes the crime rises to a violent or serious nature, then a juvenile court should be required to hold a pre-adjudication hearing to determine whether or not to waive jurisdiction of the child. The court should look at what interventions have been taken by the parents, family, guardian, school, child protective services, or county family and youth services. The court should then use this to determine if those interventions are sufficient to ensure both the safety of the public and of the child. If the court determines they are sufficient, it should dismiss the charges and refer

the child to the appropriate services. However, if the court determines that the court should intervene, then the child would be referred to the Texas Juvenile Justice Department, as it stands today. Ultimately, this process would seek to strike the right balance between getting a child the help they need while ensuring that public safety is protected and justice continues to be served.

### **Second Look**

During the 87<sup>th</sup> Session, the Texas House and Senate overwhelming passed House Bill 686 by Representative Moody. Known as the "Second Look" bill, it would have adjusted parole eligibility for certain youth offenders by requiring a parole panel to take certain factors relating to growth and maturity into consideration when determining whether to release on parole an inmate who was younger than 17 when the offense was committed. Additionally, it changed parole eligibility for an inmate serving a capital or first degree felony offense if it was committed when they were younger than 17 to allow for parole to be considered after 20 years, rather than 40 years. The bill was vetoed by the Governor due to conflicting issues with required jury instructions in our state. The 88<sup>th</sup> Legislature should address the issues of conflicting law and pass this or similar legislation again.

# Recidivism And Re-Entry

*Examine opportunities to reduce recidivism and remove barriers to re-entry after justice involvement.*

## Background

### ***Recidivism***

Recidivism is defined as a return to criminal or delinquent activity after previous criminal or delinquent involvement<sup>69</sup>. Recent concerns have been made regarding rates of recidivism, as well as a number of barriers individuals may face from successful reentry into their communities and society as a whole.

### ***Public Hearing***

On August 24, 2022, the Committee met in a public hearing at the Capitol to hear the following invited testimony:

Christina Melton Crain, Founder and CEO, Unlocking DOORS®

Jason Vaughn, Co-Founder, The First 90

Charles Blain, President, Urban Reform

Theresa May, Director, Harris County Community Supervision & Corrections Department

Dave Emerick, Executive Director for Government Relations, JP Morgan & Chase

Patrick Brophrey, Senior Director, North Texas Commission

Jennifer Carter, Chief Mission Officer, Goodwill Central Texas

Terra Tucker, Texas State Director, Alliance for Safety & Justice

Emily Gerrick, Policy Director, Texas Fair Defense Project

Kaden Norton, Prison Fellowship Ministries

April Zamora, Director of Reentry & Integration Division, Texas Department of Criminal Justice

Kristina Hartman, Superintendent, Windham School District

Courtney Arbour, Director of Workforce Development, Texas Workforce Commission

Mike Arismendez, Executive Director, Texas Department of Licensing & Regulation

## Findings

### ***Recidivism and Barriers to Reentry***

Texas releases nearly 70,000 individuals from the Texas Department of Criminal Justice (TDCJ) annually<sup>70</sup>. While the overall recidivism rate for the TDCJ population is 20.3%<sup>71</sup>, the highest rates are in state jail felony cases, with 63% rearrested within three years<sup>72</sup>.

Factors leading to successful reentry include<sup>73</sup>:

- employment
- stable and permanent housing
- transportation
- medical, mental health, and substance abuse treatment

In addition to the impact on the individuals themselves, recidivism impacts society with issues of public safety, homelessness, drug addiction, mental health and chronic illness, disabilities,

veterans issues, emergency medical care, and a compromised tax base<sup>74</sup>.

### ***Employment***

The most important predictor to successful reentry is employment, and employers' embrace of second chance hiring has yielded positive results. Many business leaders recognize the importance of second chance hiring; benefits include finding untapped qualified talent, solutions to ongoing labor shortages, alleviating economic pressures, and ultimately helping reintegrate Texans back into society. That being said, businesses have also voiced concerns relating to liability issues and regulatory requirements<sup>75</sup>.

Another suggested initiative has been "banning-the-box", which encourages employers to remove a criminal history section on job applications and to delay background checks until later in the hiring process. The purpose behind this approach is that employers consider the qualifications of a candidate first and foremost. The efficacy of recent state laws implementing banning the box has been shown in recent studies<sup>76</sup>; however, questions remain on possible unintended consequences, including statistical discrimination and the consequential raising of experience requirements<sup>77</sup>.

### ***Agency Efforts***

Within TDCJ is the Reentry and Integration Division, which works with offenders to establish successful reentry after his or her release. Within the department are 195 reentry case managers; 125 are stationed on the units, with 11 addressing special needs, 8 dedicated to releasing, and 51 in the community addressing those on parole<sup>78</sup>. The Division continues to emphasize employment as a crucial factor for successful reentry, and in doing so, hosts career fairs and a website; currently, 931 employers have partnered with TDCJ<sup>79</sup>.

The Windham School District serves approximately 55,000 students within TDCJ in academic programs, life skills, and career and technical education (CTE) programs<sup>80</sup>.

While the Texas Workforce Commission (TWC) does not have specific programs for reentry, TWC does offer fidelity bonding, a form of insurance for employers hiring justice-involved individuals offering protecting against theft and other crimes<sup>81</sup>. Another program that is widely-used is the Work Opportunity Tax Credit (WOTC), which offers a federal tax credit up to \$2,400 for employers who hire an individual who has had a felony<sup>82</sup>.

The Texas Department of Licensing and Regulation (TDLR) continues to prioritize second chances for Texans who have a criminal history. Accordingly, each TDLR applicant is reviewed on a case-by-case basis and is never automatically denied a license due to their criminal history, with few statutory exceptions<sup>83</sup>. In addition, TDLR is able to provide a Criminal History Evaluation Letter (CHEL), which helps applicants determine if they would be denied a license due to their criminal history before starting the application process, saving them both time and money<sup>84</sup>.

## **Recommendations**

In recent sessions, the Legislature has implemented several reforms aimed at removing barriers and getting formerly incarcerated Texans integrated back into society smoothly and effectively, whether that is removing red tape from occupational licensing regulation, or providing additional educational opportunities. We can and should continue that work.



### **Clean Slate**

The Legislature should pass "Clean Slate" legislation, similar to House Bill 3601 by Representative Leach from the 87<sup>th</sup> Session, which provides for automated record clearance for those who are already eligible to have their record sealed. Under existing law, a person with a first-time, non-serious misdemeanor is already entitled to presumptive relief to have their record sealed. However, there remains an onerous process which requires court filings and necessitates the hiring of an attorney and paying additional fees. The Legislature has already deemed them eligible to have their record sealed — removing these additional barriers eliminates red tape and would make it easier for Texans to find gainful employment and access to housing.

### **Occupational Licensing Reform**

The Legislature should continue its work with regard to occupational licensing reform. In the 86<sup>th</sup> Session, House Bill 1342 by Representative Leach was passed, which allowed more Texans who may have had justice involvement to receive an occupational license. Instead of a rubber stamp denial simply from having a criminal record, it required licensing authorities to examine the application more closely, provide for an automatic denial only if the crime had a relation to the license being sought, and provide applicants with additional information for why a denial was issued and how they could improve their chances of licensure on a later attempt. We recommend continuing to build on this work by passing legislation that requires licensing boards to consider cases individually instead of using broad one-size-fits-all policies. For certain non-violent offenses, if a period of time has passed without any additional criminal activity, should that prevent someone from accessing a license to have gainful employment? We think not. This is a practice several other states, including Florida, West Virginia, Arkansas, and Ohio have all implemented. Licensing boards should have a presumption in favor of licensure instead of denial, not just for those who haven't any justice involvement. Obtaining employment after incarceration significantly reduces the probability of recidivism. We should be encouraging Texans to take these steps, not making it more difficult.

### **Employer Liability Protections**

In 2013, the Legislature passed House Bill 1188 by Representative Senfronia Thompson, which provided liability protections for employers who employ individuals with criminal convictions. This was a huge step forward in helping those with a criminal history gain employment, on this Texas lead the charge and other states, including Louisiana have followed suit. The 88<sup>th</sup> Legislature should continue to make strides and lead in this direction.

# Letter from Representative Thompson



Capital Office  
Room 334  
E.O. Box 2910  
Austin, Texas 78765  
Phone (512) 463-0720

TEXAS HOUSE OF REPRESENTATIVES

*Senfronia Thompson*

House Office  
10227 Thornwood  
Houston, Texas 77015  
Phone (713) 633-2390  
Fax (713) 633-0390

December 30, 2022

Dear Chairman Leach,

First, I'd like to thank you for your advocacy, dedication, and commitment to criminal justice reform. Through Speaker Phelan's leadership and under your direction as Committee Chair, the Texas House has demonstrated its steadfast commitment to improving the justice system for all Texans. I'm honored to have been selected by Speaker Phelan to serve on this committee and believe that each member brought a valuable perspective to the many issues before us. I'd also like to thank the committee staff for their work throughout the interim and in developing this report.

While I agree with most of the report, I believe the effect of SB 6 was not to prohibit the "misuse" of personal bonds, as the report states. Rather, it was a near-absolute prohibition on the use of personal bonds for broad categories of defendants and deepened Texas' reliance on money bail. The impact of this legislation for many low-income Texans who are kept in jail for minor offenses - just because they cannot afford bail - means a loss of their livelihoods, stability in housing, and a lack of access to other basic needs like community resources and support during and after system involvement. The interim report's findings accurately reflect under a separate section, that a loss in employment, housing, transportation, and treatment services fuel recidivism and create barriers to reentry.

I am also concerned about the broad recommendation in the section on prosecutorial discretion. Responsibly handling criminal prosecutions *requires* the exercise of prosecutorial discretion. Prosecutors are naturally going to consider the wisdom and justness of certain criminal laws when setting their office's priorities. This fact is recognized in Texas' Code of Criminal Procedure which says in part, "... It shall be the primary duty of all prosecuting attorneys, including any special prosecutors, not to convict, but to see that justice is done..." (TX Code Crim Pro Art 2.01). Certainly, any prosecutor who betrays their oath of office must be held to account, but the broad exercise of prosecutorial discretion - including general policies about enforcement and non-enforcement of certain offenses - can occur in a way that is consistent with justice and safety, the Constitution and laws of Texas and the oaths that district and county attorneys swear.

Thank you for the opportunity to provide my comments. I look forward to continuing to work with you and our colleagues in the upcoming 88th Legislature on the issue of criminal justice reform.

Sincerely,

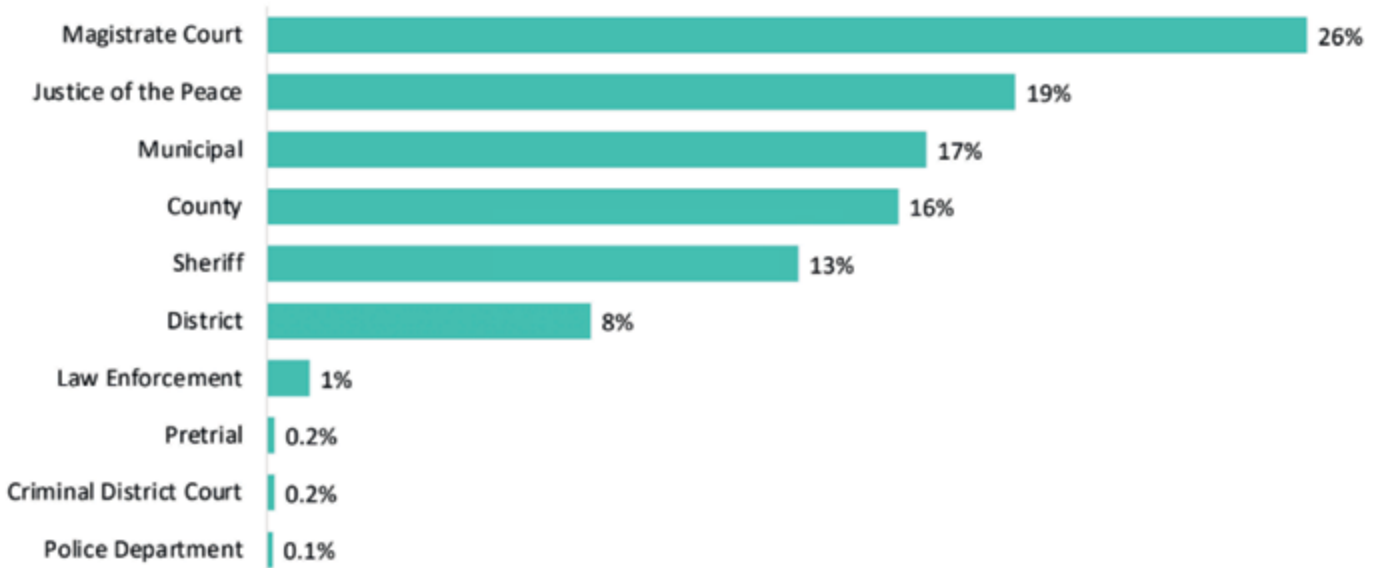
*Senfronia Thompson*  
Senfronia Thompson



# Appendix A

## PSRS AUGUST DATA

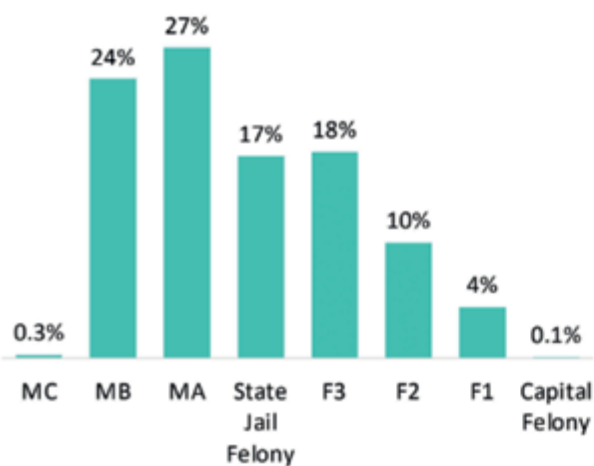
### Compelted Bail Forms by Location



## Appendix B

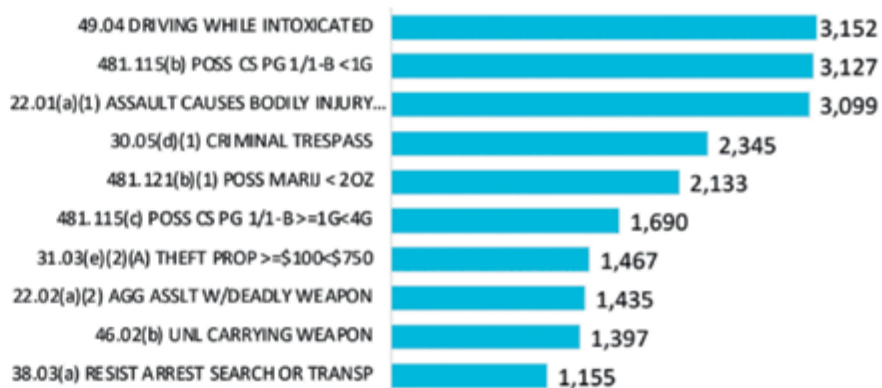
# PSRS AUGUST DATA

### Reported Offenses



\*Note Class C Misdemeanors do not have to be reported.

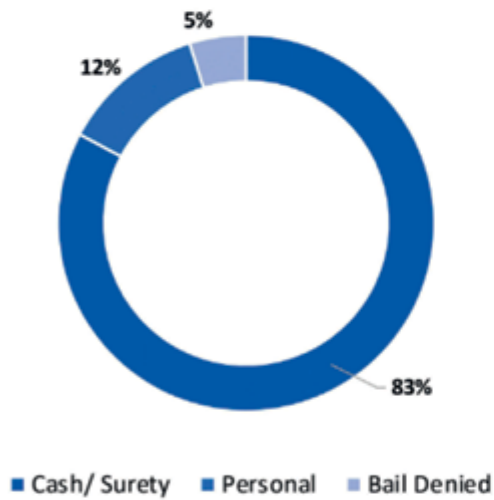
### 10 Most Reported Offenses



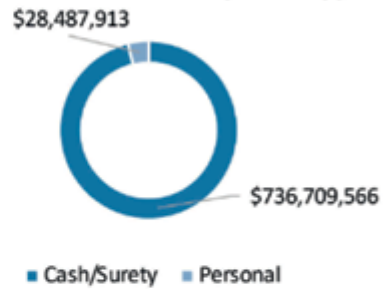
# Appendix C

## PSRS AUGUST DATA

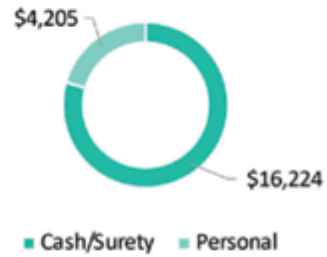
### Reported Bail Types



### Total Bond Amount by Bail Type



### Average Bond Amounty by Bail Types



## ENDNOTES

---

<sup>1</sup> Megan LaVoie, Administrative Director, Office of Court Administration, Oral Testimony, House Interim Study Committee on Criminal Justice Reform Hearing, October 12, 2022

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> [https://www.txcourts.gov/media/1455371/2022\\_bail-report.pdf](https://www.txcourts.gov/media/1455371/2022_bail-report.pdf)

<sup>5</sup> Megan LaVoie, Administrative Director, Office of Court Administration, Oral Testimony, House Interim Study Committee on Criminal Justice Reform Hearing, October 12, 2022

<sup>6</sup> <https://statutes.capitol.texas.gov/Docs/CR/htm/CR.17.htm#17>

<sup>7</sup> Judge J.R. Woolley, Justices of the Peace & Constables Association, Oral Testimony, House Interim Study Committee on Criminal Justice Reform Hearing, October 12, 2022

<sup>8</sup> <https://www.tcole.texas.gov/content/current-statistics>

<sup>9</sup> John Beauchamp, Interim Executive Director, Texas Commission on Law Enforcement, Oral Testimony, House Interim Study Committee on Criminal Justice Reform Hearing, October 13, 2022

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> <https://www.tcole.texas.gov/content/background-confirmation-and-tcole-secure-share-0>

<sup>17</sup> Luis Soberon, Policy Advisor, Texas 2036, Oral and Written Testimony, House Interim Study Committee on Criminal Justice Reform Hearing, October 13, 2022

<sup>18</sup> *Id.*

<sup>19</sup> Chief Scott Rubin, Texas Police Chiefs Association, Oral Testimony, House Interim Study Committee on Criminal Justice Reform Hearing, October 13, 2022

<sup>20</sup> Luis Soberon, Policy Advisor, Texas 2036, Oral and Written Testimony, House Interim Study Committee on Criminal Justice Reform Hearing, October 13, 2022

<sup>21</sup> Katharine Harris, Fellow in Drug Policy, Rice University's Baker Institute, Oral and Written Testimony, House Interim Study Committee on Criminal Justice Reform Hearing, October 12, 2022

<sup>22</sup> Pam Metzger, Director, Deason Criminal Justice Reform Center at SMU Dedman School of Law, Written Testimony, House Interim Study Committee on Criminal Justice Reform Hearing, October 13, 2022

<sup>23</sup> Pam Metzger, Director, Deason Criminal Justice Reform Center at SMU Dedman School of Law, Oral Testimony, House Interim Study Committee on Criminal Justice Reform Hearing, October 13, 2022

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> Jeff Reisig, Yolo County California District Attorney, Oral Testimony, House Interim Study Committee on Criminal Justice Reform Hearing, October 13, 2022

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> Bryan Collier, Executive Director, Texas Department of Criminal Justice, Oral and Written Testimony, House Interim Study Committee on Criminal Justice Reform Hearing, October 13, 2022

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> <https://statutes.capitol.texas.gov/Docs/CR/htm/CR.59.htm>

- 
- <sup>43</sup> <https://www.txcourts.gov/media/782473/sting-report-final.pdf>
- <sup>44</sup> <https://hro.house.texas.gov/pdf/ba87r/hb1441.pdf#navpanes=0>
- <sup>45</sup> <https://journals.house.texas.gov/hjrn/87r/pdf/87RDAY31FINAL.PDF#page=11>
- <sup>46</sup> <https://ij.org/report/frustrating-corrupt-unfair/>
- <sup>47</sup> Sheriff Jim Skinner, Office of the Sheriff of Collin County, Written Testimony, October 10, 2022
- <sup>48</sup> <https://www.txcourts.gov/about-texas-courts/juror-information/basics-of-the-texas-judicial-system/>
- <sup>49</sup> <https://hro.house.texas.gov/pdf/ba87r/hb0252.pdf#navpanes=0>
- <sup>50</sup> <https://journals.house.texas.gov/hjrn/87r/pdf/87RDAY31FINAL.PDF#page=8>
- <sup>51</sup> <https://rightoncrime.com/wp-content/uploads/2022/03/Grand-Jury-One-Pager-3.21.22-002.pdf>
- <sup>52</sup> Dustin Boyd, Coryell County District Attorney, Oral Testimony, House Interim Study Committee on Criminal Justice Reform Hearing, October 13, 2022
- <sup>53</sup> Marc Levin, Chief Policy Counsel, Council on Criminal Justice, Oral Testimony, House Interim Study Committee on Criminal Justice Reform Hearing, October 13, 2022
- <sup>54</sup> *Id.*
- <sup>55</sup> <https://statutes.capitol.texas.gov/Docs/FA/htm/FA.51.htm>
- <sup>56</sup> Shandra Carter, Interim Executive Director, Texas Juvenile Justice Department, Oral Testimony, House Interim Study Committee on Criminal Justice Reform Hearing, August 24, 2022
- <sup>57</sup> *Id.*
- <sup>58</sup> *Id.*
- <sup>59</sup> *Id.*
- <sup>60</sup> *Id.*
- <sup>61</sup> *Id.*
- <sup>62</sup> *Id.*
- <sup>63</sup> *Id.*
- <sup>64</sup> *Id.*
- <sup>65</sup> William Carter, Chief Juvenile Probation Officer, Lubbock County Juvenile Justice Center, Oral Testimony, House Interim Study Committee on Criminal Justice Reform Hearing, August 24, 2022
- <sup>66</sup> *Id.*
- <sup>67</sup> *Id.*
- <sup>68</sup> *Id.*
- <sup>69</sup> [https://www.lbb.texas.gov/Documents/Publications/Policy\\_Report/6293\\_CJDA\\_Recidivism-Revocation.pdf](https://www.lbb.texas.gov/Documents/Publications/Policy_Report/6293_CJDA_Recidivism-Revocation.pdf)
- <sup>70</sup> [https://www.tdcj.texas.gov/documents/Statistical\\_Report\\_FY2019.pdf](https://www.tdcj.texas.gov/documents/Statistical_Report_FY2019.pdf)
- <sup>71</sup> [https://www.tdcj.texas.gov/documents/rid/RID\\_Reentry\\_Biennial\\_Report\\_09\\_2020.pdf](https://www.tdcj.texas.gov/documents/rid/RID_Reentry_Biennial_Report_09_2020.pdf)
- <sup>72</sup> Dr. Theresa May, Director, Harris Co. Community Supervision & Corrections Department, Oral and Written Testimony, House Interim Study Committee on Criminal Justice Reform Hearing, August 24, 2022
- <sup>73</sup> Christina Melton Crain, Founder and CEO, Unlocking DOORS®, Oral Testimony, House Interim Study Committee on Criminal Justice Reform Hearing, August 24, 2022
- <sup>74</sup> *Id.*
- <sup>75</sup> David Emerick, Executive Director for Government Relations, JP Morgan & Chase, Oral Testimony, House Interim Study Committee on Criminal Justice Reform Hearing, August 24, 2022
- <sup>76</sup> <https://www.nsl.org/Portals/1/Documents/cj/Ban-the-Box-Policy-Snapshot.pdf>
- <sup>77</sup> *Id.*
- <sup>78</sup> April Zamora, Director of Reentry & Integration Division, Texas Department of Criminal Justice, Oral Testimony, House Interim Study Committee on Criminal Justice Reform Hearing, August 24, 2022
- <sup>79</sup> *Id.*
- <sup>80</sup> Kristina Hartman, Superintendent, Windham School District, Oral Testimony, House Interim Study Committee on Criminal Justice Reform Hearing, August 24, 2022
- <sup>81</sup> Courtney Arbour, Director of Workforce Development, Texas Workforce Commission, Oral Testimony, House Interim Study Committee on Criminal Justice Reform Hearing, August 24, 2022
- <sup>82</sup> *Id.*
- <sup>83</sup> Mike Arismendez, Executive Director, Texas Department of Licensing & Regulation, Oral and Written Testimony, House Interim Study Committee on Criminal Justice Reform Hearing, August 24, 2022
- <sup>84</sup> *Id.*







