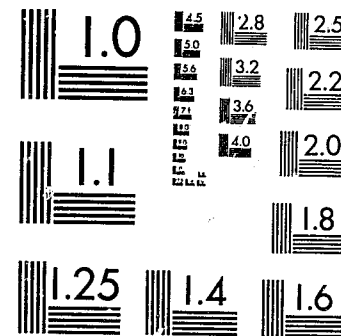


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8/30/83

TRAVIS COUNTY JAIL OVERCROWDING TASK FORCE REPORT



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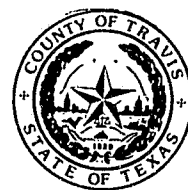
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TRAVIS COUNTY JAIL OVERCROWDING TASK FORCE

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Chairperson's Foreword

The criminal justice system of the United States is presently receiving the closest scrutiny it has probably ever had in its entire history. This attention is coming from every segment of the community, including litigation in courts, analysis by governmental agencies and private organizations, inspection by individual scholars and universities and colleges, and page one exposure by the press. No department, agency, unit, or facility of the system has or will escape the frustrated and displeased eye of the public. The criminal justice system of Travis County is likewise under close observation by the citizens of the County, and the officials who are responsible for the system are being seriously questioned about its operation.

The Travis County Jail has been, and is now, the subject of such litigation, analysis, inspection, and exposure. Although it was obvious that the Travis County Jail had become seriously overcrowded and was deficient in many respects, it was not until 1974 that serious attention was paid to the jail, and even then, only after U.S. District Judge Jack Roberts was placed in the position of having to find numerous violations of State and Federal law in the operation and facilities of the jail. In Musgrove v. Frank the County was ordered to correct these violations, but unfortunately, many of the violations found in that lawsuit remain uncorrected.

Some progress has been made. Exercise facilities for prisoners have been built on top of the parking garage. A minimum security

facility has been built in Del Valle. And after two bond elections a new jail is being built, although it will have only a slightly larger capacity than the current one. In the meantime the present jail still violates numerous jail standards concerning population, size of cells, lighting, and ventilation. The list grows daily. The citizens of Travis County indicated by their vote in the jail bond election that they want a medium-sized jail and not a large one. Yet as the population of Travis County increases more people will commit crimes and be arrested. If the jail bed space is to remain nearly constant and not be increased annually in proportion to the population or some other objective standard, then of necessity, the citizens of Travis County have told the criminal justice officials to do something with persons who are arrested other than leave them in jail, and to get the people who are in jail out at a faster rate. Since the problems of the criminal justice system belong to all officials charged with the duty of operating it, and since the system itself will certainly exist long after any and all of those officials have left office, it is incumbent on the criminal justice system officials to devise a continuously monitored and updated, long range plan.

There are, at the present time, over twenty-five major lawsuits concerning the jail pending in Federal Court. U.S. District Judge H.F. Garcia has recently appointed attorneys to represent the pro se plaintiffs in those lawsuits, and the Judge gives every indication that it is his intent that these lawsuits proceed to resolution. The failure to develop a long range plan

for the criminal justice system and to anticipate problems in advance of their becoming crises, especially when such problems are so obvious, is to abdicate responsibility and to guarantee that these problems will continue into the future and multiply. There is no reason a United States District Judge should have to order those responsible for the criminal justice system to do their jobs.

In this atmosphere and in an effort to study the problems associated with the jail, and with a hope that some long range solutions to these problems could be found, on June 18, 1980, County Judge Mike Renfro recommended to the Commissioners Court that a task force on jail overcrowding be established. The Judge had become aware of the efforts of Law Enforcement Assistance Administration's Jail Overcrowding and Pretrial Detainee Program, and with the consent of the Travis County Commissioners, an application was made to L.E.A.A. requesting permission to participate in Phase I of the Project. The writing of this report is proof of Travis County's acceptance into that Project.

The initial Task Force was small. However, shortly after the introductory seminar in Portland, Oregon, the Task Force was expanded to thirty-four members and divided into five subcommittees, with every member of the Task Force receiving the subcommittee assignment of his or her choosing. Dr. Marianne Hopper and Dr. Cliff Roberson of the Criminal Justice Program of St. Edward's University, both of whom have most generously volunteered their time and knowledge, were designated to be in charge of the design, collection, and analysis of the data to be

used in the Task Force's study. The officials and citizens of Travis County are deeply in the debt of these two essential Task Force members, for without their knowledge, study, guidance, and hours of just plain hard work, the Task Force's effort would have failed.

The Task Force has approached this assignment with a minimum of preconceived ideas about what the results should be. The work and the recommendations contained in this report are honest and without regard to politics and personalities. The plan developed by the Task Force is not a shopping list from which criminal justice officials should select a few items and ignore the remainder, depending upon their respective tastes. The plan is a balanced diet for every member of the system who must understand that the days of protecting one's position in the system more than protecting the system as a whole are over. The proper operation of the criminal justice system is far more essential than any single official's philosophies, ideas, or survival in office.

One of the first things the Task Force found in its study of the Travis County Jail was that the person who had the major responsibility for the jail had the least effect on its population and the least ability to solve its problems. The person responsible for the jail, and against whom all the jail suits are directed, is the Travis County Sheriff. The people most in control of the jail population are the numerous judges of Travis County, and the people most in control of the ability to

comply, in respects other than population, with jail standards and the laws are the members of County Commissioners Court.

Having discovered these essential facts, the Task Force realized that a decision made by any one of several hundred people in the criminal justice system had an impact upon the jail problems that he or she might not know or appreciate. The Task Force chose to take a total system approach to the jail problems, for it seemed that this was the only method of gaining substantial insight into those problems. Having concluded our initial work, we are now convinced that our approach was the correct one.

The Task Force hopes that this report will be accepted in the spirit in which it is offered: constructive criticism of the present and a plan of action for the future. It is also hoped that the Commissioners Court will swiftly decide on a plan of action so that the Task Force will not waste the time and money provided us in the Phase IA grant, and that such time and money can be spent implementing the appropriate plan.

Jim Dear

Chairperson

INCARCERATION FACILITIES

The adult incarceration facilities of Travis County consist of a county jail atop the courthouse and a minimum security facility located at Del Valle in the southeastern portion of the County. In addition, the City of Austin operates a city jail which serves as a temporary detention facility. The sheriff of Travis County is responsible for the daily operation of the county jail and the minimum security unit, while the daily operation of the city jail is the responsibility of the chief of police of the City of Austin. No formal population control or transfer agreements have been made between the City of Austin and Travis County with regard to their respective facilities.

The city jail has a capacity of 116 beds and is generally used to temporarily house persons who have been arrested and are awaiting appearance before a magistrate. This population consists of persons charged with all grades of offenses, from minor traffic charges to the most serious felonies. There are a few persons kept in the city jail who are "laying-out" fines assessed by the City of Austin Municipal Courts; however, this number is minimal. The average daily city jail population varies from forty to fifty persons, with the larger population occurring on the weekends and holidays.

The county jail, constructed in 1930 when the main courthouse was built, was remodeled in the 1950's to its present capacity of 273 beds. The jail is of the old style consisting mainly of multiple occupancy tanks, which are basically secure day rooms into which

open several multiple bed cells. There are a few individual cells. The present cell and dayroom facilities violate state jail standards regarding size.

Though the probability of jail overcrowding became obvious in the mid-to-late 1960's, serious overcrowding did not actually occur until the early 1970's. The major causes of jail overcrowding were inadequate rate of pretrial release and slowness of case disposition by the courts. During the late 1960's and early 1970's several farsighted individuals created a personal bond program which is now one of the most effective in the nation, and detention time for many persons was substantially reduced. Nothing, however, was done to expedite the court dispositions of those who remained in jail, and the crisis continued to develop.

Although the jail has 273 beds, its rated capacity by the State Jail Standards Commission is 200 beds for males and 19 beds for females. The majority of the county jail population is composed of persons charged with felony offenses who have been awaiting trial for more than 100 days. In addition to such population and size violations, the present jail is also inadequate in lighting, ventilation, psychiatric holding, and corrections personnel.

In 1974, Judge Jack Roberts, in the case of Musgrove v. Frank, indicated that nearly one dozen state law violations existed in the facilities and operation of the county jail. He gave Travis County ninety days to develop a plan for alleviating these problems. Making it clear that he was merely pointing out the obvious, Judge Roberts expected the responsible officials in

Travis County to act in "good faith" and remedy the situation. However, in a subsequent memorandum opinion in that same case, Judge Roberts expressed serious doubts about the good faith of the county officials. Today, nearly eight years after the entry of that order, there are numerous state regulations violations still existing in the county jail.

The population of the county jail varies between 255 and 280 inmates daily. Many people are forced to sleep on the floor while others are cramped four persons to a small cell. Because of inadequate numbers, corrections personnel cannot prevent violence and sexual assaults with any degree of certainty. Yet the judges of Travis County have remained insensitive to the jail problems and have taken few, if any, steps in helping remedy the overcrowding problems.

In 1977, mainly because of the previously mentioned 1974 federal court order and not because of any particular foresight on the part of the Travis County officials, a minimum security facility at Del Valle became operational. The original population capacity of this facility, designated for male inmates only, was 96. No similar facility was constructed for female inmates, which presented later problems that should have been anticipated in the decision to build the minimum security facility. In 1980, the male inmate capacity was increased to 120 by double bunking. In 1981 it was increased to 136 by additional double bunking. In late 1980 the federal court again had to point out and order the obvious: Travis County must provide a similar minimum security

facility for female inmates. Thereafter women prisoners were also housed at Del Valle.

The state commission's standards specify a rated operational capacity at the minimum security facility of 136 persons, divided into 120 beds for males and 16 beds for women. The average daily population at the facility is approximately 90 men and 2 or 3 women.

The new secure jail which Travis County is presently constructing will have a capacity of 271 single-cell bed spaces. The state commission's standards dictate an operational capacity of 217 beds. The new facility is scheduled to become operational by late 1982, and is designed to comply with all appropriate state and federal jail standards. This will bring the number of existing adult detention facilities in Travis County to four. In addition, the new jail is designed for expansion by the addition of two floors, making a total capacity in that facility of about 450 secure bed spaces.

None of the existing or planned facilities has psychiatric holding or detoxification units, although all facilities have medical units and medical personnel. None of the government-owned and operated hospitals or health facilities has psychiatric or detoxification holding facilities, and, to the knowledge of the Task Force, none is planned.

THE CRIMINAL JUSTICE SYSTEM OF TRAVIS COUNTY

The criminal justice system of Travis County consists of the Travis County Sheriff's Office, the Austin Police Department, the Texas Department of Public Safety, the University of Texas Police Department, law enforcement officers from various state agencies, several small town police departments, five Travis County constables' offices, and all of the physical facilities occupied by each. In addition there are five Travis County Justice-of-the Peace Courts, a multi-judge Municipal Court for the City of Austin, numerous municipal courts in the small towns surrounding Austin, four Travis County Courts-at-Law, the Travis County Clerk's Office, nine State District Courts (soon to be eleven, although at this time only three of these courts are hearing criminal cases), the District Clerk's Office, the Travis County Attorney, the District Attorney, and their personnel and offices. The action or inaction of every individual within this system could have an impact upon the jail facilities of Travis County.

People arrested by the Austin Police Department are taken to the city jail and incarcerated, if they are not first released by field release citation or other methods of pre-incarceration release. People arrested by the Travis County Sheriff's Office and almost all other agencies are taken to the Travis County Jail if not otherwise released prior to incarceration. Both facilities have similar intake, or booking facilities, which operate on a continuous, or twenty-four hour per day basis, and take essentially the same fingerprints, photographs, pertinent

family and medical data, and other essential information. The vast majority of all arrested and incarcerated people are arrested for an observed violation without a warrant.

Depending upon the time of day of the arrest, most people arrested stay from two to twenty-four hours in jail before being brought before a magistrate. On weekends and holidays in particular, it is possible for the period of incarceration before seeing a magistrate to be as high as twenty-four hours. The City of Austin Municipal Court Judges hold jail call (act as magistrates) several times daily from eight in the morning to around ten at night, and persons booked into the city jail are taken before them. Persons incarcerated in the county jail are generally taken before the Justice of the Peace of Precinct Five, whose office is in the County Courthouse. This magistrate holds weekday jail calls as magistrate three times daily: at eight in the morning, five in the evening, and ten thirty at night. On weekends and holidays the five Justices of the Peace of Travis County rotate the jail call duties among themselves, and generally hold one jail call per day in the morning.

Although Article 14.06 and Article 15.16 of the Texas Code of Criminal Procedure provide that persons arrested with or without a warrant shall be taken without "unnecessary delay" before a magistrate, the law recognizes that a delay occasioned by the unavailability of the magistrate by reason of nighttime, weekend, or holiday is normal and that a person may be incarcerated until the magistrate is available. The concept of taking a person

directly from the scene of an arrest to a magistrate may not be practical even during weekdays when the magistrate is working because judges have other duties and must schedule times to see arrested persons. The concept of taking all arrested persons to the jail facility and placing them in the custody of jail personnel until the magistrate is available also releases the arresting officers to return to their duties.

The Code of Criminal Procedure, Article 15.17, provides that when an arrested person is brought before a magistrate he shall give a certain warning to the arrestee regarding his rights, and shall admit the arrestee to bail if allowed by law. In Travis County most magistrates perform this function and also accept a formal complaint against the arrestee, if one has not already been filed, and return the person to the custody of the jail personnel until the person makes bond. If the case is a petty (class C) misdemeanor and within the jurisdiction of the judge serving as magistrate, a plea of guilty or nolo contendere may be taken and a fine assessed. If the charges are grade of class A or B misdemeanors, and within the jurisdiction of the county courts-at-law, then the arrested person is told to appear before the appropriate court on a day and at a certain time, usually at 8:30 a.m., approximately two weeks later. If the charge is felony and within the jurisdiction of the district courts, no appearance date is set since the district court judges have declined to act unless an indictment is returned by the grand jury, the district attorney files an information, or the arrestee files a writ of habeas corpus.

The appropriate original documents are forwarded from the originating office to the proper clerk's office for the court having the ultimate dispositional authority over the charges. The complaints are also forwarded to the appropriate prosecuting attorney's office for handling. It should be noted that this system of complaint filing does not provide for case screening by the prosecuting attorneys' offices. Screening is done only after a complaint has been filed.

Travis County has a personal bond office which has personnel available at most magistrates' jail calls to interview arrestees for recommendation to the magistrate for release on recognizance. The personal bond personnel obtain and verify a great deal of personal and historical data about arrested persons which is provided to the magistrate to aid in making decisions regarding the setting of bail. In addition to straight release on recognizance, the personal bond officer may also recommend a conditional release on recognizance requiring the arrestee to report periodically to the personal bond office or to obtain counseling or help from some program or agency. The personal bond officer also obtains financial information from an arrestee at the initial interview, and could make recommendation regarding the appointment of counsel for indigent persons at the initial appearance before a magistrate. This is not presently done, however, and indigent persons must make at least an initial appearance before the judge of the court of ultimate disposition or be incarcerated in the Travis County Jail before being appointed an attorney.

The personal bond officer is also in an excellent position in the system to notify probation and parole officers when one of their clients is arrested, although as of this writing no such information has been requested or given.

Arrested persons who are not admitted to bail (in all class A and B misdemeanors and in all felonies) are placed in the custody of the Travis County Sheriff and housed in the county jail, where they are appropriately classified and placed. These people remain incarcerated until they make the bail set or the court takes some action regarding their cases. Upon being booked into the county all a person is asked if he or she qualifies for and wants a court-appointed attorney. The person is then given a request form to sign which in turn is forwarded to the appropriate judge's office where the secretary of that office will select the next name from a list of attorneys desiring appointments. This name is then furnished to the county jail personnel, who inform the pretrial detainee and send a notice of appointment letter to the designated attorney. No systematic follow-up or review is provided for the appointment system and as a result, many days and sometimes several weeks pass before the attorney contacts the arrestee.

Most people who are released on bail appear in court when their case is set. When a person does not appear his or her bail is ordered forfeited and a capias, or order for re-arrest, is issued. When the person is re-arrested, he or she will go through the same procedure previously described, except that no

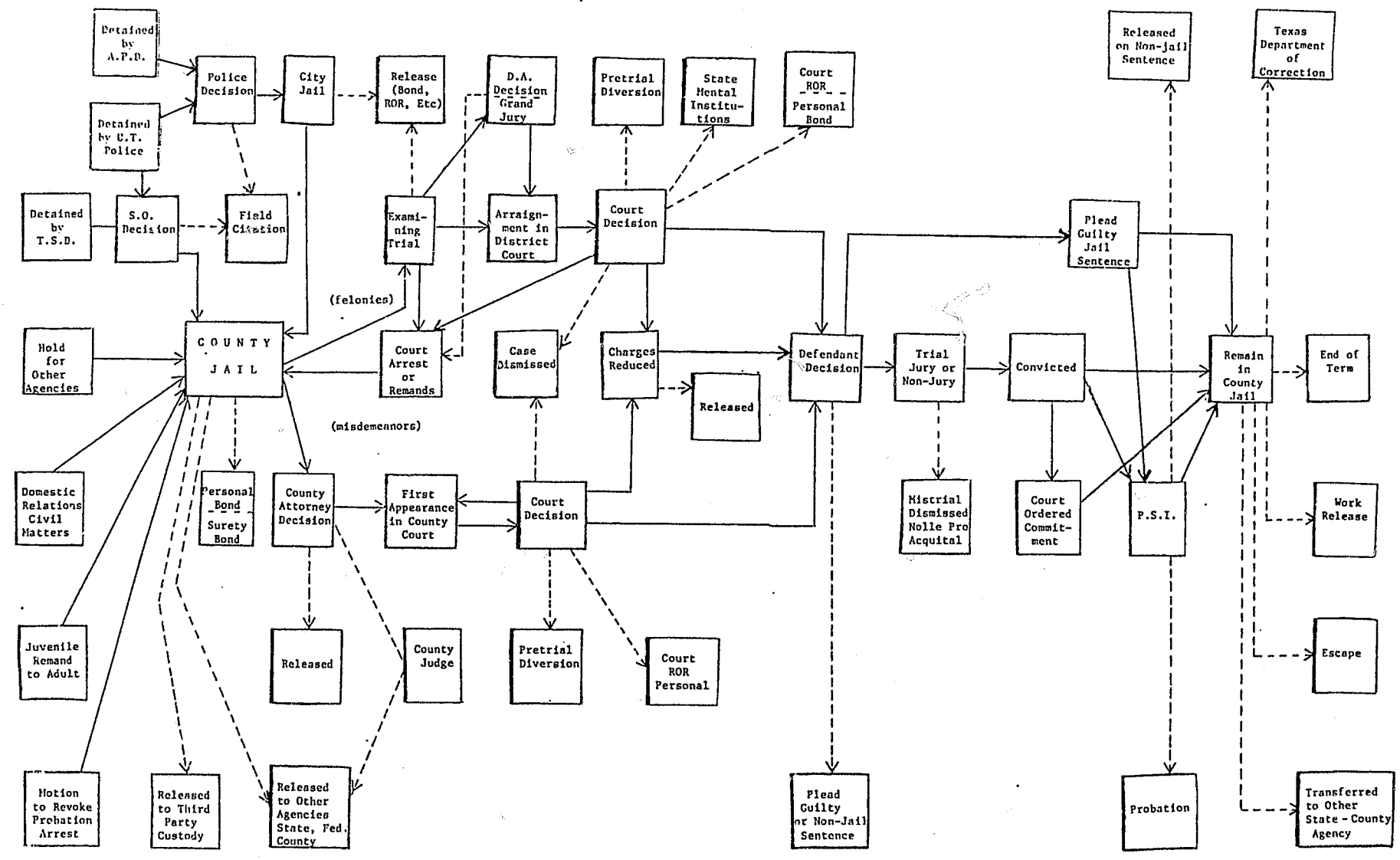
the information in a pre-sentence report is obtainable at or near the time of the initial appearance before the magistrate; however, because of personnel shortages and court policy, the reports are not finished until a plea is taken or a verdict of guilt is returned.

Most people sentenced to the county jail for misdemeanors are evaluated for work release, and whether they are placed in such a program or not, their sentences are served in the Del Valle minimum security facility. A number of prisoners who are sentenced to the penitentiary remain in the Travis County Jail pending appeal of their cases. Those defendants who are placed on probation and are subsequently re-arrested for a violation of their rules remain in the Travis County Jail for a substantial period of time.

The foregoing is not an in-depth description of the Travis County criminal justice system and is not intended to cover every facet of it. It is, rather, a broad overview of the inter-connection of the major parts. A more detailed description is found in the following flow chart.

bail will be set by the magistrate and the person must be taken before the court that ordered the capias. The first appearance in court is generally entitled "designation of attorney and trial setting" or "new cases" or "designation." At this appearance the court notes the appearance of counsel of record and sets the case on the appropriate docket for the type of disposition requested by the attorney. Few cases are disposed of in Travis County at the time for disposition requested. Attorneys often request numerous resettings, to which the prosecuting attorney and court generally agree because of docket conditions. As a result of this resetting the dockets become even more crowded, and judges spend an unjustified amount of time merely making the accused and his or her attorney come to court so that his or her name can be called and a new disposition date set. Although the impact on jail overcrowding has not been ascertained there is potential for waste of taxpayers' money because of unnecessary trial time lost, clerk time wasted, courtroom space misused, deputy sheriff man-hours lost transporting and watching prisoners, prosecutor man-hours lost, and probation hours lost is astronomical.

Upon a finding of guilt, either because of a plea or the results of a trial, the misdemeanor courts on other than class C misdemeanors may fine the defendant, sentence him or her to jail, or both, or place the defendant on probation. In felony cases the choices are the same except a sentence of incarceration would be to the penitentiary and not the county jail. In most instances after a plea of guilty the judge will order the probation department to compile a pre-sentence report. Most of



----- indicates flow when decision is to release.
———— indicates flow when decision is to retain in jail.

TRAVIS COUNTY JAIL POPULATION FLOW CHART

PHASE I PROJECT DESIGN

On June 18, 1980, Travis County Judge Mike Renfro recommended to the County Commissioners that a task force on jail overcrowding be appointed to study the overcrowding problem in the county jail and to make recommendations for the implementation of changes in some criminal justice policies and procedures in an effort to reduce the jail population. The request was approved by the County Commissioners. The original Task Force was composed of the major system participants that directly influence jail population and representatives from CURE (Citizens United for the Rehabilitation of Errants) and the Texas Council on Crime and Delinquency.

In October, 1980, after Travis County had been selected as a Phase I site the Task Force was expanded to give it a broader-based support. Included in the Task Force at this time were citizens not involved in the criminal justice system. (A list of present members of the Task Force is presented in the beginning of this report.) The 126th District Court Judge, Jim Dear, was appointed Chairperson and County Judge Mike Renfro was appointed Vice Chair. Various subcommittees were formed to study and make recommendations concerning specific problems and programs. (A list of the subcommittees and their chairpersons is also included in the front of this report.) Selected members of the Task Force attended study seminars conducted by the American Justice Institute and the National Institute for Corrections in Portland, Oregon; Boulder, Colorado; and Toronto, Canada.

Senior criminal justice students at St. Edward's University were hired to collect data for the study under the direction of Dr. Marianne Hopper and Dr. Cliff Roberson of that University's Criminal Justice Program. Prior to beginning the data collection effort, the students completed an intensive classroom training program and a practical application phase supervised by Ms. Barbara Slaughter, the Program Coordinator.

A decision was made by the Task Force to approach the jail overcrowding problem by studying the entire criminal justice system in Travis County rather than using a restricted "jail only" approach. The first step in the research design was to formulate a set of hypotheses regarding the Travis County Jail population (see Appendix 1). Next, a set of questions was developed, answers to which would provide the needed information to test the hypotheses (see Appendix 2). In order to obtain the necessary information and to prepare the information in a form for computer use, a code manual was developed (see Appendix 3).

In order to answer the research questions and test the hypotheses, a representative sample was selected from the population of all individuals booked into the Travis County Jail in 1979. This year was selected so that the majority of cases would have reached disposition. While more recent information would be desirable, the sharp rise in pending cases would have made data from a 1980 population less complete, and hence, less useful. An additional factor considered was that there had been

no major changes in statutes, regulations, policies, or jail facilities since 1979.

During the year 1979, approximately 8,000 individuals were booked into the Travis County Jail. In order to have a sample size of approximately 1,000 cases to ensure the reliability of the research data, the sample included every eighth person booked into the county jail between January 1, 1979, and December 31, 1979. The sample was drawn from the booking log. The first case to be included in the sample was randomly chosen (by drawing a number from 1 to 9) and then each eighth individual was selected for the sample, resulting in interval sampling with a random start.

The data used in the research was collected from records in the jail, personal bond office, county and district courts, magistrate's court, probation offices, and the police department. The analyses of collected data was done by Drs. Hopper and Roberson and Ms. Barbara Slaughter of St. Edward's University. The Office of Planning and Institutional Research of that University, in particular, Ms. Maryann Ruddock, designed and conducted the computer segment for the Task Force.

The Task Force met monthly, in formal sessions, and often weekly in informal work sessions to receive reports from Drs. Hopper and Roberson, and to discuss the incoming data. A clear picture of the problem and alternative solutions began to emerge in late May and early June, 1981. The Task Force formulated and finalized

its recommendations, which are contained in this report, in mid-July, 1981.

The future role of the Task Force is to receive instruction from the Travis County Commissioners Court on implementing and monitoring their recommendations, and to develop a full-time criminal justice monitoring system by the time the new jail opens in late 1982.

DATA ANALYSIS AND FINDINGS

In some of the tables in this section, the sample size (N) varies. This is due to the fact that in many cases the records as to specific items were blank or incomplete. The data is expressed in many places to the tenth of a percentage point. However, because of the nature of the records involved, this implies a precision that probably does not exist.

A. GENERAL JAIL POPULATION DESCRIPTION

1. Who Goes to Jail

The Black population in Travis County in 1979 was approximately 11 percent, however Blacks constituted 22.6 percent of the persons booked into the Travis County Jail in that year. Whites constituted 53.3 percent of the bookings and about 70 percent of the county population. Hispanics constituted approximately 21 percent of the county's population and an equal percentage (20.6 percent) of the bookings. Blacks numbered one of ten in the general population and two of every ten bookings in Travis County. Accordingly, it appears from the data that Blacks were over-represented and Whites were under-represented. This difference in Blacks' and Whites' percentages of bookings compared with the county population is considered statistically significant. Table 1 contains a breakdown by race of the jail bookings in 1979 for Travis County.

Males dominated the jail bookings with 85.6 percent compared to their composing slightly less than 50 percent of the Travis County population. Females constituted 14.4 percent of the bookings. In similar studies, females constituted 17.3 percent of the bookings in Jackson County, Missouri, and 15.2 percent in Orange County, Florida. A 1979 booking breakdown by sex for Travis County is set forth in Table 2.

While young people in the 20 to 24 age range make up only about 14.3 percent of the general population, they constituted 30.4 percent of the Travis County Jail bookings in 1979. The median age of the inmates booked into Travis County Jail was 26 in 1979. This data is listed in Table 3.

2. Why People Go to Jail

Two-thirds of the persons booked into the county jail during the period under study were booked on only one charge. One percent of the persons were booked on more than ten charges. The percentage of persons (66.2 percent) booked on a single charge is less than the Jackson County (Missouri) study where 73 percent were booked on only one charge. In addition, it was noted that approximately 96 percent of the people booked into the Jackson County Jail had two or less charges. Table 4 contains a breakdown of persons booked by number of charges at booking time.

The highest percentage of bookings was for DWI (19.3 percent) and the second highest was for check offenses (13

TABLE 1

<u>RACE OF PERSONS BOOKED</u>		
<u>RACE</u>	<u>NUMBER</u>	<u>PERCENT</u>
White	518	53.3%
Black	219	22.6%
Hispanic	200	20.6%
Mexican National	26	2.7%
Middle Eastern	1	.1%
Other	7	.7%
	971	100.0%

TABLE 2

<u>SEX OF PERSONS BOOKED</u>		
<u>SEX</u>	<u>NUMBER</u>	<u>PERCENT</u>
Male	828	85.6%
Female	139	14.4%
	967	100.0%

TABLE 3

AGES OF PERSONS BOOKED

<u>AGE</u>	<u>PERCENT</u>
Under 20 years	8.3%
20 - 24 years	30.4%
25 - 29 years	23.4%
30 - 34 years	13.7%
35 - 54 years	21.1%
55 +	3.0%

Number = 953
Median age = 26 +

TABLE 4

NUMBER OF CHARGES AT BOOKING

<u>NUMBER OF CHARGES</u>	<u>NUMBER</u>	<u>PERCENT</u>
1	639	66.2%
2	180	18.6%
3	67	6.9%
4	32	3.3%
5	19	2.0%
6	5	.5%
7	6	.6%
8	5	.5%
9	4	.4%
10	3	.3%
11	1	.1%
12	3	.3%
14	1	.1%
17	1	.1%
Total	966	100.0%

percent). In the Orange County study DWI's constituted only 10 percent of the bookings and check offenses less than one percent. In the Jackson County study DWI's were not booked into the county jail and the check offenses constituted only 3.6 percent of the bookings. Table 5 is a listing of primary charges at booking. Persons booked on ATRP's (application to revoke probation) are listed by charge also.

Table 6 is a listing of second most serious offense charged. This differs from Table 5 in that check offenses are higher (20.1 percent) and DWI's much lower (5.9 percent).

Table 7 indicates that 69.2 percent of the people booked into the county jail during the period under study were originally booked on misdemeanor charges. This is comparable to the Orange County study where 66.3 percent were originally booked on misdemeanor charges. As noted in Table 8, almost four-fifths's of the secondary charges were misdemeanor charges.

Table 9 lists the arresting agencies for the arrestees included in the study. The two major arresting agencies were the Sheriff's Office and the Austin Police Department with 71.6 percent of the arrests.

TABLE 5
PRIMARY CHARGE AT BOOKING

	Number	Percent
Assault	31	3.2
Auto Theft	5	.5
Burglary	58	6.0
Check Offenses	126	13.0
Contempt	23	2.4
Criminal Mischief	17	1.8
Drug Related	65	6.7
Drunk Related	76	7.9
Driving While Intoxicated	187	19.3
Forgery	15	1.5
Fugitive	5	.5
Illegal Alien	7	.7
Murder	13	1.3
Prostitution	8	.8
Resisting Arrest	7	.7
Robbery	16	1.7
Sex Offenses	9	.9
Theft	94	9.7
Traffic	30	3.1
Motor Vehicle	23	2.4
Violation of Probation	7	.7
Weapons	24	2.5
Other	67	6.9
ATRP (Application To Revoke Probation)		
Burglary	11	1.1
Drug Related	6	.6
Driving While Intoxicated	1	.1
Forgery	1	.1
Fugitive	1	.1
Murder	1	.1
Theft	8	.8
Motor Vehicle	1	.1
Violation of Probation	17	1.8
Other	5	.5
Out of Range	6	.6
Total	971	100.0.

TABLE 6

SECOND MOST SERIOUS OFFENSE

	<u>Number</u>	<u>Percent</u>
Assault	11	3.4
Auto Theft	1	.3
Burglary	11	3.4
Check Offenses	65	20.1
Contempt	4	1.2
Criminal Mischief	6	1.9
Drug Related	13	4.0
Drunk Related	15	4.6
Driving While Intoxicated	19	5.9
Forgery	4	1.2
Fugitive	1	.3
Illegal Alien	3	.9
Murder	3	.9
Prostitution	4	1.2
Resisting Arrest	5	1.5
Robbery	7	2.2
Sex Offenses	2	.6
Theft	21	6.5
Traffic	47	14.5
Motor Vehicle	22	6.8
Violation Of Probation	4	1.2
Weapons	9	2.8
Other	35	10.8
<u>ATRP (Application To Revoke Probation)</u>		
Burglary	2	.6
Check Offense	1	.3
Drug Related	1	.3
Driving While Intoxicated	1	.3
Forgery	1	.3
Traffic	1	.3
Violation of Probation	3	.9
Weapons	1	.3
Other	1	.3
Total	324	99.8

TABLE 7

MISDEMEANOR OR FELONYPRIMARY CHARGE--Most Serious Offense

	<u>NUMBER</u>	<u>PERCENT</u>
Misdemeanor	664	69.2%
Felony	296	30.8%
TOTAL	960	100.0%

TABLE 8

SECONDARY CHARGE--Second Most Serious Offense

	<u>NUMBER</u>	<u>PERCENT</u>
Misdemeanor	258	78.9%
Felony	69	21.1%
TOTAL	327	100.0%

TABLE 9

<u>ARRESTING AGENCY</u>	<u>Number</u>	<u>Percent</u>
Travis County Sheriff's Office *	510	52.9
Austin Police Department *	180	18.7
University of Texas Police Department	16	1.7
Lakeway Police Department	1	.1
West Lake Police Department	5	.5
Constable	53	5.5
Texas Department of Public Safety	162	16.8
Texas Alcohol Beverage Commission	13	1.4
U.S. Border Patrol	1	.1
U.S. Military	1	.1
Other Federal	1	.1
Other County	11	1.1
Other Agency	10	1.0
TOTAL	964	100.0

* Percentages shown for TCSO and APD are probably incorrect due to the lack of records on the transfer of prisoners held in the APD lock-up into the Travis County Jail. Booking cards on prisoners brought to the jail from APD show TCSO as the arresting agency. This recordkeeping convention makes it impossible to determine the number of individuals in the Travis County Jail who were arrested by APD.

B. ANALYSIS OF PRETRIAL RELEASE PRACTICES AND POPULATION

1. Who Gets Released

As noted in Table 10 the largest category of releases consisted of those released on personal bond, 41.1 percent. A comparable program in Cumberland County (North Carolina) resulted in only 24.7 percent of persons released on unsecured bond. It should be noted that the Travis County figure does not include people who were initially booked into city jail and then released on personal bond prior to being transferred to the county jail. The number released on 'charges dropped' is misleading in that it reflects only initial releases from county jail and does not include the people who were released initially on personal bond or on other grounds and whose cases were subsequently dropped. Also, it is noted that the personal bond program is releasing 87 percent of the arrestees released on bond (Table 16), whereas in Orange County only 8 percent were released on somewhat similar personal recognizance programs.

Table 11 indicates that 45.1 percent of the people booked into the Travis County Jail were released on the same day. By the end of the second day, 64.9 percent had been released. Three percent stayed in the County Jail in excess of 100 days. It is noted that by the third day, 70.4 percent had been released. By day three, personal bond has effected 91 percent of its releases and 80 percent of those making surety bonds have been released (Table 28).

TABLE 10
TYPE OF JAIL RELEASE

	Number	Percent
Personal Bond	399	41.1
Fine Paid	117	12.0
Surety Bond	60	6.2
Cash Bond	28	2.9
Fine Deferred-Suspended	25	2.6
Probation	27	2.8
Completed Sentence	37	3.8
Restitution Paid	29	3.0
Community Service Restitution	2	.2
Transfer to TDC	39	4.0
Transfer to State Hospital	10	1.0
Release to Immigration	28	2.9
Release to Other Agency	51	5.3
Release to Other State	13	1.3
Bond Reimstated	13	1.3
Release to Attorney	1	.1
Charges Dropped	24	2.5
Escaped	1	.1
Other	27	2.8
Not Applicable	5	.5
Unknown	35	3.6
Total	971	100.0

TABLE 11
TIME FROM BOOKING TO RELEASE
--All Arrestees--

DAYS	NUMBER	PERCENT	CUMULATIVE PERCENT
Released Same Day	429	45.1	45.1
Day 1	188	19.8	64.9
2	52	5.5	70.4
3	23	2.4	72.8
4	17	1.8	74.6
5	19	2.0	76.6
6	12	1.3	77.9
7	9	.9	78.8
8	11	1.2	80.0
9	7	.7	80.7
10	3	.3	81.0
11 or 12	11	1.2	82.2
13 to 15	16	1.7	83.9
16 to 20	23	2.4	86.3
21 to 30	40	4.2	90.5
31 to 50	27	2.8	93.3
51 to 75	16	1.7	95.0
76 to 90	13	1.4	96.4
91 to 100	6	.6	97.0
101 or more	29	3.0	100.0
Total	951	100.0	

Table 12 indicates the pretrial incarceration by race. It is noted that only 36.6 percent of the Whites, as compared to 55.6 percent of the Blacks, are held over 24 hours, a significant difference. This discrepancy remains even when we control for the seriousness of offense, as shown in Table 13. For misdemeanor offenses 25.5 percent of the Whites are in jail more than 24 hours, compared to 45.6 percent of the Blacks. For felony offenses 63.2 percent of the Whites are held for more than 24 hours, while 73.6 of the Blacks are held a comparable period of time. Table 14 sets forth the type of jail release by race. There were no discernable differences in the percentages of Blacks, Hispanics, and Whites released on personal bond. However, considerably more Blacks were transferred to T.D.C. (Texas Department of Corrections) compared to Whites and Hispanics.

Table 15 reflects that 13 percent of those booked were being held for other agencies. This represents a significant number who normally can not be released pretrial. By contrast, Orange County (Florida) had only 6 percent in hold status.

Of those persons released on bond, 86.8 percent were released on personal bond and only 7.8 percent by surety bond, which shows that the personal bond program is very effective (Table 16).

TABLE 12

PRETRIAL INCARCERATION BY RACE
OF PERSON BOOKED

35

	NUMBER * Row %	Column %	WHITE	BLACK	HISPANIC	MEXICAN NATIONAL	OTHER	TOTAL
Held Over 24 Hours			170 47.1%	110 30.5%	70 19.4%	9 2.5%	2 .6%	361 42.0%
Held Less Than 24 Hours			295 59.2%	88 17.7%	111 22.3%	2 .4%	2 .4%	498 58.0%
TOTAL			465 54.1%	198 23.1%	181 21.1%	11 1.3%	4 .5%	859 100%

* Table 12 and some subsequent tables include both row and column percentages. Row percentages are always expressed first. In this table, for example, the row percentages tell us that of those arrestees held over 24 hours 47.1 percent were white, 30.5 percent were black and 19.4 percent were hispanic. Column percentages tell us that 36.6 percent of the whites were held over 24 hours while 63.4 percent of the whites were held less than 24 hours.

TABLE 13
PRETRIAL INCARCERATION BY RACE
CONTROLLING FOR SERIOUSNESS OF OFFENSE

MISDEMEANOR

NUMBER Row % Column%	WHITE	BLACK	HISPANIC	MEXICAN NATIONAL	OTHER	TOTAL
YES	84 43.5% 25.5%	57 29.5% 45.6%	43 22.3% 30.7%	7 3.6% 77.8%	2 1.0% 66.7%	193 31.8%
NO	246 59.4% 74.5%	68 16.4% 54.4%	97 23.4% 69.3%	2 .5% 22.2%	1 .2% 33.3%	414 68.2%
TOTAL	330 54.4%	125 20.6%	140 23.1%	9 1.5%	3 .5%	607 100.0%

FELONY

NUMBER Row % Column%	WHITE	BLACK	HISPANIC	MEXICAN NATIONAL	OTHER	TOTAL
YES	84 50.9% 63.2%	53 32.1% 73.6%	27 16.4% 65.9%	1 .6% 100.0%	0 0% 0%	165 66.5%
NO	49 59.0% 36.8%	19 22.9% 26.4%	14 16.9% 34.1%	0 0% 0%	1 1.2% 100.0%	83 33.5%
TOTAL	133 53.6%	72 29.0%	41 16.5%	1 .4%	1 .4%	248 100.0%

TABLE 14

TYPE OF JAIL RELEASE BY RACE OF PERSON BOOKED

NUMBER Row % Column %	WHITE	BLACK	HISPANIC	MEXICAN NATIONAL	OTHER	TOTAL
Personal Bond	218 54.6% 44.0%	92 23.1% 42.8%	85 21.3% 44.7%	2 .5% 7.7%	2 .5% 40.0%	399 42.9%
Fine Paid	66 56.4% 13.3%	23 19.7% 10.7%	26 22.2% 13.7%	0 0% 0%	2 1.7% 40.0%	117 12.6%
Surety Bond	35 58.3% 7.1%	12 20.0% 5.6%	13 21.7% 6.8%	0 0% 0%	0 0% 0%	60 6.4%
Cash Bond	21 75.0% 4.2%	1 3.6% .5%	6 21.4% 3.2%	0 0% 0%	0 0% 0%	28 3.0%
Fine Deferred- Suspended	11 44.0% 2.2%	6 24.0% 2.8%	8 32.0% 4.2%	0 0% 0%	0 0% 0%	25 2.7%
Probation	8 29.6% 1.6%	12 44.4% 5.6%	7 25.9% 3.7%	0 0% 0%	0 0% 0%	27 2.9%
Completed Sentence	22 59.5% 4.4%	6 16.2% 2.8%	9 24.3% 4.7%	0 0% 0%	0 0% 0%	37 4.0%
Restitution Paid	18 62.1% 3.6%	6 20.7% 2.8%	5 17.2% 2.6%	0 0% 0%	0 0% 0%	29 3.1%
Community Service Restitution	1 50.0% .2%	1 50.0% .5%	0 0% 0%	0 0% 0%	0 0% 0%	2 .2%
Transfer to TDC	15 38.5% 3.0%	19 48.7% 8.8%	4 10.3% 2.1%	0 0% 0%	1 2.6% 20.0%	39 4.2%
Transfer to State Hospital	6 60.0% 1.2%	3 30.0% 1.4%	1 10.0% .5%	0 0% 0%	0 0% 0%	10 1.1%

TABLE 14 (continued)

TYPE OF JAIL RELEASE BY RACE OF PERSON BOOKED

Row % NUMBER Column %	WHITE	BLACK	HISPANIC	MEXICAN NATIONAL	OTHER	TOTAL
Release to Immigration	10.7% ³ .6%	0% ⁰ 0%	3.6% ¹ .5%	85.7% ²⁴ 92.3%	0% ⁰ 0%	28 3.0%
Release to Other Agency	60.8% ³¹ 6.3%	17.6% ⁹ 4.2%	21.6% ¹¹ 5.8%	0% ⁰ 0%	0% ⁰ 0%	51 5.5%
Release to Other State	69.2% ⁹ 1.8%	15.4% ² .9%	15.4% ² 1.1%	0% ⁰ 0%	0% ⁰ 0%	13 1.4%
Bond Reinstated	23.1% ³ .6%	53.8% ⁷ 3.3%	23.1% ³ 1.6%	0% ⁰ 0%	0% ⁰ 0%	13 1.4%
Release to Attorney	0% ⁰ 0%	100.0% ¹ .5%	0% ⁰ 0%	0% ⁰ 0%	0% ⁰ 0%	1 .1%
Charges Dropped	54.2% ¹³ 2.6%	33.3% ⁸ 3.7%	12.5% ³ 1.6%	0% ⁰ 0%	0% ⁰ 0%	24 2.6%
Escaped	100.0% ¹ .2%	0% ⁰ 0%	0% ⁰ 0%	0% ⁰ 0%	0% ⁰ 0%	1 .1%
Other	51.9% ¹⁴ 2.8%	25.9% ⁷ 3.3%	22.2% ⁶ 3.2%	0% ⁰ 0%	0% ⁰ 0%	27 2.9%
TOTAL	495 53.2%	215 23.1%	190 20.4%	26 2.8%	5 .5%	931 100.0%

TABLE 15

KNOWN HOLDS FOR OTHER JURISDICTIONS

	<u>NUMBER</u>	<u>PERCENT</u>
Yes	126	13.0%
No	840	87.0%
TOTAL	966	100.0%

Table 17 reflects that 56.5 percent of the bonds were \$500 or less, with the largest number being in the \$251 to \$500 range.

Table 18 contains a breakdown of the types of release by misdemeanor or felony charge. It is noted that 45 percent of persons booked on misdemeanor charges were released on personal bond compared to 38.8 percent of those booked on felony charges. This difference is probably due to the difference in the seriousness of the offenses. Table 19 cross-tabulates the type of release by number of charges at booking. Approximately 46 percent of persons booked on only one charge were released on personal bond, compared with only 31.4 percent booked on three or more charges.

Females were more likely (58.8 percent) to be released on personal bond than males (40.2 percent). While 4.5 percent of the males completed their sentence prior to being released, less than 1 percent of the females did (see Table 20).

TABLE 16

TYPE OF BOND RELEASE

	NUMBER	PERCENT
Personal Bond	400	86.8
Cash Bond	21	4.6
Cash Deposit	3	.7
Surety Bond	36	7.8
ROR Conditional	1	.2
TOTAL	461	100.1

TABLE 17

KNOWN BOND AMOUNT

	NUMBER	PERCENT	CUMULATIVE PERCENT
Under \$251	15	3.3	3.3
\$251 to \$500	242	53.2	56.5
\$501 to \$1000	99	21.8	78.3
\$1001 to \$5000	64	14.1	92.4
\$5001 to \$10,000	27	5.9	98.3
More Than \$10,000	8	1.8	100.1
TOTAL	455	100.1	

TABLE 18

TYPE OF JAIL RELEASE

BY MISDEMEANOR OR FELONY

NUMBER Row % Column %	MISDEMEANOR	FELONY	TOTAL
Personal Bond	287 72.1% 45.0%	111 27.9% 38.8%	398 43.1%
Fine Paid	116 99.1% 18.2%	1 .9% .3%	117 12.7%
Surety Bond	37 61.7% 5.8%	23 38.3% 8.0%	60 6.5%
Cash Bond	17 60.7% 2.7%	11 39.3% 3.8%	28 3.0%
Fine Deferred-Suspended	23 92.0% 3.6%	2 8.0% .7%	25 2.7%
Probation	8 29.6% 1.3%	19 70.4% 6.6%	27 2.9%
Completed Sentence	28 75.7% 4.4%	9 24.3% 3.1%	37 4.0%
Restitution Paid	29 100.0% 4.5%	0 0% 0%	29 3.1%
Community Service Restitution	1 100.0% .2%	0 0% 0%	1 .1%
Transfer to TDC	1 2.6% .2%	37 97.4% 12.9%	38 4.1%
Transfer to State Hospital	6 60.0% .9%	4 40.0% 1.4%	10 1.1%
Release to Immigration	23 92.0% 3.6%	2 8.0% .7%	25 2.7%
Release to Other Agency	22 44.0% 3.4%	28 56.0% 9.8%	50 5.4%
Release to Other State	4 30.8% .6%	9 69.2% 3.1%	13 1.4%
Bond Reinstated	9 69.2% 1.4%	4 30.8% 1.4%	13 1.4%

TABLE 18 (continued)

TYPE OF JAIL RELEASE
BY MISDEMEANOR OR FELONY

NUMBER Row % Column %	MISDEMEANOR	FELONY	TOTAL
Release to Attorney	0 0% 0%	1 100.0% .3%	1 .1%
Charges Dropped	6 25.0% .9%	18 75.0% 6.3%	24 2.6%
Escaped	0 0% 0%	1 100.0% .3%	1 .1%
Other	21 77.8% 3.3%	6 22.2% 2.1%	27 2.9%
TOTAL	638 69.0%	286 31.0%	924 100.0%

TABLE 19

TYPE OF JAIL RELEASE
BY NUMBER OF CHARGES

NUMBER Row % Column %	1	2	3 OR MORE	TOTAL
PERSONAL BOND	283 70.9% 46.0%	72 18.0% 40.9%	44 11.0% 31.4%	399 42.9%
FINE PAID	74 63.2% 12.0%	26 22.2% 14.8%	17 14.5% 12.1%	117 12.6%
SURETY BOND	36 60.0% 5.9%	15 25.0% 8.5%	9 15.0% 6.4%	60 6.4%
CASH BOND	23 82.1% 3.7%	3 10.7% 1.7%	2 7.1% 1.4%	28 3.0%
FINE DEFERRED- SUSPENDED	19 76.0% 3.1%	5 20.0% 2.8%	1 4.0% .7%	25 2.7%
PROBATION	18 66.7% 2.9%	3 11.1% 1.7%	6 22.2% 4.3%	27 2.9%
COMPLETED SENTENCE	17 45.9% 2.8%	12 32.4% 6.8%	8 21.6% 5.7%	37 4.0%
RESTITUTION PAID	16 55.2% 2.6%	3 10.3% 1.7%	10 34.5% 7.1%	29 3.1%
COMMUNITY SERVICE RESTITUTION	1 50.0% .2%	0 0% 0%	1 50.0% .7%	2 .2%
TRANSFER TO TDC	12 30.8% 2.0%	14 35.9% 8.0%	13 33.3% 9.3%	39 4.2%
TRANSFER TO STATE HOSPITAL	8 80.0% 1.3%	1 10.0% .6%	1 10.0% .7%	10 1.1%
RELEASE TO IMMIGRATION	17 60.7% 2.8%	5 17.9% 2.8%	6 21.4% 4.3%	28 3.0%
RELEASE TO OTHER AGENCY	33 64.7% 5.4%	6 11.8% 3.4%	12 23.5% 8.6%	51 5.5%
RELEASE TO OTHER STATE	8 61.5% 1.3%	2 15.4% 1.1%	3 23.1% 2.1%	13 1.4%

TABLE 19 (continued)

TYPE OF JAIL RELEASE
BY NUMBER OF CHARGES

NUMBER Row % Column %	1	2	3 OR MORE	TOTAL
BOND REINSTATED	10 76.9% 1.6%	2 15.4% 1.1%	1 7.7% .7%	13 1.4%
RELEASE TO ATTORNEY	0 0% 0%	1 100.0% .6%	0 0% 0%	1 .1%
CHARGES DROPPED	16 66.7% 2.6%	4 16.7% 2.3%	4 16.7% 2.9%	24 2.6%
ESCAPED	1 100.0% .2%	0 0% 0%	0 0% 0%	1 .1%
OTHER	23 85.2% 3.7%	2 7.4% 1.1%	2 7.4% 1.4%	27 2.9%
TOTAL	615 66.1%	176 18.9%	140 15.0%	931 100.0%

TABLE 20

TYPE OF JAIL RELEASE BY SEX OF PERSON BOOKED

NUMBER Row % Column %	MALE	FEMALE	TOTAL
Personal Bond	319 79.9% 40.2%	80 20.1% 58.8%	399 42.9%
Fine Paid	104 88.9% 13.1%	13 11.1% 9.6%	117 12.6%
Surety Bond	53 88.3% 6.7%	7 11.7% 5.1%	60 6.5%
Cash Bond	27 96.4% 3.4%	1 3.6% .7%	28 3.0%
Fine Deferred-Suspended	20 80.0% 2.5%	5 20.0% 3.7%	25 2.7%
Probation	23 85.2% 2.9%	4 14.8% 2.9%	27 2.9%
Completed Sentence	36 97.3% 4.5%	1 2.7% .7%	37 4.0%
Restitution Paid	20 69.0% 2.5%	9 31.0% 6.6%	29 3.1%
Community Service Restitution	1 100.0% .1%	0 0% 0%	1 .1%
Transfer to TDC	35 89.7% 4.4%	4 10.3% 2.9%	39 4.2%
Transfer to State Hospital	7 70.0% .9%	3 30.0% 2.2%	10 1.1%
Release to Immigration	28 100.0% 3.5%	0 0% 0%	28 3.0%
Release to Other Agency	48 94.1% 6.0%	3 5.9% 2.2%	51 5.5%
Release to Other State	12 92.3% 1.5%	1 7.7% .7%	13 1.4%
Bond Reinstated	12 92.3% 1.5%	1 7.7% .7%	13 1.4%
Release to Attorney	1 100.0% .1%	0 0% 0%	1 .1%
Charges Dropped	22 91.7% 2.8%	2 8.3% 1.5%	24 2.6%
Escaped	1 100.0% .1%	0 0% 0%	1 .1%
Other	25 92.6% 3.1%	2 7.4% 1.5%	27 2.9%
TOTAL	794 85.4%	136 14.6%	930 100.0%

2. Who Stays In Jail

Tables 21 and 22 break down time in jail by race. (Table 21 is a detailed breakdown by days and Table 22 collapses the time into weeks.) As previously noted in Table 12, Blacks were retained in jail in pre-trial status in excess of 24 hours more often than Whites. The same trend is noted in Table 21 where over 50 percent of the Whites are released in less than 24 hours compared to 35 percent of the Blacks. At the end of day 2, 76.3 percent of the Whites have been released compared to only 58.3 percent of the Blacks. The Hispanic figures are comparable to those noted for Whites.

The cross-tabulation of time in jail by sex of person booked is shown in Tables 23 (days) and 24 (weeks). It is noted in Table 23 that only 43.7 percent of the males are released in less than 24 hours compared to 61.8 percent of the females. By the end of day 2, 71.1 percent of the males had been released compared to 78.7 percent of the females.

As shown in Table 25, 77 percent of the persons booked on a misdemeanor charge as the primary charge were released in less than one day compared to only 41.2 percent of those booked on a felony charge.

TABLE 21

TIME IN JAIL BY RACE OF PERSONS BOOKED

(Booking to Release)

NUMBER Row % Column %	WHITE	BLACK	HISPANIC	MEXICAN NATIONAL	OTHER	TOTAL
Less Than 24 Hours	254 59.2% 50.9%	72 16.8% 35.0%	95 22.1% 50.0%	5 1.2% 20.0%	3 .7% 60.0%	429 46.4%
Day 1	107 57.2% 21.4%	34 18.2% 16.5%	41 21.9% 21.6%	5 2.7% 20.0%	0 0% 0%	187 20.2%
Day 2	20 38.5% 4.0%	14 26.9% 6.8%	13 25.0% 6.8%	5 9.6% 20.0%	0 0% 0%	52 5.6%
Day 3	8 34.8% 1.6%	9 39.1% 4.4%	4 17.4% 2.1%	1 4.3% 4.0%	1 4.3% 20.0%	23 2.5%
Day 4	6 37.5% 1.2%	7 43.8% 3.4%	2 12.5% 1.1%	1 6.3% 4.0%	0 0% 0%	16 1.7%
Day 5	13 68.4% 2.6%	5 26.3% 2.4%	1 5.3% .5%	0 0% 0%	0 0% 0%	19 2.1%
Day 6	2 16.7% .4%	6 50.0% 2.9%	3 25.0% 1.6%	1 8.3% 4.0%	0 0% 0%	12 1.3%
Day 7	5 55.6% 1.0%	3 33.3% 1.5%	0 0% 0%	1 11.1% 4.0%	0 0% 0%	9 1.0%
Day 8	5 45.5% 1.0%	3 27.3% 1.5%	2 18.2% 1.1%	0 0% 0%	1 9.1% 20.0%	11 1.2%
Day 9	3 42.9% .6%	3 42.9% 1.5%	1 14.3% .5%	0 0% 0%	0 0% 0%	7 .8%
Day 10	2 66.7% .4%	0 0% 0%	1 33.3% .5%	0 0% 0%	0 0% 0%	3 .3%

TABLE 21 (continued)

TIME IN JAIL BY RACE OF PERSONS BOOKED

NUMBER Row % Column %	WHITE	BLACK	HISPANIC	MEXICAN NATIONAL	OTHEL	TOTAL
Day 11 to 12	36.4% ⁴ .8%	36.4% ⁴ 1.9%	27.3% ³ 1.6%	0% ⁰ 0%	0% ⁰ 0%	11 1.2%
Day 13 to 15	33.3% ⁵ 1.0%	33.3% ⁵ 2.4%	26.7% ⁴ 2.1%	6.7% ¹ 4.0%	0% ⁰ 0%	15 1.6%
Day 16 to 20	61.9% ¹³ 2.6%	14.3% ³ 1.5%	14.3% ³ 1.6%	9.5% ² 8.0%	0% ⁰ 0%	21 2.3%
Day 21 to 30	50.0% ¹⁸ 3.6%	30.6% ¹¹ 5.3%	16.7% ⁶ 3.2%	2.8% ¹ 4.0%	0% ⁰ 0%	36 3.9%
Day 31 to 50	48.0% ¹² 2.4%	32.0% ⁸ 3.9%	12.0% ³ 1.6%	8.0% ² 8.0%	0% ⁰ 0%	25 2.7%
Day 51 to 75	71.4% ¹⁰ 2.0%	21.4% ³ 1.5%	7.1% ¹ .5%	0% ⁰ 0%	0% ⁰ 0%	14 1.5%
Day 76 to 90	45.5% ⁵ 1.0%	36.4% ⁴ 1.9%	18.2% ² 1.1%	0% ⁰ 0%	0% ⁰ 0%	11 1.2%
Day 91 to 100	33.3% ² .4%	50.0% ³ 1.5%	16.7% ¹ .5%	0% ⁰ 0%	0% ⁰ 0%	6 .6%
Day 101 and Above	27.8% ⁵ 1.0%	50.0% ⁹ 4.4%	22.2% ⁴ 2.1%	0% ⁰ 0%	0% ⁰ 0%	18 1.9%
TOTAL	499 53.9%	206 22.3%	190 20.5%	25 2.7%	5 .5%	925 100.0%

TABLE 22
TIME IN JAIL (weeks) BY RACE OF PERSONS BOOKED
(Booking to Release)

NUMBER Row % Column %	WHITE	BLACK	HISPANIC	MEXICAN NATIONAL	OTHER	TOTAL
0 or 1 Day	361 58.6% 72.3%	106 17.2% 51.5%	136 22.1% 71.6%	10 1.6% 40.0%	3 .5% 60.0%	616 66.6%
One Week	54 41.2% 10.8%	44 33.6% 21.4%	23 17.6% 12.1%	9 6.9% 36.0%	1 .8% 20.0%	131 14.2%
Two Weeks	19 43.2% 3.8%	14 31.8% 6.8%	10 22.7% 5.3%	0 0% 0%	1 2.3% 20.0%	44 4.8%
Three Weeks	13 44.8% 2.6%	9 31.0% 4.4%	4 13.8% 2.1%	3 10.3% 12.0%	0 0% 0%	29 3.1%
Four Weeks	17 60.7% 3.4%	5 17.9% 2.4%	6 21.4% 3.2%	0 0% 0%	0 0% 0%	28 3.0%
Over Five Weeks	35 45.5% 7.0%	28 36.4% 13.6%	11 14.3% 5.8%	3 3.9% 12.0%	0 0% 0%	77 8.3%
TOTAL	499 53.9%	206 22.3%	190 20.5%	25 2.7%	5 .5%	925 100.0%

TABLE 23

TIME IN JAIL BY SEX OF PERSON BOOKED
(Booking to Release)

NUMBER Row % Column %	MALE	FEMALE	TOTAL
Less Than 24 Hours	345 80.4% 43.7%	84 19.6% 61.8%	429 46.4%
Day 1	167 89.3% 21.2%	20 10.7% 14.7%	187 20.2%
Day 2	49 94.2% 6.2%	3 5.8% 2.2%	52 5.6%
Day 3	21 91.3% 2.7%	2 8.7% 1.5%	23 2.5%
Day 4	13 81.3% 1.6%	3 18.8% 2.2%	16 1.7%
Day 5	17 89.5% 2.2%	2 10.5% 1.5%	19 2.1%
Day 6	8 66.7% 1.0%	4 33.3% 2.9%	12 1.3%
Day 7	6 66.7% .8%	3 33.3% 2.2%	9 1.0%
Day 8	8 72.7% 1.0%	3 27.3% 2.2%	11 1.2%
Day 9	6 85.7% .8%	1 14.3% .7%	7 .8%
Day 10	3 100.0% .4%	0 0% 0%	3 .3%
Day 11 to 12	9 81.8% 1.1%	2 18.2% 1.5%	11 1.2%
Day 13 to 15	15 100.0% 1.9%	0 0% 0%	15 1.6%
Day 16 to 20	21 100.0% 2.7%	0 0% 0%	21 2.3%
Day 21 to 30	31 86.1% 3.9%	5 13.9% 3.7%	36 3.9%
Day 31 to 50	25 100.0% 3.2%	0 0% 0%	25 2.7%

TABLE 23 (continued)

TIME IN JAIL BY SEX OF PERSON BOOKED

NUMBER Row % Column %	MALE	FEMALE	TOTAL
Day 51 to 75	13 92.9% 1.6%	1 7.1% .7%	14 1.5%
Day 76 to 90	8 72.7% 1.0%	3 27.3% 2.2%	11 1.2%
Day 91 to 100	6 100.0% .8%	0 0% 0%	6 .6%
Day 101 and Above	18 100.0% 2.3%	0 0% 0%	18 1.9%
TOTAL	789 85.3%	136 14.7%	925 100.0%

TABLE 24

TIME IN JAIL (weeks) BY SEX OF PERSONS BOOKED
(Booking to Release)

NUMBER Row % Column %	MALE	FEMALE	TOTAL
0 or 1 Day	512 83.1% 64.9%	104 16.9% 76.5%	616 66.6%
One Week	114 87.0% 14.4%	17 13.0% 12.5%	131 14.2%
Two Weeks	38 86.4% 4.8%	6 13.6% 4.4%	44 4.8%
Three Weeks	26 89.7% 3.3%	3 10.3% 2.2%	29 3.1%
Four Weeks	26 92.9% 3.3%	2 7.1% 1.5%	28 3.0%
Over Five Weeks	73 94.8% 9.3%	4 5.2% 2.9%	77 8.3%
TOTAL	789 85.3%	136 14.7%	925 100.0%

TABLE 25

TIME IN JAIL (weeks) BY MISDEMEANOR OR FELONY
(Booking to Release)

NUMBER Row % Column %	MISDEMEANOR	FELONY	TOTAL
0 or 1 Day	502 82.0% 77.0%	110 18.0% 41.2%	612 66.6%
One Week	90 68.7% 13.8%	41 31.3% 15.4%	131 14.3%
Two Weeks	22 51.2% 3.4%	21 48.8% 7.9%	43 4.7%
Three Weeks	12 42.9% 1.8%	16 57.1% 6.0%	28 3.0%
Four Weeks	9 32.1% 1.4%	19 67.9% 7.1%	28 3.0%
Over Five Weeks	17 22.1% 2.6%	60 77.9% 22.5%	77 8.4%
TOTAL	652 70.9%	267 29.1%	919 100.0%

Tables 26 and 27 present the time in jail by primary charge. It is noted that 89.7 percent of those booked on check offenses are released in one day or less, compared to 27.1 percent of those booked on burglary.

Tables 28 and 29 contain cross tabulations of time in jail by type of release (detailed by days and then collapsed into weeks). Tables 30 and 31 contain similar cross-tabulations based on bond amounts.

Table 32 reflects FTA (failure to appear) rates for each type of release from jail. The personal bond program had a modest FTA rate.

TABLE 26
TIME IN JAIL BY PRIMARY CHARGE

NUMBER Row # Column #	ASSAULT	AUTO THEFT	BURGLARY	CHECK OFFENSES	CONTEMPT	CRIMINAL MISCHIEF	DRUG RELATED	DRUNK RELATED	DRIVING WHILE INTOXICATED	FORGERY	FUGITIVE	ILLEGAL ALIEN	MURDER	PROSTITUTION	RESISTING ARREST	ROBBERY	SEX OFFENSES
LESS THAN 24 HOURS	13 3.0% 43.3%	1 .2% 25.0%	10 2.3% 20.8%	96 22.4% 76.2%	7 1.6% 31.8%	4 .9% 23.5%	33 7.7% 51.6%	38 8.9% 51.4%	89 20.7% 48.9%	2 .5% 14.3%	0 0% 0%	1 .2% 14.3%	1 .2% 8.3%	1 .2% 12.5%	2 .5% 28.6%	0 0% 0%	3 .7% 33.3%
DAY 1	6 3.2% 20.0%	0 0% 0%	3 1.6% 6.3%	17 9.1% 13.5%	4 2.1% 18.2%	5 2.7% 29.4%	14 7.5% 27.9%	25 13.4% 33.8%	57 30.5% 37.3%	2 1.1% 14.3%	0 0% 0%	3 1.6% 42.9%	3 1.6% 25.0%	0 0% 0%	1 .5% 14.3%	0 0% 0%	0 0% 0%
DAY 2	0 0% 0%	0 0% 0%	7 3.5% 14.6%	2 1.1% 1.6%	3 1.5% 13.6%	2 1.0% 17.8%	3 1.6% 4.7%	5 2.8% 6.8%	15 8.2% 22.8%	1 .5% 7.1%	0 0% 0%	1 .5% 14.3%	0 0% 0%	1 .5% 12.5%	0 0% 0%	0 0% 0%	1 .7% 17.1%
DAY 3	1 4.3% 3.3%	0 0% 0%	1 4.3% 2.1%	4 17.4% 3.2%	1 4.3% 4.5%	1 4.3% 5.9%	1 4.3% 1.6%	1 4.3% 1.4%	4 17.4% 2.2%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	1 4.3% 12.5%	1 4.3% 14.3%	0 0% 0%	0 0% 0%
DAY 4	1 4.3% 3.3%	0 0% 0%	0 0% 0%	0 0% 0%	2 12.5% 9.1%	0 0% 0%	0 0% 0%	0 0% 0%	3 18.8% 7.6%	0 0% 0%	1 20.0% 20.0%	0 0% 0%	0 0% 0%	0 0% 0%	1 14.3% 14.3%	0 0% 0%	0 0% 0%
DAY 5	1 5.3% 3.3%	0 0% 0%	0 0% 0%	0 0% 0%	1 5.3% 4.5%	0 0% 0%	3 15.8% 4.7%	0 0% 0%	2 10.5% 1.7%	2 10.5% 14.3%	2 10.5% 40.0%	0 0% 0%	1 5.3% 8.3%	0 0% 0%	0 0% 0%	1 5.3% 9.1%	1 5.3% 17.1%
DAY 6	0 0% 0%	0 0% 0%	0 0% 0%	1 8.3% .8%	0 0% 0%	1 8.3% 5.9%	0 0% 0%	1 8.3% 1.4%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	1 8.3% 8.3%	2 16.7% 25.0%	0 0% 0%	0 0% 0%	0 0% 0%
DAY 7	0 0% 0%	0 0% 0%	1 11.7% 2.1%	0 0% 0%	0 0% 0%	0 0% 0%	1 11.7% 1.6%	1 11.7% 1.4%	1 11.7% .5%	2 22.2% 14.3%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%
DAY 8	0 0% 0%	0 0% 0%	2 18.2% 4.2%	1 9.1% .8%	0 0% 0%	1 9.1% 5.9%	1 9.1% 1.6%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	1 9.1% 12.5%	0 0% 0%	2 18.2% 18.2%	0 0% 0%
DAY 9	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	1 14.3% 5.9%	1 14.3% 1.6%	0 0% 0%	1 14.3% .5%	1 14.3% 7.1%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%
DAY 10	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	1 33.3% 1.6%	0 0% 0%	1 33.3% .5%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%
DAY 11 to 12	1 9.1% 3.3%	0 0% 0%	2 18.2% 4.2%	0 0% 0%	1 9.1% 4.5%	0 0% 0%	1 9.1% 1.6%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	1 9.1% 9.1%	0 0% 0%
DAY 13 to 15	1 6.7% 3.3%	0 0% 0%	1 6.7% 2.1%	1 6.7% .8%	1 6.7% 4.5%	1 6.7% 5.9%	1 6.7% 1.6%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	1 6.7% 14.3%	2 13.3% 16.7%	0 0% 0%	0 0% 0%	0 0% 0%	1 6.7% 17.1%
DAY 16 to 20	1 4.8% 5.3%	1 4.8% 25.0%	3 14.3% 6.3%	0 0% 0%	0 0% 0%	0 0% 0%	2 9.5% 3.1%	1 4.8% 1.4%	3 14.3% 1.6%	0 0% 0%	1 4.8% 20.0%	1 4.8% 14.3%	1 4.8% 8.3%	0 0% 0%	0 0% 0%	1 4.8% 9.1%	0 0% 0%
DAY 21 to 30	1 2.8% 3.3%	1 2.8% 25.0%	6 16.7% 12.5%	3 8.3% 2.4%	2 5.6% 9.1%	1 2.8% 5.9%	1 2.8% 1.6%	0 0% 0%	1 2.8% .5%	1 2.8% 7.1%	1 2.8% 20.0%	0 0% 0%	0 0% 0%	2 5.6% 25.0%	1 2.8% 14.3%	1 2.8% 9.1%	1 2.8% 17.1%
DAY 31 to 50	2 8.0% 6.7%	0 0% 0%	4 16.0% 8.3%	1 4.0% .8%	0 0% 0%	0 0% 0%	1 4.0% 1.6%	1 4.0% 1.4%	4 16.0% 2.2%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	1 4.0% 9.1%	1 4.0% 17.1%
DAY 51 to 75	0 0% 0%	1 7.1% 25.0%	2 14.3% 4.2%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	1 7.1% 7.1%	0 0% 0%	0 0% 0%	1 7.1% 8.3%	0 0% 0%	0 0% 0%	0 0% 0%	1 7.1% 17.1%
DAY 76 to 90	1 9.1% 3.3%	0 0% 0%	2 18.2% 4.2%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	1 9.1% 14.3%	0 0% 0%	0 0% 0%
DAY 91 to 100	0 0% 0%	0 0% 0%	1 16.7% 2.1%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	1 16.7% 7.1%	0 0% 0%	0 0% 0%	1 16.7% 8.3%	0 0% 0%	0 0% 0%	2 33.3% 18.2%	0 0% 0%
DAY 101 and Above	1 5.6% 3.3%	0 0% 0%	3 16.7% 6.3%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	1 5.6% .5%	0 0% 0%	0 0% 0%	0 0% 0%	1 5.6% 8.3%	0 0% 0%	0 0% 0%	2 11.1% 18.2%	0 0% 0%
TOTAL	30 3.2%	4 .4%	48 5.2%	126 13.6%	22 2.4%	17 1.8%	64 6.9%	74 8.0%	182 19.7%	14 1.5%	5 .5%	7 .8%	12 1.3%	8 .9%	7 .8%	11 1.2%	9 1.0%

TABLE 26 (continued)
TIME IN JAIL BY PRIMARY CHARGE

NUMBER Row 1 Column 1	THEFT	TRAFFIC	MOTOR VEHICLE	VIOLATION OF PROBATION	WEAPONS	OTHER	ATRP BURGLARY	ATRP DRUG RELATED	ATRP DWI	ATRP FORGERY	ATRP FUGITIVE	ATRP MURDER	ATRP THEFT	ATRP MOTOR VEHICLE	ATRP VIOLATION OF PROBATION	ATRP OTHER	TOTAL
LESS THAN 24 HOURS	44 10.3% 49.4%	17 4.0% 58.6%	10 2.3% 47.6%	2 .5% 28.6%	12 2.8% 50.0%	34 7.9% 52.3%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	1 .2% 12.5%	0 0% 0%	7 1.6% 43.8%	1 .2% 20.0%	429 46.4%
DAY 1	11 5.9% 12.4%	9 4.8% 31.0%	5 2.7% 23.8%	1 .5% 14.3%	1 .5% 4.2%	17 9.1% 26.2%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	3 1.6% 18.8%	0 0% 0%	187 20.2%
DAY 2	6 11.5% 6.7%	1 1.9% 3.4%	1 1.9% 4.8%	0 0% 0%	1 1.9% 4.2%	1 1.9% 1.5%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	1 1.9% 6.3%	0 0% 0%	52 5.6%
DAY 3	3 13.0% 3.4%	0 0% 0%	0 0% 0%	1 4.3% 14.3%	0 0% 0%	1 4.3% 1.5%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	2 8.7% 12.5%	0 0% 0%	23 2.5%
DAY 4	2 12.5% 2.2%	1 6.3% 3.4%	0 0% 0%	0 0% 0%	0 6.3% 4.2%	2 12.5% 3.1%	0 0% 0%	1 6.3% 16.7%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 6.3% 6.3%	0 0% 0%	16 1.7%
DAY 5	1 5.3% 1.7%	1 5.3% 3.4%	0 0% 0%	0 0% 0%	1 5.3% 4.2%	1 5.3% 1.5%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	1 5.3% 100.0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	19 2.1%
DAY 6	2 16.7% 2.2%	0 0% 0%	0 0% 0%	0 0% 0%	2 16.7% 8.3%	2 16.7% 3.1%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	12 1.3%
DAY 7	2 22.2% 2.2%	0 0% 0%	0 0% 0%	0 0% 0%	1 11.1% 4.2%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	9 1.0%
DAY 8	1 9.7% 1.7%	0 0% 0%	0 0% 0%	0 0% 0%	1 9.7% 4.2%	1 9.7% 1.5%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	11 1.2%
DAY 9	1 14.3% 1.7%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	1 14.3% 16.7%	0 0% 0%	0 0% 0%	0 0% 0%	1 14.3% 100.0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	7 .8%
DAY 10	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	1 33.3% 6.3%	0 0% 0%	3 .3%
DAY 11 to 12	1 9.7% 1.7%	0 0% 0%	0 0% 0%	1 9.7% 14.3%	2 18.2% 8.3%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	1 9.7% 20.0%	11 1.2%
DAY 13 to 15	4 26.7% 4.5%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	1 6.7% 12.5%	0 0% 0%	0 0% 0%	0 0% 0%	15 1.6%
DAY 16 to 20	2 9.5% 2.2%	0 0% 0%	1 4.8% 4.8%	1 4.8% 14.3%	0 0% 0%	1 4.8% 1.5%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	1 4.8% 6.3%	0 0% 0%	21 2.3%
DAY 21 to 30	2 5.6% 2.2%	0 0% 0%	2 5.6% 9.5%	0 0% 0%	0 0% 0%	2 5.6% 3.1%	3 8.3% 30.0%	3 8.3% 50.0%	1 2.8% 100.0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	36 3.9%
DAY 31 to 50	2 8.0% 2.2%	0 0% 0%	0 0% 0%	1 4.0% 14.3%	2 8.0% 8.3%	1 4.0% 1.5%	1 4.0% 10.0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	2 8.0% 25.0%	0 0% 0%	0 0% 0%	1 4.0% 20.0%	25 2.7%
DAY 51 to 75	0 0% 0%	0 0% 0%	1 7.7% 4.8%	0 0% 0%	0 0% 0%	1 7.7% 1.5%	4 28.6% 40.0%	1 7.7% 16.7%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	1 7.7% 12.5%	0 0% 0%	0 0% 0%	0 0% 0%	14 1.5%
DAY 76 to 90	1 9.7% 1.7%	0 0% 0%	1 9.7% 4.8%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	2 18.2% 25.0%	0 0% 0%	0 0% 0%	1 9.7% 20.0%	11 1.2%
DAY 91 to 100	1 16.7% 1.7%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	6 .6%
DAY 101 and Above	3 16.7% 3.4%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	1 5.6% 1.5%	2 11.1% 20.0%	0 0% 0%	0 0% 0%	1 5.6% 100.0%	0 0% 0%	0 0% 0%	1 8.3% 12.5%	1 5.6% 100.0%	0 0% 0%	1 5.6% 20.0%	18 1.9%
TOTAL	89 9.6%	29 3.1%	21 2.3%	7 .8%	24 2.6%	65 7.0%	10 1.1%	6 .6%	1 .1%	1 .1%	1 .1%	1 .1%	8 .9%	1 .1%	16 1.7%	5 .5%	925 100.0%

TABLE 27

TIME IN JAIL (weeks) BY PRIMARY CHARGE
(Booking to Release)

NUMBER Row % Column %	ASSAULT	AUTO THEFT	BURGLARY	CHECK OFFENSES	CONTEMPT	CRIMINAL MISCHIEF	DRUG RELATED	DRUNK RELATED	DWI	FORGERY	FUGITIVE	ILLEGAL ALIEN
0 or 1 Day	19 3.1% 63.3%	1 .2% 25.0%	13 2.2% 27.1%	113 18.7% 89.7%	11 1.8% 50.0%	9 1.5% 52.9%	47 7.8% 73.4%	63 10.4% 85.1%	146 24.2% 86.2%	4 .7% 28.6%	0 0% 0%	4 .7% 57.1%
One Week	3 2.4% 10.0%	0 0% 0%	9 7.2% 18.8%	7 5.6% 5.6%	7 5.6% 31.8%	4 3.2% 23.5%	8 6.4% 12.5%	8 6.4% 10.8%	25 20.0% 13.7%	5 4.0% 35.7%	3 2.4% 60.0%	1 .8% 14.3%
Two Weeks	1 2.6% 3.3%	0 0% 0%	5 12.8% 10.4%	2 5.1% 1.6%	2 5.1% 9.1%	2 5.1% 11.8%	5 12.8% 7.8%	0 0% 0%	2 5.1% 1.1%	1 2.6% 7.1%	0 0% 0%	0 0% 0%
Three Weeks	2 7.1% 6.7%	1 3.6% 25.0%	3 10.7% 6.3%	1 3.6% .8%	1 3.6% 4.5%	1 3.6% 5.9%	2 7.1% 3.1%	1 3.6% 1.4%	3 10.7% 1.6%	0 0% 0%	1 3.6% 20.0%	2 7.1% 28.6%
Four Weeks	1 4.8% 3.3%	1 4.8% 25.0%	5 23.8% 10.4%	2 9.5% 1.6%	1 4.8% 4.5%	1 4.8% 5.9%	1 4.8% 1.6%	0 0% 0%	0 0% 0%	1 4.8% 7.1%	1 4.8% 20.0%	0 0% 0%
Over Five Weeks	4 6.9% 13.3%	1 1.7% 25.0%	13 22.4% 27.1%	1 1.7% .8%	0 0% 0%	0 0% 0%	1 1.7% 1.6%	2 3.4% 2.7%	6 10.3% 3.3%	3 5.2% 21.4%	0 0% 0%	0 0% 0%
TOTAL	30 3.4%	4 .5%	48 5.5%	126 14.4%	22 2.5%	17 1.9%	64 7.3%	74 8.5%	182 20.8%	14 1.6%	5 .6%	7 .8%

TABLE 27 (continued)

TIME IN JAIL (weeks) BY PRIMARY CHARGE

NUMBER Row % Column %	MURDER	PROSTITUTION	RESISTING ARREST	ROBBERY	THEFT	TRAFFIC	MOTOR VEHICLE	SEX OFFENSES	VIOLATION OF PROBATION	WEAPONS	OTHER	TOTAL
0 or 1 Day	4 .7% 33.3%	1 .2% 12.5%	3 .5% 42.4%	0 0% 0%	55 9.1% 61.8%	26 4.3% 89.7%	15 2.5% 71.4%	3 .5% 33.3%	3 .5% 42.9%	13 2.2% 54.2%	51 8.4% 78.5%	604 69.0%
One Week	2 1.6% 16.7%	4 3.2% 50.0%	2 1.6% 28.6%	1 .6% 9.1%	16 12.8% 18.0%	3 2.4% 10.3%	1 .8% 4.8%	2 1.6% 22.2%	1 .8% 14.3%	6 4.8% 25.0%	7 5.6% 10.8%	125 14.3%
Two Weeks	2 5.1% 16.7%	1 2.6% 12.5%	0 0% 0%	3 7.7% 27.3%	7 17.9% 7.9%	0 0% 0%	0 0% 0%	1 2.6% 11.1%	1 2.6% 14.3%	3 7.7% 12.5%	1 2.6% 1.5%	39 4.5%
Three Weeks	1 3.6% 8.3%	2 7.1% 25.0%	0 0% 0%	1 3.6% 9.1%	3 10.7% 3.4%	0 0% 0%	1 3.6% 4.8%	0 0% 0%	1 3.6% 14.3%	0 0% 0%	1 3.6% 1.5%	28 3.2%
Four Weeks	0 0% 0%	0 0% 0%	1 4.8% 14.3%	1 4.8% 9.1%	1 4.8% 1.1%	0 0% 0%	2 9.5% 9.5%	0 0% 0%	0 0% 0%	0 0% 0%	2 9.5% 3.1%	21 2.4%
Over Five Weeks	3 5.2% 25.0%	0 0% 0%	1 1.7% 14.3%	5 8.6% 45.5%	7 12.1% 7.9%	0 0% 0%	2 3.4% 4.5%	3 5.2% 33.3%	1 1.7% 14.3%	2 3.4% 8.3%	3 5.2% 4.6%	58 6.6%
TOTAL	12 1.4%	8 .9%	7 .8%	11 1.3%	89 10.2%	29 3.3%	21 2.4%	9 1.0%	7 .8%	24 2.7%	65 7.4%	875 100.0%

TABLE 28

TIME IN JAIL BY TYPE OF RELEASE
(Booking to Release)

NUMBER Row # Column %	PERSONAL BOND	FINE PAID	SURETY BOND	CASH BOND	FINE DEFERRED SUSPENDED	PROBATION	COMPLETED SENTENCE	RESTITUTION PAID	COMMUNITY SERVICE RESTITUTION	TRANSFER TO TDC	TRANSFER TO STATE HOSPITAL	RELEASE TO IMMIGRATION	RELEASE TO OTHER AGENCY	RELEASE TO OTHER STATE	BOND REINSTATED	RELEASE TO ATTORNEY	CHARGES DROPPED	OTHER	TOTAL
Less Than 24 Hours	232 54.8% 58.9%	62 14.7% 53.4%	34 8.0% 58.6%	16 3.8% 59.3%	10 2.4% 43.5%	2 .5% 8.0%	6 1.4% 16.7%	21 5.0% 72.4%	1 .2% 100.0%	1 3.1%	2 .5% 22.2%	5 1.2% 19.2%	9 2.1% 18.8%	1 .2% 7.7%	2 .5% 15.4%	0 0% 0%	6 1.4% 28.6%	13 3.1% 48.1%	423 47.1%
Day 1	100 55.2% 25.4%	33 18.2% 28.4%	5 2.8% 8.6%	3 1.7% 11.1%	6 3.3% 26.1%	1 .6% 4.0%	5 2.8% 13.9%	5 2.8% 17.2%	0 0% 0%	0 0%	1 .6% 11.1%	4 2.2% 15.4%	6 3.3% 12.5%	1 .6% 7.7%	4 2.2% 30.8%	0 0% 0%	3 1.7% 14.3%	4 2.2% 14.6%	181 20.1%
Day 2	18 39.1% 4.6%	3 6.5% 2.6%	4 8.7% 6.9%	3 6.5% 11.1%	1 2.2% 4.3%	0 0% 0%	4 8.7% 11.1%	0 0% 0%	0 0% 0%	1 2.2% 3.1%	1 2.2% 11.1%	5 10.9% 19.2%	3 6.5% 6.3%	1 2.2% 7.7%	1 2.2% 7.7%	0 0% 0%	0 0% 0%	1 2.2% 3.7%	46 5.1%
Day 3	6 26.1% 1.5%	2 8.7% 1.7%	3 13.0% 5.2%	1 4.3% 3.7%	1 4.3% 4.3%	1 4.3% 4.0%	2 8.7% 5.6%	0 0% 0%	0 0% 0%	0 0%	1 4.3% 11.1%	2 8.7% 7.7%	2 8.7% 4.2%	0 0% 0%	1 4.3% 7.7%	0 0% 0%	0 0% 0%	1 4.3% 3.7%	23 2.6%
Day 4	2 14.3% .5%	5 35.7% 4.3%	1 7.1% 1.7%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0%	0 0%	1 7.1% 3.8%	1 7.1% 2.1%	1 7.1% 7.7%	2 14.3% 15.4%	0 0% 0%	0 0% 0%	1 7.1% 3.7%	14 1.6%
Day 5	4 22.2% 1.0%	1 5.6% .9%	3 16.7% 5.2%	1 5.6% 3.7%	0 0% 0%	1 5.6% 4.0%	1 5.6% 2.6%	0 0% 0%	0 0% 0%	0 0%	2 11.1% 22.2%	0 0% 0%	2 11.1% 4.2%	2 11.1% 15.4%	0 0% 0%	0 0% 0%	0 0% 0%	1 5.6% 3.7%	18 2.0%
Day 6	3 25.0% .8%	1 8.3% .9%	2 16.7% 3.4%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	1 8.3% 3.1%	0 0% 0%	1 8.3% 3.8%	0 0% 0%	1 8.3% 7.7%	2 16.7% 15.4%	0 0% 0%	1 8.3% 4.8%	0 0% 0%	12 1.3%
Day 7	3 33.3% .8%	2 22.2% 1.7%	2 22.2% 3.4%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	1 11.1% 3.4%	0 0% 0%	0 0%	0 0%	1 11.1% 3.8%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	9 1.0%

TABLE 28 (continued)

TIME IN JAIL BY TYPE OF RELEASE

NUMBER Row % Column %	PERSONAL BOND	FINE PAID	SURETY BOND	CASH BOND	FINE DEFERRED SUSPENDED	PROBATION	COMPLETED SENTENCE	RESTITUTION PAID	COMMUNITY SERVICE RESTITUTION	TRANSFER TO TDC	TRANSFER TO STATE HOSPITAL	RELEASE TO IMMIGRATION	RELEASE TO OTHER AGENCY	RELEASE TO OTHER STATE	BOND REINSTATED	RELEASE TO ATTORNEY	CHARGES DROPPED	OTHER	TOTAL
Day 8	3 27.3% .8%	0 0% 0%	0 0% 0%	0 0% 0%	2 18.2% 8.7%	2 18.2% 8.0%	1 9.1% 2.8%	1 9.1% 3.4%	0 0% 0%	2 18.2% 6.3%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	11 1.2%
Day 9	1 20.0% .3%	0 0% 0%	1 20.0% 1.7%	0 0% 0%	0 0% 0%	1 20.0% 4.0%	1 20.0% 2.8%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	1 20.0% 2.1%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	5 .6%
Day 10	0 0% 0%	0 0% 0%	0 0% 0%	2 66.7% 7.4%	1 33.3% 4.3%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	3 .3%
Day 11 to 12	4 36.4% 1.0%	1 9.1% .9%	0 0% 0%	0 0% 0%	0 0% 0%	1 9.1% 4.0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	1 9.1% 11.1%	0 0% 0%	2 18.2% 4.2%	0 0% 0%	1 9.1% 7.7%	0 0% 0%	0 0% 0%	1 9.1% 3.7%	11 1.2%
Day 13 to 15	1 7.1% .3%	1 7.1% .9%	1 7.1% 1.7%	0 0% 0%	0 0% 0%	1 7.1% 4.0%	0 0% 0%	1 7.1% 3.4%	0 0% 0%	3 27.4% 9.4%	0 0% 0%	1 7.1% 3.8%	2 14.3% 4.2%	0 0% 0%	0 0% 0%	1 7.1% 100.0%	1 7.1% 4.8%	1 7.1% 3.7%	14 1.6%
Day 16 to 20	6 28.6% 1.5%	0 0% 0%	1 4.8% 1.7%	0 0% 0%	0 0% 0%	1 4.8% 4.0%	1 4.8% 2.8%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	3 14.3% 11.5%	4 19.0% 8.3%	2 9.5% 15.4%	0 0% 0%	0 0% 0%	3 14.3% 14.3%	0 0% 0%	21 2.3%
Day 21 to 30	3 8.6% .8%	2 5.7% 1.7%	0 0% 0%	1 2.9% 3.7%	2 5.7% 8.7%	6 17.1% 24.0%	6 17.1% 16.7%	0 0% 0%	0 0% 0%	3 8.6% 9.4%	1 2.9% 11.1%	1 2.9% 3.8%	5 14.3% 10.4%	2 5.7% 15.4%	0 0% 0%	0 0% 0%	1 2.9% 4.8%	2 5.7% 7.4%	35 3.9%
Day 31 to 50	3 12.5% .8%	2 8.3% 1.7%	1 4.2% 1.7%	0 0% 0%	0 0% 0%	2 8.3% 8.0%	3 12.5% 8.3%	0 0% 0%	0 0% 0%	2 8.3% 6.3%	0 0% 0%	2 8.3% 7.7%	7 29.2% 14.6%	0 0% 0%	0 0% 0%	0 0% 0%	1 4.2% 4.8%	1 4.2% 3.7%	24 2.7%

TABLE 28 (continued)

TIME IN JAIL BY TYPE OF RELEASE

NUMBER Row % Column %	PERSONAL BOND	FINE PAID	SURETY BOND	CASH BOND	FINE DEFERRED SUSPENDED	PROBATION	COMPLETED SENTENCE	RESTITUTION PAID	COMMUNITY SERVICE RESTITUTION	TRANSFER TO TDC	TRANSFER TO STATE HOSPITAL	RELEASE TO IMMIGRATION	RELEASE TO OTHER AGENCY	RELEASE TO OTHER STATE	BOND REINSTATED	RELEASE TO ATTORNEY	CHARGES DROPPED	OTHER	TOTAL
Day 51 to 75	2 14.3% .5%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	2 14.3% 8.0%	0 0% 0%	0 0% 0%	0 0% 0%	9 64.3% 28.7%	0 0% 0%	0 0% 0%	1 7.1% 2.1%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	14 1.6%
Day 76 to 90	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	1 9.1% 4.0%	3 27.3% 8.3%	0 0% 0%	0 0% 0%	4 36.4% 12.5%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	2 18.2% 9.5%	1 9.1% 3.7%	11 1.2%
Day 91 to 100	1 16.7% .3%	1 16.7% .9%	0 0% 0%	0 0% 0%	0 0% 0%	1 16.7% 4.0%	1 16.7% 2.8%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	1 16.7% 2.7%	0 0% 0%	0 0% 0%	0 0% 0%	1 16.7% 4.8%	0 0% 0%	6 .7%
Day 101 and Above	2 11.1% .5%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	2 11.1% 8.0%	2 11.1% 5.6%	0 0% 0%	0 0% 0%	6 33.3% 18.8%	0 0% 0%	0 0% 0%	2 11.1% 4.2%	2 11.1% 15.4%	0 0% 0%	0 0% 0%	2 11.1% 9.5%	0 0% 0%	18 2.0%
TOTAL	394 43.8%	116 12.9%	58 6.5%	27 3.0%	23 2.6%	25 2.8%	36 4.0%	29 3.2%	1 .1%	32 3.6%	9 1.0%	26 2.9%	48 5.3%	13 1.4%	13 1.4%	1 .1%	21 2.3%	27 3.0%	899 100.0%

TABLE 29

TIME IN JAIL (weeks) BY TYPE OF RELEASE

(Booking to Release)

NUMBER Row # Column #	PERSONAL BOND	FINE PAID	SURETY BOND	CASH BOND	FINE DEFERRED SUSPENDED	PROBATION	COMPLETED SENTENCE	RESTITUTION PAID	COMMUNITY SERVICE RESTITUTION	TRANSFER TO TDC	TRANSFER TO STATE HOSPITAL	RELEASE TO IMMIGRATION	RELEASE TO OTHER AGENCY	RELEASE TO OTHER STATE	BOND REINSTATED	RELEASE TO ATTORNEY	CHARGES DROPPED	OTHER	TOTAL
0 or 1 Day	332 55.0% 84.3%	95 15.7% 81.9%	39 6.5% 67.2%	19 3.1% 70.4%	16 2.6% 69.6%	3 .5% 12.0%	11 1.8% 30.6%	26 4.3% 89.7%	1 .2% 100.0%	1 .2% 3.1%	3 .5% 33.3%	9 1.5% 34.6%	15 2.5% 37.3%	2 .3% 15.4%	6 1.0% 46.2%	0 0% 0%	9 1.5% 42.9%	17 2.8% 63.0%	604 67.2%
One Week	36 29.5% 9.1%	14 11.5% 12.1%	15 12.3% 25.9%	5 4.1% 18.5%	2 1.6% 8.7%	2 1.6% 8.0%	7 5.7% 19.4%	1 .8% 3.4%	0 0% 0%	2 1.6% 6.3%	4 3.3% 44.4%	10 8.2% 38.5%	8 6.6% 16.7%	5 4.1% 38.5%	6 4.9% 46.2%	0 0% 0%	1 .8% 4.8%	4 3.3% 14.6%	122 13.6%
Two Weeks	9 22.0% 2.3%	1 2.4% .9%	2 4.9% 3.4%	2 4.9% 7.4%	3 7.3% 13.0%	5 12.2% 20.0%	2 4.9% 5.6%	2 4.9% 6.9%	0 0% 0%	5 12.2% 15.6%	1 2.4% 11.1%	0 0% 0%	5 12.2% 10.4%	0 0% 0%	1 2.4% 7.7%	0 0% 0%	1 2.4% 4.8%	2 4.9% 7.4%	41 4.6%
Three Weeks	7 24.1% 1.8%	1 3.4% .9%	1 3.4% 1.7%	0 0% 0%	1 3.4% 4.3%	2 6.9% 8.0%	1 3.4% 2.8%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	4 13.8% 15.4%	5 17.2% 10.4%	2 6.9% 15.4%	0 0% 0%	1 3.4% 100.0%	3 10.3% 14.3%	1 3.4% 3.7%	29 3.2%
Four Weeks	2 7.4% .5%	2 7.4% 1.7%	0 0% 0%	0 0% 0%	1 3.7% 4.3%	5 18.5% 20.0%	6 22.2% 16.7%	0 0% 0%	0 0% 0%	3 11.1% 9.4%	1 3.7% 11.1%	0 0% 0%	3 11.1% 6.3%	2 7.4% 15.4%	0 0% 0%	0 0% 0%	1 3.7% 4.8%	1 3.7% 3.7%	27 3.0%
Over Five Weeks	8 10.5% 2.0%	3 3.9% 2.6%	1 1.3% 1.7%	1 1.3% 3.7%	0 0% 0%	8 10.5% 32.0%	9 11.8% 25.0%	0 0% 0%	0 0% 0%	21 27.6% 65.6%	0 0% 0%	3 3.9% 11.5%	12 15.8% 25.0%	2 2.6% 15.4%	0 0% 0%	0 0% 0%	6 7.9% 28.6%	2 2.6% 7.4%	76 8.5%
TOTAL	394 43.8%	116 12.9%	58 6.5%	27 3.0%	23 2.6%	25 2.8%	36 4.0%	29 3.2%	1 .1%	32 3.6%	9 1.0%	26 2.9%	48 5.3%	13 1.4%	13 1.4%	1 .1%	21 2.3%	27 3.0%	899 100.0%

TABLE 30

TIME IN JAIL BY BOND AMOUNT
(Booking to Release)

NUMBER Row % Column %	UNDER \$251	\$251 TO \$500	\$501 TO \$1000	\$1001 TO \$5000	\$5001 TO \$10000	MORE THAN \$10000	N/A	UNKNOWN	TOTAL
Less Than 24 Hours	11 2.6% 73.3%	160 37.3% 66.9%	47 11.0% 48.0%	27 6.3% 45.8%	4 .9% 21.1%	2 .5% 28.6%	89 20.7% 36.2%	89 20.7% 36.8%	429 46.4%
Day 1	4 2.1% 26.7%	59 31.6% 24.7%	26 13.9% 26.5%	7 3.7% 11.9%	1 .5% 5.3%	1 .5% 14.3%	42 22.5% 17.1%	47 25.1% 19.4%	187 20.2%
Day 2	0 0% 0%	10 19.2% 4.2%	4 7.7% 4.1%	6 11.5% 10.2%	2 3.8% 10.5%	0 0% 0%	13 25.0% 5.3%	17 32.7% 7.0%	52 5.6%
Day 3	0 0% 0%	1 4.3% .4%	8 34.8% 8.2%	1 4.3% 1.7%	0 0% 0%	0 0% 0%	4 17.4% 1.6%	9 39.1% 3.7%	23 2.5%
Day 4	0 0% 0%	0 0% 0%	3 18.8% 3.1%	2 12.5% 3.4%	0 0% 0%	0 0% 0%	8 50.0% 3.3%	3 18.8% 1.2%	16 1.7%
Day 5	0 0% 0%	2 10.5% .8%	1 5.3% 1.0%	2 10.5% 3.4%	0 0% 0%	0 0% 0%	7 36.8% 2.8%	7 36.8% 2.9%	19 2.1%
Day 6	0 0% 0%	0 0% 0%	2 16.7% 2.0%	0 0% 0%	0 0% 0%	1 8.3% 14.3%	4 33.3% 1.6%	5 41.7% 2.1%	12 1.3%
Day 7	0 0% 0%	0 0% 0%	0 0% 0%	2 22.2% 3.4%	0 0% 0%	1 11.1% 14.3%	4 44.4% 1.6%	2 22.2% .8%	9 1.0%
Day 8	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	6 54.5% 2.4%	5 45.5% 2.1%	11 1.2%
Day 9	0 0% 0%	1 14.3% .4%	0 0% 0%	0 0% 0%	0 0% 0%	0 0% 0%	2 28.6% .8%	4 57.1% 1.7%	7 .8%
Day 10	0 0% 0%	0 0% 0%	1 33.3% 1.0%	0 0% 0%	1 33.3% 5.3%	0 0% 0%	0 0% 0%	1 33.3% .4%	3 .3%

CONTINUED

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TABLE 31.

TIME IN JAIL (weeks) BY BOND AMOUNT
(Booking to Release)

NUMBER Row % Column %	UNDER \$251	\$251 TO \$500	\$501 TO \$1000	\$1001 TO \$5000	\$5001 TO \$10000	MORE THAN \$10000	TOTAL
0 or 1 Day	15 4.3% 100.0%	219 62.8% 91.6%	73 20.9% 74.5%	34 9.7% 57.6%	5 1.4% 26.3%	3 .9% 42.9%	349 79.7%
One Week	0 0% 0%	13 27.1% 5.4%	18 37.5% 18.4%	13 27.1% 22.0%	2 4.2% 10.5%	2 4.2% 28.6%	48 11.0%
Two Weeks	0 0% 0%	2 20.0% .8%	4 40.0% 4.1%	3 30.0% 5.1%	1 10.0% 5.3%	0 0% 0%	10 2.3%
Three Weeks	0 0% 0%	1 12.5% .4%	2 25.0% 2.0%	3 37.5% 5.1%	1 12.5% 5.3%	1 12.5% 14.3%	8 1.8%
Four Weeks	0 0% 0%	2 50.0% .8%	0 0% 0%	1 25.0% 1.7%	1 25.0% 5.3%	0 0% 0%	4 .9%
Over Five Weeks	0 0% 0%	2 11.1% .8%	1 5.6% 1.0%	5 27.8% 8.5%	9 50.0% 47.4%	1 5.6% 14.3%	18 4.1%
TOTAL	15 3.4%	239 54.7%	98 22.4%	59 13.5%	19 4.3%	7 1.6%	437 100.0%

TABLE 32

TYPE OF JAIL RELEASE BY NUMBER OF FTAs (Failure to Appear)

NUMBER Row % Column %	0	1	2	3	TOTAL
Personal Bond	331 83.8% 40.8%	58 14.7% 56.3%	6 1.5% 75.0%	0 0% 0%	395 42.8%
Fine Paid	112 95.7% 13.8%	5 4.3% 4.9%	0 0% 0%	0 0% 0%	117 12.7%
Surety Bond	44 73.3% 5.4%	14 23.3% 13.6%	2 3.3% 25.0%	0 0% 0%	60 6.5%
Cash Bond	24 85.7% 3.0%	4 14.3% 3.9%	0 0% 0%	0 0% 0%	28 3.0%
Fine Deferred- Suspended	25 100.0% 3.1%	0 0% 0%	0 0% 0%	0 0% 0%	25 2.7%
Probation	25 92.6% 3.1%	2 7.4% 1.9%	0 0% 0%	0 0% 0%	27 2.9%
Completed Sentence	35 94.6% 4.3%	2 5.4% 1.9%	0 0% 0%	0 0% 0%	37 4.0%
Restitution Paid	28 96.6% 3.5%	1 3.4% 1.0%	0 0% 0%	0 0% 0%	29 3.1%
Community Service Restitution	2 100.0% .3%	0 0% 0%	0 0% 0%	0 0% 0%	2 .2%
Transfer to TDC	33 89.2% 4.1%	4 10.8% 3.9%	0 0% 0%	0 0% 0%	37 4.0%
Transfer to State Hospital	8 80.0% 1.0%	1 10.0% 1.0%	0 0% 0%	1 10.0% 100.0%	10 1.1%

TABLE 32 (continued)

TYPE OF JAIL RELEASE BY NUMBER OF FTAs

NUMBER Row % Column %	0	1	2	3	TOTAL
Release to Immigration	27 100.0% 3.3%	0 0% 0%	0 0% 0%	0 0% 0%	27 2.9%
Release to Other Agency	46 92.0% 5.7%	4 8.0% 3.9%	0 0% 0%	0 0% 0%	50 5.4%
Release to Other State	13 100.0% 1.6%	0 0% 0%	0 0% 0%	0 0% 0%	13 1.4%
Bond Reinstated	7 53.8% .9%	6 46.2% 5.8%	0 0% 0%	0 0% 0%	13 1.4%
Release to Attorney	1 100.0% .1%	0 0% 0%	0 0% 0%	0 0% 0%	1 .1%
Charges Dropped	24 100.0% 3.0%	0 0% 0%	0 0% 0%	0 0% 0%	24 2.6%
Escaped	1 100.0% .1%	0 0% 0%	0 0% 0%	0 0% 0%	1 .1%
Other	25 92.6% 3.1%	2 7.4% 1.9%	0 0% 0%	0 0% 0%	27 2.9%
TOTAL	811 87.9%	103 11.2%	8 .9%	1 .1%	923 100.0%

C. CASE PROCESSING

Table 33 indicates that most (51.3 percent) of the persons booked into the jail were warned by a justice of the peace. As shown in Table 34 examining trials were conducted in only 20.5 percent of the felony cases. The majority of the examining trials were conducted by justices of the peace as noted in Table 35. Of the 136 felony cases included in the sample that were processed to the indictment phase, the indictment was waived in only 6 cases (4.4 percent), and in 10 cases (7.4 percent) there were "no bills" by the grand jury (see Table 36).

In only 93 district court (felony) cases could a determination be made as to the type of attorney used-- i.e., retained vs. court-appointed. Of this small sample (listed in Table 37) 48.4 percent of the persons were represented by court-appointed attorneys. As noted in Table 37, 82.2 percent of those with court-appointed attorneys remained in jail over 24 hours compared to only 38.3 percent of those with private attorneys. This information seems to indicate that private attorneys are twice as effective in gaining early pretrial release as court-appointed ones. However, the delay in release in those cases involving court-appointed attorneys may be due to late appointments. It is noted that in only one case was the person represented by herself and that case resulted in a dismissal.

TABLE 33
WARNINGS ADMINISTERED
BY COURT

	<u>Number</u>	<u>Percent</u>
District Court	57	7.8
County Court	93	12.8
Justice of Peace	373	51.3
Municipal Court	198	27.2
Other	6	.8
TOTAL	727	99.9

TABLE 34

EXAMINING TRIAL CONDUCTED
(Felonies Only)

	<u>Number</u>	<u>Percent</u>
Yes	52	20.5
No	202	79.5
TOTAL	254	100.0

TABLE 35

JUDGE HOLDING EXAMINING TRIAL
(Felonies Only)

	<u>Number</u>	<u>Percent</u>
Justice of the Peace, Court 1	2	3.9
Justice of the Peace, Court 2	9	17.3
Justice of the Peace, Court 3	24	46.2
Justice of the Peace, Court 4	6	11.5
Justice of the Peace, Court 5	9	17.3
County Court # 2	1	1.9
Municipal Court	1	1.9
TOTAL	52	100.0

TABLE 36

GRAND JURY INDICTMENT
(Felonies Only)

	<u>Number</u>	<u>Percent</u>
Yes	120	88.2
No Bill	10	7.4
Indictment Waived	6	4.4
TOTAL	136	100.0

TABLE 37

LENGTH OF PRETRIAL INCARCERATION BY TYPE OF ATTORNEY
(Felonies Only)

<u>NUMBER</u> <i>Row Column</i> %	PRIVATE	COURT APPOINTED	SELF	TOTAL
Held Over 24 Hours	18 32.7% 38.3%	37 67.3% 82.2%	0 0% 0%	55 59.1%
Held Less Than 24 Hours	29 76.3% 61.7%	8 21.1% 17.8%	1 2.6% 100%	38 40.9%
TOTAL	47 50.5%	45 48.4%	1 1.1%	93 100%

Of the cases that were arraigned in county or district court only 4 percent pleaded not guilty. A cross-tabulation of plea in court by misdemeanor or felony primary charge is contained in Table 38. It appears that the person charged with a felony is more likely to plead not guilty than a person charged with only a misdemeanor. Persons charged with felonies are also much more likely to plead guilty (87.0 percent) than are persons charged with misdemeanors (19.1 percent). These figures indicate that persons charged with misdemeanors are more frequently allowed to plead no contest (78.9 percent).

Table 39 lists the disposition of the cases included in the sample. It is noted that in 35.4 percent of the cases booked into the county jail there was no county or district court action and that 19.5 percent were dismissed by the court. Another interesting statistic is that only 0.3 percent were acquitted by a county or district court.

Table 40 presents the cross-tabulation of case disposition by primary charge for all but those charged with ATRP (application to revoke probation). It indicates that 51.6 percent of the check offenses were ultimately dismissed and another 30.6 percent of the check cases had no county or district court action taken. Thus, 82.2 percent of the persons booked for check offenses were either handled by

TABLE 38
PLEA IN COURT
BY MISDEMEANOR OR FELONY

NUMBER Row % Column %	MISDEMEANOR	FELONY	TOTAL
Guilty	40 33.3% 19.1%	80 66.7% 87.0%	120 39.9%
No Contest	165 97.6% 78.9%	4 2.4% 4.3%	169 56.1%
Not Guilty	4 33.3% 1.9%	8 66.6% 8.7%	12 4.0%
TOTAL	209 69.4%	92 30.6%	301 100.0%

TABLE 39

DISPOSITION OF CASES

	<u>Number</u>	<u>Percent</u>
County Jail	34	3.5
County Jail & Probation	1	.1
County Jail & Fine	78	8.0
Probation	64	6.6
Probation & Fine	97	10.0
Fine	15	1.5
Community Service Restitution	2	.2
State Prison	47	4.8
Dismissed	189	19.5
Acquittal	3	.3
Conditional Discharge	9	.9
No County or District Court Action	344	35.4
Probation & Restitution	5	.5
Capias Pro Fine	33	3.4
Bond Forfeiture Outstanding	27	2.8
Other	13	1.3
Unknown	<u>10</u>	<u>1.0</u>
TOTAL	971	100.0

TABLE 40
DISPOSITION BY PRIMARY CHARGE

NUMBER Row 1 Column 1	ASSAULT	AUTO THEFT	BURGLARY	CHECK OFFENSES	CONTRIBUT	CRIMINAL MISCHIEF	DEG RELATED	DANG RELATED	DTI	FORCERY	FUGITIVE	ILLEGAL ALIEN	MURDER	PROSTITUTION	RESISTING ARREST	ROBBERY	SEX OFFENSES	THEFT	TRAFFIC	MOTOR VEHICLE	VIOLATION OF PROBATION	WEAPONS	OTHER	TOTAL
County Jail	3 9.7%	0	1 3.2%	1 3.2%	0	2 6.5%	4 12.9%	0	3 9.7%	0	1 3.2%	0	0	1 3.2%	2 6.5%	1 3.2%	0	6 19.4%	1 3.2%	0	0	4 12.9%	1 3.2%	31
Co. Jail + Probation	0	0	0	0	0	0	0	0	100.0%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Co. Jail + Fine	0	0	1 3.2%	1 3.2%	0	1 3.2%	5 15.5%	1 3.2%	35 108.5%	0	0	2 6.5%	0	4 12.9%	1 3.2%	0	0	8 25.2%	6 19.4%	4 12.9%	2 6.5%	2 6.5%	2 6.5%	75
Probation	0	0	10 30.3%	7 21.6%	0	0	6 18.2%	0	9 27.3%	3 9.1%	0	0	0	0	0	0	0	3 9.1%	0	0	2 6.5%	0	3 9.1%	43
Probation + Fine	1 3.2%	0	0	3 9.1%	0	1 3.2%	2 6.5%	2 6.5%	71 216.1%	1 3.2%	0	0	0	0	2 6.5%	0	0	8 25.2%	2 6.5%	0	0	3 9.1%	1 3.2%	97
Fine	0	0	0	1 3.2%	0	0	0	1 3.2%	4 12.9%	0	0	0	0	0	0	0	0	2 6.5%	1 3.2%	1 3.2%	0	0	5 15.5%	15
Community Service	0	0	0	0	0	0	0	0	1 3.2%	0	0	0	0	0	0	0	1 3.2%	0	0	0	0	0	0	2
Restitution	0	0	0	0	0	0	0	0	50.0%	0	0	0	0	0	0	0	50.0%	0	0	0	0	0	0	2
State Prison	4 12.9%	1 3.2%	11 34.4%	0	0	0	1 3.2%	0	1 3.2%	2 6.5%	0	0	5 15.5%	0	0	5 15.5%	1 3.2%	4 12.9%	0	1 3.2%	0	0	1 3.2%	37
Dismissed	6 19.4%	2 6.5%	7 21.6%	64 198.8%	1 3.2%	4 12.9%	11 34.4%	0	16 49.4%	4 12.9%	0	0	4 12.9%	1 3.2%	0	5 15.5%	2 6.5%	31 96.6%	2 6.5%	2 6.5%	1 3.2%	7 21.6%	13 40.6%	183
Bond Forfeiture Outstanding	2 6.5%	0	1 3.2%	6 18.2%	0	1 3.2%	3 9.1%	0	6 18.2%	0	0	0	0	0	1 3.2%	0	0	5 15.5%	0	0	0	1 3.2%	2 6.5%	27
Acquittal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1 3.2%	0	0	0	0	1 3.2%	2
Conditional Discharge	0	0	0	0	0	0	6 18.2%	0	2 6.5%	0	0	0	0	0	0	0	0	0	1 3.2%	0	0	0	1 3.2%	10
No County or District Court Action	12 36.7%	2 6.5%	26 80.6%	38 117.4%	22 68.2%	7 21.6%	26 79.7%	69 212.9%	25 77.3%	2 6.5%	3 9.1%	4 12.9%	4 12.9%	1 3.2%	1 3.2%	5 15.5%	5 15.5%	20 61.9%	13 40.6%	12 37.7%	2 6.5%	6 18.2%	25 77.3%	334
Probation and Restitution	0	0	0	0	0	0	0	0	1 3.2%	1 3.2%	0	0	0	0	0	0	0	0	0	1 3.2%	0	0	2 6.5%	5
Copies Pro Fine	2 6.5%	0	0	2 6.5%	0	0	1 3.2%	1 3.2%	16 49.4%	0	0	0	0	1 3.2%	0	0	0	2 6.5%	4 12.9%	2 6.5%	0	0	2 6.5%	33
Others	1 3.2%	0	2 6.5%	1 3.2%	0	1 3.2%	0	3 9.1%	0	2 6.5%	1 3.2%	1 3.2%	0	0	0	0	0	5 15.5%	0	0	1 3.2%	0	4 12.9%	22
TOTAL	31 96.6%	5 15.5%	59 182.5%	124 382.5%	23 71.6%	17 51.9%	65 198.8%	77 235.5%	189 585.5%	15 46.2%	5 15.5%	7 21.6%	13 40.6%	8 24.8%	7 21.6%	16 49.4%	9 27.9%	95 292.6%	30 93.8%	23 71.6%	9 27.9%	23 71.6%	67 205.4%	917 2840.0%

justice of the peace courts or had their cases dismissed. It appears that the merchants in Travis County are using the criminal justice system as a check collection agency.

Table 41 presents the cross-tabulation of case disposition by primary charge for all cases where ATRP was filed. It should be noted that in 40 percent of these cases the individual was continued on probation and another 11 percent of the cases were dismissed. This means that in over 50 percent of these cases there was no change in the individual's probation status and yet these were the individuals that were very likely to stay in jail for lengthy periods of time (see Table 26).

Table 42 lists the type of sentence by attorney, and Table 43 lists time in jail by attorney. This information is for felony cases only. Comparable information for misdemeanor cases was unavailable due to the nature of the record keeping system in Travis County. It is noted that a person with a private attorney is more likely to get probation whereas a person with a court-appointed attorney is more likely to go either to jail or to prison.

Table 43 indicates that those individuals with private attorneys are much more likely to be released in two days or less (71.7 percent) than those with court-appointed attorneys (31.5 percent). Note that 59.2 percent of those

TABLE 41
DISPOSITION OF CASES BY
PRIMARY CHARGE
 (ATRP'S ONLY)

NUMBER Row % Column %	ATRP BURGLARY	ATRP DRUG RELATED	ATRP DWI	ATRP FORGERY	ATRP FUGITIVE	ATRP MURDER	ATRP THEFT	ATRP MOTOR VEHICLE	ATRP VIOLATION OF PROBATION	ATRP OTHER	TOTAL
JAIL + FINE	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	2 66.7 16.7	1 33.3 33.3	3 6.8
PROBATION	4 21.1 36.4	3 15.8 50.0	1 5.3 100.0	1 5.3 100.0	0 0 0	1 5.3 100.0	4 20.0 50.0	0 0 0	5 26.3 41.7	1 5.3 33.3	20 40.0
STATE PRISON	5 50.0 45.5	1 10.0 16.7	0 0 0	0 0 0	0 0 0	0 0 0	3 30.0 42.9	0 0 0	0 0 0	1 10.0 33.3	10 22.7
DISMISSED	1 20.0 9.1	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	1 20.0 14.3	1 20.0 100.0	2 40.0 16.7	0 0 0	5 11.4
OTHER	1 14.3 9.1	2 28.6 33.3	0 0 0	0 0 0	1 14.3 100.0	0 0 0	0 0 0	0 0 0	6 50.0 40.0	2 16.6 40.0	12 24.0
TOTAL	11 25.0	6 13.6	1 2.3	1 2.3	1 2.3	1 2.3	8 16.0	1 2.3	15 30.0	5 10.0	50 100.0

TABLE 42

TYPE OF SENTENCE BY TYPE OF ATTORNEY
(Felonies Only)

NUMBER Row % Column %	PRIVATE	COURT APPOINTED	SELF	TOTAL
County Jail or County Jail + Fine	3 42.9% 6.4%	4 57.1% 9.1%	0 0% 0%	7 7.6%
Probation or Prob. + Fine or Restitution	17 60.7 36.2%	11 39.3% 25.1%	0 0% 0%	28 30.4%
Fine	0 0% 0%	1 100% 2.3%	0 0% 0%	1 1.1%
Community Service Restitution	1 100% 2.1%	0 0% 0%	0 0% 0%	1 1.1%
State Prison	9 36.0% 19.1%	16 64.0% 36.4%	0 0% 0%	25 27.2%
Dismissed	16 55.2% 34.0%	12 41.4% 27.3%	1 3.4% 100%	29 31.5%
Other	1 100% 2.1%	0 0% 0%	0 0% 0%	1 1.1%
TOTAL	47 51.1%	44 47.8%	1 1.1%	92 100%

TABLE 43

TIME IN JAIL BY TYPE OF ATTORNEY
(Booking to Release)
(Felonies Only)

NUMBER Row % Column %	PRIVATE	COURT APPOINTED	SELF	TOTAL
Less Than 24 Hours	23 74.2% 50.0%	8 25.8% 22.9%	0 0% 0%	31 37.8%
Day 1	8 72.7% 17.4%	2 18.2% 5.7%	1 9.1% 100.0%	11 13.4%
Day 2	2 66.7% 4.3%	1 33.3% 2.9%	0 0% 0%	3 3.7%
Day 4	1 100.0% 2.2%	0 0% 0%	0 0% 0%	1 1.2%
Day 5	1 100.0% 2.2%	0 0% 0%	0 0% 0%	1 1.2%
Day 8	0 0% 0%	1 100.0% 2.9%	0 0% 0%	1 1.2%
Day 10	1 100.0% 2.2%	0 0% 0%	0 0% 0%	1 1.2%
Day 11 to 12	0 0% 0%	1 100.0% 2.9%	0 0% 0%	1 1.2%
Day 13 to 15	1 33.3% 2.2%	2 66.7% 5.7%	0 0% 0%	3 3.7%
Day 16 to 20	0 0% 0%	1 100.0% 2.9%	0 0% 0%	1 1.2%
Day 21 to 30	2 40.0% 4.3%	3 60.0% 8.6%	0 0% 0%	5 6.1%
Day 31 to 50	2 33.3% 4.3%	4 66.7% 11.4%	0 0% 0%	6 7.3%
Day 51 to 75	3 42.9% 6.5%	4 57.1% 11.4%	0 0% 0%	7 8.5%
Day 91 to 100	1 33.3% 2.2%	2 66.7% 5.7%	0 0% 0%	3 3.7%
Day 101 and Above	1 14.3% 2.2%	6 85.7% 17.1%	0 0% 0%	7 8.5%
TOTAL	46 56.1%	35 42.7%	1 1.2%	82 100.0%

individuals with court-appointed attorneys stayed in jail three weeks or more, while only 19.5 percent of those with private attorneys stayed a comparable length of time.

Table 44 has a cross-tabulation of type of attorney by race. This table shows that Hispanics are more likely to have retained counsel than Blacks or Whites. Table 45 lists type of attorney by sex of person booked. It is noted that females are more likely to have retained counsel than males.

TABLE 44

RACE OF PERSON BOOKED BY TYPE OF ATTORNEY

(Felonies Only)

NUMBER Row Column % %	PRIVATE	COURT APPOINTED	SELF	TOTAL
White	20 47.6% 39.2%	22 52.4% 46.8%	0 0% 0%	42 42.4%
Black	16 50.0% 31.4%	16 50.0% 34.0%	0 0% 0%	32 32.3%
Hispanic	14 60.9% 27.5%	8 34.8% 17.0%	1 4.3% 100%	23 23.2%
Mexican National	1 50.0% 2.0%	1 50.0% 2.1%	0 0% 0%	2 2.0%
TOTAL	51 51.5%	47 47.5%	1 1.0%	99 100%

TABLE 45

SEX OF PERSONS BY TYPE OF ATTORNEY
(Felonies Only)

NUMBER Row Column % %	PRIVATE	COURT APPOINTED	SELF	TOTAL
Male	39 48.7% 76.5%	41 51.3% 87.2%	0 0% 0%	80 80.8%
Female	12 63.2% 23.5%	6 31.6% 12.8%	1 5.3% 100%	19 19.2%
TOTAL	51 51.5%	47 47.5%	1 1.0%	99 100%

IDENTIFICATION OF TARGETS

The following is an interpretation of the data presented in the previous section of this report. The Task Force believes that this analysis indicates a number of problem areas that need to be targeted for remedial action. This interpretation identifies two basic target areas: sub-populations, and policies and procedures. The former is being further divided into two categories: eliminating incarceration and reducing incarceration. It should be understood that the Task Force is cognizant of the fact that one cannot eliminate, entirely, any group or subpopulation from the county jail, for there are exceptions to every procedure.

Several premises were used in doing the following interpretation. First, the taxpaying citizens of Travis County have indicated, by the vote in two jail bond elections, that they desire a medium-sized jail for this county. This desire carries several implications for the members of the criminal justice system. It implies that the voters want the members of the criminal justice system to prioritize the use of jail space. That is, to use available space for the most serious offenders first; and when all available space is occupied, there is an implication that less serious offenders should not be incarcerated. It also implies that the voters want the jail output kept sufficiently high to prevent overcrowding, which means courts and prosecutors must focus their attention on the trials of incarcerated persons before trying non-incarcerated persons. The third implication is

that the voters of Travis County want the members of the criminal justice system to use available alternatives to incarceration in the county jail.

The second premise is that the Sheriff of Travis County must become more aggressive in forcing the courts to accept responsibility for the jail population, since the safekeeping of prisoners is his responsibility. At present, the Sheriff accepts and holds every prisoner delivered to him by any law enforcement officer or ordered taken to him by any judge. If the Sheriff accepts and incarcerates a prisoner he may violate State Jail Standards Commission regulations and federal court orders. If he refuses to accept prisoners, he may violate state law or even be in contempt of court. The Sheriff must become significantly more active in requiring the judiciary to accept primary responsibility for controlling the population of the jail, allowing him to fulfil his responsibilities for the day-to-day operation of a secure, safe facility. He should be provided with legal assistance enabling him to seek court orders to protect the jail from judicially mandated overcrowding or from inadequate facilities and staff.

The third premise is that remedial action within the criminal justice system is long overdue in Travis County. The 1974 order in Musgrove v. Frank is eight years old, and it came well after the problems of the system had become obvious. This necessary remedial action carries with it a correspondingly significant price tag, for secure social order is never produced cheaply.

This means that large amounts of money and energy need to be spent on the criminal justice system just to bring it to the level at which it should have been several years ago. The Task Force regrets this premise but hastens to point out that continued failure to come to grips with this obvious fact will only compound the crisis at hand.

I.

SUBPOPULATION TARGETS

A. ELIMINATE INCARCERATION

1. Driving While Intoxicated and Public Intoxication

Table 27 indicates that most people arrested for driving while intoxicated or for public intoxication are released within the first few hours. The Austin Police Department, in conjunction with the Municipal Court, has operated a third-party responsibility release program for several years. The Travis County Sheriff's Office operates a version of the same program. For obvious reasons of public safety, intoxicated persons must be removed from the streets and highways. However, the nature of this offense lends itself to the release of the person to a responsible third party, rather than to occupying valuable jail space.

All persons arrested in Travis County could be assisted by intake personnel in locating a third party who would take the responsibility for conducting them safely home. At the first available opportunity, these persons should be taken before a magistrate who will administer the appropriate warning and release the person on personal recognizance to the responsible third party.

Those persons who do not qualify for third-party responsibility release, personal bond, or who are

seriously intoxicated and in need of medical attention should be committed to jail or sent to the hospital for appropriate medical help in accordance with the law.

The Task Force observes that neither the county nor any of the cities, towns, or villages in the county have a detoxification center. Nor does the local chapter of Mental Health and Mental Retardation have a detoxification facility. The number of arrests for offenses involving intoxication in Travis County is a large percentage of the total number of arrests and appears to be increasing at a rate consistent with the population increase of the area. The eventual purpose of the detoxification center would be to serve not only pretrial detainees, but also persons who are convicted of offenses involving intoxication. The detoxification center could be a medium security facility designed for the boarding, diagnosis, treatment, and counseling of persons who have problems with intoxicating substances.

Table 5 indicates that approximately 27 percent of the people placed into the Travis County Jail were arrested for an offense involving intoxication. These persons cause the expenditure of a great deal of the time and attention of the secure facility personnel, and are detained in badly-needed secure bed space until a magistrate is available. Diverting these people from the county jail could provide from five to fifteen additional

daily bed spaces necessary for the housing of persons classified as needing to be in a secure facility.

2. Check Writing Offenses

Table 5 indicates that thirteen percent of the county jail bookings are persons arrested for offenses involving the misuse of checks, excluding forgery. The offenses of "issuance of a bad check" (which is a justice of the peace or municipal court case) and "theft by check" (which could be within the jurisdiction of any court, depending on the face value of the check) are generally offenses in which there is an arrest by warrant. The Task Force has found that often a person is placed into the Travis County Jail for multiple check offenses, usually filed among several courts. Table 27 indicates that 95 percent of all persons charged with check offenses are released from the county jail by the end of the third day of their incarceration. They are, however, still occupying valuable bed space needed by prisoners accused of more serious offenses.

There appears to be no central screening and coordination of the filing of check offenses by a prosecutor's office, on a county-wide basis. As a result numerous lawsuits involving the same defendant are filed among several courts. This results in unusually large amounts of paperwork and prisoner-to-court coordination for the

county jail personnel, and a reduced prosecutorial effectiveness in check cases.

There should be centralized prosecutorial screening for all check offenses other than forgery. Multiple offenses should be located and amalgamated into one case, eliminating the necessity of filing numerous criminal actions. If the aggregate amount results in a felony charge, such information should be passed to the office of the District Attorney for appropriate action by the grand jury. In this manner, centralized screening would be a reference source for computing the total amount of restitution owed by any individual. Persons arrested upon a warrant for a check offense should be delivered to the court that has issued the warrant of arrest. In this regard it is necessary that the judges of the various courts set aside one or more times daily when they will be available to receive arrested prisoners, pursuant to Article 15.16 of the Code of Criminal Procedures. The net saving of jail bed space to the county jail could be from five to ten spaces daily.

3. Traffic, Prostitution, and Other Petty Offenses

The number of people booked into the county jail for traffic offenses, minor theft offenses, prostitution offenses, and other petty offenses, as indicated in Table 27, is five to six percent of the annual jail population.

The ratio of pretrial detainees to post-sentence prisoners is unknown to the Task Force. Table 27 indicates that, except for the charge of prostitution, approximately ninety-five percent of all petty offense detainees are released by the end of the third day of incarceration. Only seventy-five percent of those persons confined to the county jail for the offense of prostitution have been released by the end of the eighth day. However, persons charged with this offense constitute slightly less than one percent of all bookings. Persons accused of prostitution occupy one or two spaces daily.

4. Illegal Aliens

Table 5 indicates that persons booked into the Travis County Jail as illegal aliens comprise less than one percent of all bookings. Generally, the person is arrested and incarcerated upon another charge and is discovered to be in the United States without proper authorization. Table 27 indicates that most of these detainees, over seventy-one percent, are released by the end of the first week of incarceration. However, over twenty-five percent remain up to fifteen days, and approximately fourteen percent remain as long as three weeks. Persons in this category occupy one or two beds each seven to ten days.

5. Contempts, Weekenders, and Work-Release

Table 5 indicates that approximately 2.5 percent of all jail bookings consist of people incarcerated for contempt of court, almost always for non-payment of child support. Many of these persons, along with other persons sentenced to serve jail time for misdemeanor charges, are in county jail on a work-release or weekends-only type sentence. A work-release detainee generally is at work during the day and serves his sentence at night, enabling the detainee to remain employed and meet family obligations. A weekender is a detainee who serves a sentence by being in jail only Friday night through Sunday night. These detainees occupy valuable bed space at a time most crucial to the jail operation and when crowding is at its worst.

The Task Force believes that the present county jail atop the courthouse could be converted to a minimum security dormitory for the housing of persons incarcerated for contempt of court, work-release, and weekender sentences. The facility could be remodeled at a cost of approximately four hundred to five hundred thousand dollars to also serve as an emergency, or back up, secure facility in the event of some circumstance producing an abnormally high number of persons arrested. The kitchen facility could be removed and meals brought over from the

main jail by trustees or persons housed in the minimum security dormitory.

A minimum number of corrections personnel would be needed to operate such a dormitory. Presently, most contempt of court, weekender, and work-release detainees are incarcerated at Del Valle, occupying badly needed minimum security bed space. A further inconvenience is the necessity of allowing work-release and weekenders to keep automobiles on the Del Valle premises because of its non-central location to the major areas of employment in the county.

6. Emotionally and Mentally Impaired Persons

State law, the Jail Standards Commission's regulations, and part of the 1974 order in Musgrove v. Frank provide that detainees and inmates in need of psychiatric treatment and persons with serious emotional problems should be placed in a facility specifically designed, equipped, and staffed to provide the necessary care and treatment. In 1978, the Citizens Jail Bond Committee of Travis County received and adopted a report recommending that a psychiatric holding facility be built. This recommendation was made a part of that committee's report. No such facility has been placed in operation and to the knowledge of this Task Force none is planned,

leaving numerous county officials openly liable for lawsuits in both state and federal courts-- not to mention the continued lack of necessary care and treatment for incarcerated persons with mental and emotional disorders. (See Appendix 4.)

B. REDUCE INCARCERATION

1. Applications to Revoke Probation

Table 5 indicates that approximately six percent of all bookings are composed of prehearing detainees held on an application to revoke probation. Table 27 indicates that nearly 40 percent of these were held for more than one week, while approximately 14 percent of these remained in jail in excess of five weeks. Most persons incarcerated for a violation of probation do not have their probation revoked, but instead, are subjected to "jail therapy" for a period of time and then released and continued on probation. Many persons held on other charges also have applications to revoke probation filed against them, but that category is excluded from this discussion. Persons incarcerated solely for an application to revoke probation occupy ten to fifteen bed spaces daily. This includes those persons whose arrest is only for non-payment of court costs or some other administrative violation.

2. Indigent Defendants -- Court-Appointed Attorneys

Table 37 indicates that 67.3 percent of all persons incarcerated more than twenty-four hours had court-appointed attorneys, while Table 43 indicates that 31.5 percent of that same category had private attorneys. In felony cases only thirty-one percent of those persons with court-appointed attorneys were released by the end of the third day. Case studies indicate that many of these were released and later had an attorney appointed, indicating that the actual number released who had court-appointed attorneys at the time of release is very small. Table 43 indicates that 54.2 percent of those persons having court-appointed attorneys were not released from jail until after twenty-one or more days of incarceration.

The Criminal Law and Procedure section of the Travis County Bar has provided the Task Force and the Commissioners Court with a comprehensive study and evaluation of the court-appointed lawyer system in Travis County. The recommendations made in that report are excellent, and this Task Force has previously suggested that those recommendations be accepted. The judges of the various courts of Travis County have suggested the same. Again, case studies indicate that the first contact between a pretrial detainee and the court-appointed attorney does not occur until ten to

twenty-one days after incarceration. The 1974 order in Musgrove v. Frank indicates that this first contact should occur within seventy-two hours of incarceration. Persons in this category occupy between eight and twelve bed spaces daily. (See Appendix 5.)

3. Convicted Felony Offenders

The Task Force has previously recommended that the sheriff be provided with a vehicle and sufficient personnel to make weekly or more frequent trips to deliver convicted felons to the State Prison. It is our understanding that this recommendation was accepted and the vehicle and personnel have been provided. It now becomes apparent that the legislature, in an effort to make the appellate procedures in civil and criminal cases uniform, has provided a method by which convicted and sentenced offenders can remain in the Travis County Jail for up to seventy-five additional days before being transported to the state prison. Widespread abuse of this time period by offenders would substantially wipe out any bed space gain recommended by this committee under the heading of "sub-population targeted."

II.

POLICY AND PROCEDURE TARGETS

A. UNCONTROLLED INPUT

Admissions to the Travis County Jail are from numerous sources. Persons arrested by almost all of the law enforcement agencies of the county are brought directly to the county jail. In addition, those persons booked into the city jail who are not released on bond by a municipal court judge are transferred to the county jail. This applies to all class A and B misdemeanors and felony charges, but does not include class C misdemeanors over which the municipal court has jurisdiction. Judges mandate the incarceration of persons held in contempt of court and for whom a motion to revoke probation is filed. Every person brought to the county jail is booked, fingerprinted, photographed, classified, and appropriately housed, including transfer of less serious offenders to the minimum security facility at Del Valle.

The data in Table 11 indicates that approximately seventy-three percent of all persons booked in the county jail are released by the end of the third day of incarceration, with nearly fifty percent being released within the first twenty-four hours. It is obvious from this data that the vast majority of the people being placed into the county jail remain only until a magistrate is available to release them, or until bail requirements can be satisfied.

The City of Austin Jail operates much in the same manner. All persons arrested by the Austin Police Department are placed in the city jail until they can be taken before a magistrate, whereupon the vast majority are released. Those who have charges other than before the municipal court, and who have not made bail, are remanded to the city jail to be transferred to the county jail. The city jail staff performs the same booking, fingerprinting, photographing, and related functions on all incoming prisoners performed by the county jail staff. The city jail is, therefore, considered a temporary detention facility and does not have to meet the same stringent requirements that the secure county jail must maintain.

Article 14.06 and Article 15.16 of the Code of Criminal Procedure mandate that a person arrested with or without a warrant must be taken before a magistrate "without unnecessary delay", or delivered to someone for that purpose. If the arrest is upon a warrant, the person arrested is to be taken before the magistrate who ordered the arrest unless it is a warrant from outside the county. The Court of Criminal Appeals has held that "without unnecessary delay" means as soon as a magistrate is available during normal working hours.

Article 15.17 of the Code of Criminal Procedure states that the person brought before the magistrate shall be warned of certain rights and admitted to bail, "if allowed by law".

The vast majority of persons placed in the city or county jail are released as soon as a magistrate is available to set bond and administer the warning mandated. These functions are performed by the municipal judges at the city jail and by the justices of the peace at the county jail.

The dual input approach is wasteful and unnecessary, because the two entities duplicate the work of each other. Data indicates that the use of one input facility with nearly continuous magistrate and central screening services could result in a daily secure bed-space savings of from fifteen to twenty, which represents the number of persons booked into the city jail, transferred to the county jail, and released within 24 hours. The central intake and central screening approach is considered by this Task Force to be one of the most important goals for reduction of the county jail population.

B. CASE SCREENING BY PROSECUTORS AND COORDINATED CASE FLOW MANAGEMENT

The present system of filing complaints in Travis County does not allow for screening by prosecutors prior to the filing of the official complaint and commencement of a formal case. Generally, a complaint is filed by a peace officer or other person at or near the time that a person is taken before a magistrate to be warned of his rights and have bail set pursuant to Article 15.17 of the Code of Criminal Procedure.

Although convenient for peace officers and other citizens, the actual operation of this system results in a confusing flow of unnecessary paper work and a disproportionately high number of dismissed cases. A prosecutor's job is made substantially more difficult, for instead of reviewing the evidence and making an objective decision to proceed or not with the case, the prosecutor is in the position of having to justify in some manner the continued prosecution of a case already filed.

Many magistrates upon accepting a complaint against a person who has already been arrested and incarcerated issue a warrant of arrest, which further confuses the system. Article 17.27 of the Code of Criminal Procedure provides that if after being given a reasonable opportunity to make bail the defendant cannot do so, the magistrate shall "make an order committing the accused to jail" and shall issue a commitment. Article 16.20 of the Code of Criminal Procedure sets forth the requisites of a commitment and specifically states that it contain "what court and at what time" the accused is held to appear. Only the County Courts at Law of Travis County are using a definite first appearance date, of which the accused is informed when he is brought before a magistrate. There is no requirement that a magistrate must accept a complaint on an arrested person at the time he administers the warning and admits him to bail or commits him to the custody of the sheriff.

The number of secure jail bed spaces saved by prosecutorial screening shortly after arrest but prior to filing a complaint cannot be ascertained from the data this Task Force was able to obtain. If the dismissal rate shown in Table 39 is any indication, however, the number of bed spaces saved should be significant. The Task Force could find no court disposition on over sixty percent of the cases of persons incarcerated in the Travis County Jail during the year 1979. This indicates a combined dismissal and no court disposition rate that mandates the implementation of early prosecutorial screening and coordinated case flow management. It further mandates that more direct control should be exercised by the judiciary from the inception of the case.

C. ALTERNATIVE METHODS OF RELEASE

Table 16 indicates that 87 percent of the people bonded out in Travis County are released on personal bond. Table 28 indicates that 59 percent of the personal bond releases occur within the first twenty-four hours of incarceration.

Table 29 indicates that those few people who make surety bonds remain in jail slightly longer than persons released on personal bond. The majority of those persons incarcerated for long periods of time prior to trial appear to have high bonds and do not meet requirements for personal bonds.

The Austin Police Department and the Travis County Sheriff's Office both utilize third-party responsibility release and

field release citations for certain types of offenses. Table 5 indicates that expansion of third-party responsibility release in all driving while intoxicated and public intoxication charges, especially coupled with a central intake system, could result in a secure jail bed space saving of two to five bed spaces nightly. The same data indicates that expanded use of field release citation by all law enforcement agencies in the county could result in an additional bed space saving of one or two daily. This information is reflected in a comparison of Tables 5, 26 and 27.

Another form of release which is used by some magistrates is cash bail instead of a surety bond. The going rate for surety bonds is approximately fifteen percent of the amount deposited, or one hundred and fifty dollars per one thousand dollar amount of bond. The program of using a reduced cash bond in the neighborhood of from ten to twenty-five percent of the original bond set has had a favorable reception in Travis County. For example, often a magistrate will set a \$10,000 bond or a \$2,000 cash bond at the defendant's option. The magistrate does not require a cash bond, but rather, allows the defendant the option. Successful use of this vehicle in many cases could significantly reduce jail population by ten to fifteen beds daily in these cases where low surety bonds are required and personal bond is not granted.

Yet another form of release is the conditional personal bond release, still in its infancy. Those persons who are marginally qualified for a personal bond are required, as a condition of such personal bond, to report to some agency or person on a regular basis. The effect of this type of release on the jail population is yet unknown because it was not in existence during the year 1979 from which the Task Force obtained its data.

D. TIME UNTIL TRIAL

Tables 26 and 27 indicate that the second major source of jail overcrowding in Travis County is persons awaiting trial who are accused of felony offenses. An analysis of these tables indicates that on some days the number of persons in this category exceeds 35 percent of the total population. After studying the condition of the District Courts hearing felony cases and the District Attorney's Office, the Task Force is of the opinion that present judicial and prosecutorial resources are inadequate to meet the demands of the present Travis County criminal justice system. It is the understanding of this Task Force that the number of district judges hearing criminal cases was reduced from four to three because of a lack of prosecutorial staff to operate four courts.

Article 32A.01 mandates that the trial of incarcerated persons be given priority over non-incarcerated persons. The

Multnomah County (Oregon) Jail Overcrowding Project indicates that major felony cases can and should be tried in 45 to 60 days where persons are incarcerated, instead of the present 180 to 210 days in Travis County. Without the proper number of district courts trying criminal cases, without court administration to organize and increase a judge's trial time, and without properly allocated prosecutorial resources, the category of long-term pretrial detention of persons accused of felony offenses will continue to increase.

E. INFORMATION SYSTEMS

The Task Force selected this category as a policy and procedure target because it has spent one year observing and gathering data from Travis County's manual record-keeping system in criminal justice. The committee notes that the section of the criminal justice system over which the City of Austin exercises responsibility has had an automated information system since early 1970, while only very small portions of the sector of the criminal justice system over which the county has responsibility has the same data processing capabilities.

From personal experience the Task Force can state that the current manual system approaches "cruel and unusual" punishment of the county employees who must attempt to keep abreast of an ever increasing volume of paperwork and scheduling with a manual system designed in the early nineteen hundreds.

POLICY ALTERNATIVES

In the preceding section the Task Force has identified what it considers to be the most significant areas which need attention in order to effectively control the jail population. There are various methods of dealing with most of these targeted areas, depending upon the approach to the jail overcrowding problem the Travis County Commissioners and other elected officials desire to take. The following information is a discussion of those alternatives along with the Task Force's recommendations.

It should be noted at the outset that certain factors are assumed, based upon past history and future projections of the population growth of the area. For example, the Task Force believes it is obvious that in the years ahead, as the population of this area continues to increase at a rapid rate, the secure jail facility will need to be expanded by the addition of the two extra floors for which it has been designed. Present cost for such an expansion is about two and one half million dollars per floor. However, given the rising cost of construction, the cost could be as high as five or six million dollars per floor in just a few years. Another factor which may necessitate the expansion of secure jail space is the community-based correction movement in the criminal justice system. It is conceivable that Texas could adopt a system of sentencing some felon offenders to community facilities rather than to the state penitentiary, as many states have already done.

The Task Force is of the opinion that the minimum security facility at Del Valle will also have to be expanded in the years ahead because of the same population increase and community corrections concepts. This expansion will probably cost from four to eight million dollars ultimately, depending upon the size of the expansion. This expansion, as well as the aforementioned secure jail expansion, will quite obviously require a substantial increase in personnel and corresponding operating budgets. To fail to recognize and plan for these eventualities is to attempt to function upon the belief that we live in a static society, which is the equivalent of believing that the earth is flat.

The following recommendations of the Task Force are based upon the concept of maximum utilization of existing facilities in order to provide time for Travis County to catch-up to where it should have been eight to ten years ago. The fact that this county has not fully recognized the growing needs of the criminal justice system and acted to keep abreast of these demands has created the monetary crisis in which the county now finds itself. The failure to take immediate remedial action can only result in an operational crisis, in just a few years, of such magnitude that the taxpaying citizens of this community may not be able to afford to solve the problems.

POLICY AND PROCEDURE TARGETS

1. Uncontrolled Input

The Task Force has identified two alternatives for controlling input into the county jail. The first is to continue to use the dual booking, identification, and transfer system which currently exists at the City of Austin and Travis County jails, and to offset this by expanding the personal bond office at the county level. This would require an aggressive office which would screen all incoming arrestees and expedite their appearance before magistrates and judges at the earliest opportunity, to reduce the time spent in the county jail by these persons. Presently, approximately 45 percent of those persons who are booked into the county jail are released the same day. An additional twenty percent are released after spending eight to twenty-four hours in jail, bringing the total percentage of booked persons who are released within forty-eight hours to 73 percent, or nearly three-fourths. This is indicated by Table 11.

An aggressive input screening and immediate delivery to court of these persons could reduce jail occupancy by fifteen to twenty bed spaces nightly in the county jail. The present requirements and cost of such an operation appear to be two to three additional employees in the personal bond office, at an approximate cost of twenty-four to thirty-six thousand dollars annually. This would allow

the screening office to operate from seven in the morning to ten in the evening on weekdays, and in the mornings on weekends and holidays, without necessitating an accumulation of overtime or compensatory time.

The second alternative would be to unify the input into all incarceration facilities by establishing a central input and screening for all persons arrested in Travis County. This would eliminate duplications in booking, identification, screening and transfer of prisoners, by having the seventy-five percent released before reaching the county jail, and the remaining twenty-five percent classified and placed directly into the appropriate facility. This central input and screening could be accomplished by an agreement between Travis County and the City of Austin.

This second alternative, to operate on a twenty-four hour per day basis, would require an extra municipal court judge and the addition of three full-time and two part-time personnel in the personal bond office/screening section, at a cost to the county of fifty to sixty thousand dollars annually and a corresponding operating and capital outlay budget. The net county jail bed space savings could be from twenty to thirty nightly.

RECOMMENDATION: The Task Force recommends that a cooperative agreement be made between Travis County and the City of Austin providing for central input and screening at the city jail, and that the personal bond office be expanded

to become a central input screening section for all persons arrested in Travis County. The city jail is the only logical location for a central input because of its use as only a temporary detention facility and the availability of continuous magistrate service. Persons who are presently serving time in the city jail in lieu of a fine could be housed at the Del Valle facility, thus eliminating the possibility of the city jail being classified as more than a temporary detention facility and having to meet more stringent jail commission standards.

The city should provide sufficient space and municipal judges for a nearly continuous twenty-four hour per day operation. The county could agree to assume responsibility for the operation of the city jail, retaining existing personnel. The Task Force understands that the Sheriff of Travis County and the Chief of Police of the City of Austin, along with the City and County Attorneys' Offices are in the process of exploring this alternative. The Task Force wishes to commend all those involved.

2. Case Screening by Prosecutors and
Coordinated Caseload Management

The Task Force has identified three alternatives to the present lack of case screening by prosecutors prior to filing. The first alternative would be to allow the present system of filing prior to screening to continue and add the

intervention of designated court settings within seven to ten days after arrest, by which date a case must be screened by the appropriate state's attorney and either dismissed or an information filed. This approach would not solve the duplication and confusing case flow problems currently existing in Travis County, nor guarantee that cases would be screened prior to the filing of information. One or two additional prosecuting attorneys would be required in both the County and District Attorneys' Offices at a cost of forty-five or ninety thousand dollars annually.

The second alternative would be to provide for nearly continuous pre-filing screening in conjunction with the previously recommended central screening section. This could be a joint effort between the County and District Attorneys and would require five or six attorneys and two to three secretaries, at a cost of from one hundred twenty thousand to one hundred sixty thousand dollars annually, along with the appropriate operating and capital outlay budgets. The Task Force is of the opinion, however, that the case load of the criminal justice system of Travis County does not yet justify the operation of a nearly continuous prosecutor screening section, and that such will not be required for many years to come.

The third alternative would be to cease the unnecessary automatic filing of complaints before magistrates and to establish a joint County and District Attorney screening

system, utilizing direct filing in the appropriate court. This procedure would allow magistrates to set definite appearance dates in the appropriate court and allow the prosecutor seven to ten days to file an information or indicate that none will be filed. The requirements for such a joint section appear to be the addition of a total of three prosecutors for case screening to the County and District Attorneys' Offices and one additional secretary, at a cost of approximately eighty-five thousand dollars annually, plus the appropriate operating and capital outlay budgets.

RECOMMENDATION: The Task Force recommends that the unnecessary automatic filing of complaints prior to prosecutorial screening be stopped, and that a joint County and District Attorney screening section be established. A daily jail call should be adopted by all courts, and magistrates should utilize a definite setting date in the appropriate court within ten days of the date of arrest.

3. Use of Alternative Release Methods

The Task Force commends the City of Austin Police Department and the Travis County Sheriff's Office for instituting the use of field release citations in non-traffic offenses, and having comprehensive written policies for their use. The Task Force sees only the choices of keeping the use of

alternative forms of release at the present level or expanding their use.

RECOMMENDATION: The Task Force recommends the expanded use of field release citation, third-party responsibility release, conditional personal bond release, and reduced cash bail release for appropriate offenses in Travis County. The expanded variety of release methods appears to be minimal in cost and seems to reduce wasted personnel time in all areas of the criminal justice system. The secure jail bed savings could be substantial since, as Table 11 indicates, 81 percent of all persons booked into the Travis County Jail are released by the end of the tenth day of incarceration.

4. Time Until Trial

The previous section of this report pointed out that analyses of current data indicated that the largest population category in the county jail was of persons accused of felony offenses awaiting trial in the district courts. The Task Force sees only one solution, with no alternatives, for this problem.

RECOMMENDATION: The Task Force recommends that all judges hearing felony criminal cases give priority to the trial of incarcerated offenders as provided in Article 32A.01 of the Code of Criminal Procedures. The Task Force further recommends that the number of district courts hearing

alternative forms of release at the present level or expanding their use.

RECOMMENDATION: The Task Force recommends the expanded use of field release citation, third-party responsibility release, conditional personal bond release, and reduced cash bail release for appropriate offenses in Travis County. The expanded variety of release methods appears to be minimal in cost and seems to reduce wasted personnel time in all areas of the criminal justice system. The secure jail bed savings could be substantial since, as Table 11 indicates, 81 percent of all persons booked into the Travis County Jail are released by the end of the tenth day of incarceration.

4. Time Until Trial

The previous section of this report pointed out that analyses of current data indicated that the largest population category in the county jail was of persons accused of felony offenses awaiting trial in the district courts. The Task Force sees only one solution, with no alternatives, for this problem.

RECOMMENDATION: The Task Force recommends that all judges hearing felony criminal cases give priority to the trial of incarcerated offenders as provided in Article 32A.01 of the Code of Criminal Procedures. The Task Force further recommends that the number of district courts hearing

criminal cases be increased to a minimum of four, with attendant personnel, and that the District Attorney's Office be provided with sufficient staff to maintain three full time experienced prosecutors in each court. It is earnestly suggested that the district judges consider adopting the following changes in their operation:

1. Central Calendar
2. Court Administration
3. Use of Two Grand Juries Continuously
4. Taking Pleas at First Appearance
5. Trial of Incarcerated Persons Within Sixty Days

It is not this Task Force's desire to be viewed as telling judges how to operate their courts. However, these recommendations are made most respectfully after almost one year's study and observation of the effect of the operation of the district courts hearing of criminal cases upon the criminal justice system of Travis County in general, and jail population in particular. It is recommended that the Travis County Commissioners provide all necessary facilities, personnel, and prosecutors required by the district judges hearing criminal cases to enable them to speedily dispose of those cases.

5. Information Systems

The Task Force has studied the manual case flow system of the Travis County criminal justice system and finds it

almost incomprehensible that such a large manual system can function at all under current caseload conditions.

RECOMMENDATION: The Task Force recommends that a unified criminal justice automated information system be designed and implemented at the earliest opportunity. It is recommended that an experienced consultant be hired to commence work on the design of this system not later than the end of the year.

SUB-POPULATION TARGETS

ELIMINATE INCARCERATION

1. Driving While Intoxicated and Public Intoxication

The practice of third-party responsibility release is already utilized to some degree at both city and county jails. No detoxification facility or program is presently in effect at either.

RECOMMENDATION: The Task Force recommends that in conjunction with the central input and screening section previously recommended, a policy of third-party responsibility release be established for almost all persons arrested for offenses involving intoxication. The Task Force further recommends that a detoxification facility for both unreleasable pretrial detainees and convicted offenders be established in conjunction with the psychiatric holding facility hereinafter recommended. The present Austin-Travis County Alcohol Counseling Service should be merged into this detoxification unit. The cost of such a facility is anticipated to be nearly five hundred thousand dollars if built separately from the psychiatric holding facility. The operation of the facility would require a substantial expenditure in personnel, operating budget, and capital outlay.

2. Check Writing Offenses (Excluding Forgery):

The Task Force finds only three alternative solutions to the problems created by this sub-population group. First, the present policy of allowing the complaining party to file a complaint where he or she desires could be continued, and the central screening system could be aggressive in transferring those persons arrested to those courts where the cases are pending. The second and third alternatives would be to establish a central check screening and filing unit for the entire county in either the County Attorney's Office or the District Attorney's Office. Most check cases are currently filed in the justice of the peace or county courts of law which are the responsibility of the County Attorney.

RECOMMENDATION: The Task Force recommends that a county-wide check offense unit be established and maintained by the County Attorney's Office, and that all persons desiring to have check cases handled by the criminal justice system be instructed to bring their complaints to that agency. The check unit would probably require the addition of at least one attorney and two to three secretaries to the County Attorney's Office at a cost of fifty to sixty thousand dollars, plus appropriate operating and capital outlay budgets. This figure could be substantially offset by the fees collected in check cases by that office.

The Task Force further recommends that all persons arrested upon a warrant for a check offense be delivered as soon as possible to the court issuing such warrant for rapid disposition, not later than the first available daily jail call of that court.

3. Traffic, Prostitution, and Other Minor Offenses

The Task Force recognizes that there are three categories into which these offenses fall: arrest without warrant, arrest by warrant, and sentenced offenders "laying-out" fines in jail at fifteen dollars per day. The only alternatives found by the Task Force for handling these offenses are the present method, as previously discussed, or delivery to the central input and screening unit for immediate processing and release. All offenders "laying-out" fines in both the city and county jails should be housed in the Del Valle minimum security unit or some similar facility.

RECOMMENDATION: The Task Force recommends that all persons arrested for traffic, prostitution, and other minor offenses be taken to the city jail central input and screening section for immediate appearance before a magistrate or the appropriate judge at the first jail call after arrest. The Task Force further recommends that all persons "laying-out" fines be housed in the minimum security

Del Valle facility, or at a minimum security facility on work-release. There appear to be little or no additional costs associated with this recommendation.

4. Illegal Aliens and "Holds"

The Task Force has studied and debated this category of offender at length and finds no reasonable alternative to its recommendation.

RECOMMENDATION: The Task Force recommends that no person be held on a charge of "illegal alien" unless specifically requested to do so by an appropriate federal agency, and only then in accordance with law. It is recommended that persons held as a result of such requests be considered only temporarily detained-- that is, they should be held in the city jail, and for no longer than the next day after arrest. If not removed by the requesting authority within that period of time they should be ordered released by the appropriate magistrate or judge.

It is recommended that persons who have "holds" or "hold for other agency" be incarcerated upon such a charge only after being taken before a magistrate pursuant to chapter fifteen of the Code of Criminal Procedure. They should be released by that magistrate if the detaining agency does not remove the detainee within the strict time limitations allowed by law.

5. Contempts, Weekenders, and Work Release

The Task Force has found only two reasonable alternatives for dealing with these categories of incarcerated persons. The first would be to continue to incarcerate these persons at the Del Valle minimum security facility, which is already crowded. The second is to build a minimum security dormitory in a central location. With the community correction movement the apparent prevailing attitude among the majority of corrections scholars, it would probably be in Travis County's interest to choose the second alternative, especially since the old jail atop the courthouse would lend itself so easily to this application.

RECOMMENDATION: The Task Force recommends that the present county jail, when vacated by the move to the new jail, be renovated and remodeled to provide a large minimum security dormitory for persons charged with contempt of court or who are weekenders or work-release detainees. The projected cost of such renovation is between four hundred and five hundred thousand dollars. This would also result in an additional secure facility in emergency situations. The space occupied by the present jail is virtually useless except as a jail or for storage.

6. Mentally and Emotionally Impaired Persons

The Task Force has found only two reasonable alternatives in dealing with this category of detainees. A psychiatric holding facility can be built in or adjacent to an existing facility, including the present jail when vacated, or it can be built separately, such as in or near a government owned and operated hospital. The Travis County Citizen Jail Bond Committee had recommended that such a facility not be part of the jail itself and this Task Force unanimously agrees.

RECOMMENDATION: The Task Force most seriously recommends that immediate plans be made for the construction of a psychiatric holding facility in, adjacent to, or near a government owned and operated hospital. The Task Force further recommends that such a facility be designed to accommodate the previously recommended detoxification facility and also to serve as a secure facility for hospitalized prisoners who must now be guarded full time by law enforcement officers while hospitalized. Depending upon the size and nature of the facility, it will cost over one million dollars and require a substantial operating and capital outlay budget. It should be designed for future expansion.

REDUCE INCARCERATION

1. Application to Revoke Probation

The Task Force finds only one solution to the problems caused by the non-expediting of the cases of persons arrested for violation of probation. Such persons must be taken before the judge ordering their arrest at the first opportunity and their cases must be heard expeditiously.

RECOMMENDATION: The Task Force recommends that all persons arrested upon a motion to revoke probation be taken to the central input and screening section at the city jail and delivered immediately to the judge ordering the arrest, for appropriate handling. The Task Force respectfully recommends that judges, especially the district judges hearing criminal cases, hear and dispose of any motion to revoke probation within twenty days from date of arrest if possible, or as soon thereafter as is possible. All data studied indicates a net jail bed saving of at least ten to fifteen beds daily.

2. Indigent Persons -- Court-Appointed Attorneys

The Task Force, having previously supported the report of the special committee of the Criminal Law and Procedure Section of the Travis County Bar Association, has no alternative to that report to recommend. A cursory study of

the public defender concept indicates that the Bar report offers a superior program at the present caseload level of the Travis County criminal justice system.

RECOMMENDATION: The Task Force recommends the immediate adoption of the court-appointments officer program previously recommended to the Travis County Commissioners by the Bar Association, the judges of the courts in Travis County, and this Task Force. Ultimately, this function would fall to the central screening section at the city jail when adopted and placed into operation. The cost of this program has already been given to the Commissioners Court.

3. Convicted Felony Offenders

The Task Force has previously recommended that the Sheriff's Office be provided with a vehicle and appropriate personnel to make at least weekly deliveries to the penitentiary of those persons convicted of felony offenses. The legislature, in the meantime, has changed the procedure for handling motions for new trial in criminal cases, causing this category of prisoners to create a larger overcrowding problem than previously.

RECOMMENDATION: The Task Force remains committed to its original recommendation of a vehicle and sufficient personnel to make weekly, or more frequent, trips to the penitentiary to deliver sentenced felons. In addition, the

Task Force urges all judges to be aware of the impact on the jail of the change in the motion for new trial procedure soon to be effective, and to expedite the disposition of such motions. The cost of these recommendations has been previously provided to the Commissioners Court.

4. Maximize Use of Alternatives to Incarceration

While the Task Force has studied many alternatives to incarceration it recognizes that the decision to use such alternatives rests with the sheriff. It is not the desire of the Task Force to invade the province of the sheriff. However, it would be appreciated if the sheriff could meet with the Task Force and develop some alternatives to incarceration suitable to him.

RECOMMENDATION: The Task Force remains with its original recommendation of the contract with Wright Road Farm, on which data has been previously supplied to the Commissioners Court. The Task Force further recommends that the sheriff and the Post Conviction Sub-Committee meet and develop from among a multitude of community resources, some alternative facilities acceptable to him.

PROGRAM IMPLEMENTATION AND MONITORING

The following agenda and timetable were developed by the Task Force with a view to the urgency of pending federal court action and the opening of the new jail by the late 1982. It is, of course, only a recommendation, showing the priority of the action, the nature of the work to be performed, who is responsible for implementation, who is responsible for funding, additional personnel and funding needed, and targeted completion date. The timetable is planned around the budget process of the Commissioners Court.

AUGUST, 1981

1. SUBJECT: Central Intake
ACTION: Study of legal and intergovernmental problems
RESPONSIBILITY FOR ACTION: Travis County Commissioners Court
Austin City Council
City Attorneys Office
County Attorneys Office
District Attorneys Office
RESPONSIBILITY FOR FUNDING: None
ADDITIONAL PERSONNEL AND FUNDS: None
COMPLETION DATE: September 30, 1981

2. SUBJECT: Court Appointments Officer
ACTION: Approval and implementation
RESPONSIBILITY FOR ACTION:
Approval - Travis County Commissioners Court
Implementation - Personal Bond Officer
All Judges
RESPONSIBILITY FOR FUNDING: Travis County
ADDITIONAL PERSONNEL AND FUNDS:
One additional employee in personal bond office and associated operating and capital expenditure.
COMPLETION DATE:
Approval: August 15, 1981
Implementation: September 1, 1981

3. SUBJECT: Daily Jail Calls
ACTION: Design and implementation
RESPONSIBILITY FOR ACTION: All Judges, District and County Clerks
RESPONSIBILITY FOR FUNDING: No additional required
ADDITIONAL PERSONNEL AND FUNDS: None
COMPLETION DATE: August 31, 1981
4. SUBJECT: Prosecutorial Screening - Joint Unit
ACTION: Assessment of needs
RESPONSIBILITY FOR ACTION: District and County Attorney
RESPONSIBILITY FOR FUNDING: No additional required
ADDITIONAL PERSONNEL AND FUNDS: None
COMPLETION DATE: August 31, 1981

5. SUBJECT: Central Screening
ACTION: Design and assessment of needs
RESPONSIBILITY FOR ACTION: Personal Bond Officer
RESPONSIBILITY FOR FUNDING: No additional required
ADDITIONAL PERSONNEL AND FUNDS: None
COMPLETION DATE: August 31, 1981
6. SUBJECT: Court Administration, Dual Grand Jury, Central Calendar
ACTION: Design and assessment of needs
RESPONSIBILITY FOR ACTION: District Judges Trying Criminal Cases
RESPONSIBILITY FOR FUNDING: No additional required
ADDITIONAL PERSONNEL AND FUNDS: None
COMPLETION DATE: August 31, 1981
7. SUBJECT: Electronic Data Processing
ACTION: Draft bid specifications for consultant bidding
RESPONSIBILITY FOR ACTION: Travis County Commissioners Court
RESPONSIBILITY FOR FUNDING: No additional required
ADDITIONAL PERSONNEL AND FUNDS: None
COMPLETION DATE: October 31, 1981
8. SUBJECT: Psychiatric Holding Facility and Detoxification Center
ACTION: Discussion for action
RESPONSIBILITY FOR ACTION: Travis County Commissioners Court
Austin City Council
RESPONSIBILITY FOR FUNDING: No additional required
ADDITIONAL PERSONNEL AND FUNDS: None
COMPLETION DATE: October 31, 1981

9. SUBJECT: Central Check Offense Unit
ACTION: Design and assessment of needs
RESPONSIBILITY FOR ACTION: County Attorney
RESPONSIBILITY FOR FUNDING: No additional required
ADDITIONAL PERSONNEL AND FUNDS: None
COMPLETION DATE: August 31, 1981
10. SUBJECT: Illegal Aliens and Holds
ACTION: Institute new detainer policy
RESPONSIBILITY FOR ACTION: Travis County Sheriff
Chief of Police, City of Austin
RESPONSIBILITY FOR FUNDING: No additional required
ADDITIONAL PERSONNEL AND FUNDS: None
COMPLETION DATE: August 31, 1981
11. SUBJECT: Application to Revoke Probation
ACTION: See daily upon arrest and expedite trial
RESPONSIBILITY FOR ACTION: District and County Court At Law Judges
RESPONSIBILITY FOR FUNDING: No additional required
ADDITIONAL PERSONNEL AND FUNDS: None
COMPLETION DATE: August 31, 1981
12. SUBJECT: Removal of Convicted Felons
ACTION: Implement previously approved procedures
RESPONSIBILITY FOR ACTION: Travis County Sheriff
RESPONSIBILITY FOR FUNDING: Travis County Commissioners
ADDITIONAL PERSONNEL AND FUNDS: 2 additional Deputy Sheriffs and
operating expenses for vehicle
COMPLETION DATE: August 31, 1981

SEPTEMBER, 1981

1. SUBJECT: Prosecutorial Screening - Joint Unit
ACTION: Report design and assessment of needs to the
Commissioners Court and the Task Force
RESPONSIBILITY FOR ACTION: District and County Attorney
Commissioners Court
Task Force
RESPONSIBILITY FOR FUNDING: No additional required
ADDITIONAL PERSONNEL AND FUNDS: None
COMPLETION DATE: September 30, 1981

2. SUBJECT: Central Screening
ACTION: Report design and assessment of needs to the
Commissioners Court and the Task Force
RESPONSIBILITY FOR ACTION: Personal Bond Officer
Commissioners Court
Task Force
RESPONSIBILITY FOR FUNDING: No additional required
ADDITIONAL PERSONNEL AND FUNDS: None
COMPLETION DATE: September 30, 1981

3. SUBJECT: Court Administration, Dual Grand Juries, Central Calendar
ACTION: Report on design and assessment of needs to the
Commissioners Court and Task Force
RESPONSIBILITY FOR ACTION: District Judges
Commissioners Court
Task Force
RESPONSIBILITY FOR FUNDING: No additional required
ADDITIONAL PERSONNEL AND FUNDS: None
COMPLETION DATE: September 30, 1981

4. SUBJECT: Central Check Offense Unit

ACTION: Report on design and assessment of needs to
Commissioners Court and Task Force
RESPONSIBILITY FOR ACTION: County Attorney
Commissioners Court
Task Force
RESPONSIBILITY FOR FUNDING: No additional required
ADDITIONAL PERSONNEL AND FUNDS: None
COMPLETION DATE: September 30, 1981

OCTOBER, 1981

1. SUBJECT: Central Input
ACTION: Design and assessment of needs
RESPONSIBILITY FOR ACTION: Task Force
RESPONSIBILITY FOR FUNDING: No additional required
ADDITIONAL PERSONNEL AND FUNDS: None
COMPLETION DATE: October 31, 1981

2. SUBJECT: Direct Filing
ACTION: Design and assessment of needs
RESPONSIBILITY FOR ACTION: Task Force
RESPONSIBILITY FOR FUNDING: No additional required
ADDITIONAL PERSONNEL AND FUNDS: None
COMPLETION DATE: October 31, 1981

NOVEMBER, 1981

1. SUBJECT: Psychiatric Holding Facility and Detoxification Center

ACTION: Draft specifications for bond issue (or otherwise)

RESPONSIBILITY FOR ACTION: Travis County Commissioners Court
Austin City Council

RESPONSIBILITY FOR FUNDING: No additional required

ADDITIONAL PERSONNEL AND FUNDS: None

COMPLETION DATE: December 31, 1981

2. SUBJECT: Electronic Data Processing

ACTION: Advertise for bids by consultant and award contract

RESPONSIBILITY FOR ACTION: Travis County Commissioners Court

RESPONSIBILITY FOR FUNDING: Travis County Commissioners Court

ADDITIONAL PERSONNEL AND FUNDS: Amount of consultant's bid

COMPLETION DATE: December 31, 1981

3. SUBJECT: Central Input and Direct Filing

ACTION: Report design and assessment of needs to the
Commissioners Court

RESPONSIBILITY FOR ACTION: Task Force

RESPONSIBILITY FOR FUNDING: No additional required

ADDITIONAL PERSONNEL AND FUNDS: None

COMPLETION DATE: November 30, 1981

DECEMBER, 1981

No action scheduled.

The action agenda has not been extended beyond the end of 1981 because the remaining scheduling depends upon the action of the Commissioners Court. The monitoring of the action agenda shall be done by the Jail Overcrowding Task Force.

EMERGENCY SITUATIONS

The previous sections have discussed the Task Force's recommendations to keep the county jail operating in a non-overcrowded state under normal conditions. While the new jail will have a capacity of 271 beds, its classification capacity is 217. The goal of this report is to provide a system whereby the new jail population will remain at or below 217. However, the Task Force recognizes that emergencies will occur. By keeping the jail at a population of 217 there are 54 beds available for emergencies.

The Task Force has also recommended the renovation of the present county jail into an unsecure dormitory for contempts, weekenders, and work-release, in a manner consistent with using it as an overflow secure system. In such an emergency the minimum security prisoners could be furloughed and a secure facility of approximately 150 beds would be available. While it is doubtful that Travis County would have an emergency of this magnitude, the most appropriate method of handling emergencies is to anticipate and plan for them.

The planned criminal justice monitoring system will provide current data periodically to enable the Commissioners and other officials to anticipate problems in the system which will affect the jail population.

FUNDING

The most probable and secure type of funding would, of course, come from the county itself. County Commissioners are interested in and receptive to many recommendations for improving the county's criminal justice system. The level of funding which they are willing to provide, however, remains unknown at this time.

Funding will be available through the Criminal Justice Division (CJD) under their E-3 section titled "county corrections". This broadly includes projects involving community rehabilitation, education, construction and renovation of correctional facilities, medical and counseling services, training, and total systems planning. The amount of CJD funding will be at approximately the same level as previous years (through LEAA federal funds) although funds will now come from the state level. There are about \$18 million earmarked for the first year in new money and about \$5 million in funds which are not yet obligated from previous monies. The one thing which was stressed by CJD is that all of their planning at this stage is TENTATIVE pending the appointment of the new advisory board according to the new legislative guidelines set forth in the CJD bill. The new board should be appointed by September and "The Plan" will then be printed if approved by the new board. (Copies of the new plan are not available to anyone outside of CJD at this time.) CDJ money will be provided from the doubling-up of court costs, fines, etc., and CJD staff are proud of the concept of the

offender paying for the funding of criminal justice programs through this increase in cost. There will be a county match required for CJD funds at the same level as funds were previously granted: 100%, 80%, 60%, 40%, 20%, with the county picking up the costs the sixth year.

Anyone in the community who is involved in social planning should be concerned with providing ideas and planning for correctional improvement. Things like "psychiatric holding" would involve local health departments, state chapters on alcoholism, and the mental health associations. These agencies would be invaluable in providing information and assistance regarding funding for the programs in the particular areas which they help to plan.

In lieu of starting new services, we can use the local existing agencies which have experience, credibility, and funding. Programs for the aged, programs for alcoholics, the MHMR, and various other such programs already exist in the county.

The county can look at the United Way agencies which already exist and consider the possibility of expanding these agencies or supporting the funding of new ones as they are needed. A community service directory could serve as a guide to these agencies. Those understaffed or with undertrained staff could be provided appropriate funding to beef-up their programs to serve the needs of the criminal justice community at a tremendous cost savings.

Funds for some types of programs could be requested from the many foundations in the state. Those such as the Hogg Foundation in Austin would probably be receptive to ideas involving psychiatric and mental health programs. The Scarbrough Foundation, also local, may be interested in providing a small amount of money toward some kind of program involving corrections. The Sid Richardson Foundation in Fort Worth has been interested in criminal justice programs for years. National foundations such as the Edna McConnell-Clark Foundation are interested in alternative programs and may be willing to implement ideas from Travis County. Other foundation sources of funding could be explored through research at the Hogg Foundation Library here in Austin.

Suggestions have been made for adding on court costs (in both civil and criminal courts) to fund some of the new programs, similar to what is being done in the state CJD program. Even an increase in the costs of traffic violations fines may assist in the improved programming. Some research must be done in order to determine the feasibility and the legalities involved in utilizing this type of funding source.

TECHNICAL ASSISTANCE

The Criminal Justice Division (CJD) anticipates that in the future they will only be able to provide technical assistance to the projects which they fund, due to the extreme cut-back in staff under the new state-funded program. They can be utilized, however, as a source of information and referral due to their proximity to the Travis County courthouse and their interest in Travis County criminal justice improvement.

Organizations like the American Correctional Association, the National Institute of Corrections, the National Council on Crime and Delinquency, and others who have persons serving from various localities on their technical boards can assign the local person to work with the county to develop short-range goals. Consulting fees on a daily basis usually only involve small amounts of money.

The American Correctional Association (ACA) maintains a national roster of criminal justice consultants and provides information, and oftentimes consultation, from either their staff or their roster of consultants.

The American Justice Institute, the funding agency of this jail overcrowding project, provides short-term, on-site technical assistance services to participating counties. During the term of the project, AJI provides guidance and coordination to project sites and will provide programming information and monitor the progress in alleviating jail overcrowding.

The National Institute of Corrections in Boulder, Colorado, provides consultation to jails and other correctional facilities. Workshops are conducted for the purpose of training and educating correctional staff and other criminal justice persons in modern correctional practices.

The National Council on Crime and Delinquency (NCCD) based in Hackensack, New Jersey, is a private, non-profit organization which has advocated criminal justice reform for over 70 years. NCCD experts in all areas of criminal justice provide consultation through contracts with states, counties, and municipalities. Their international criminal justice library and information center can provide current information about any area of criminal justice.

The Texas Commission on Jail Standards provides upon request consultation and technical assistance to any county jail in Texas. Areas of consultation include structural, staffing, and operations. They help counties in implementing court orders and help to bring county jails up to state standards.

Private consultants may also be contacted directly from the county to provide consultation. Many times there are local residents who are experts in the correctional field who are willing to provide services to the county at a minimal charge or with no charge at all. Retired correctional experts often serve voluntarily to upgrade the services provided to their communities.

Items which involve branches of criminal justice other than corrections should be delegated in part to people assigned by these agencies to assist in the effort. Law enforcement, for instance, could provide someone to coordinate with the National Police Forum, the International Association of Chiefs of Police (IACP), and other police agencies to work with the county. The courts could work with the National Center for State Courts (NCSC) and others to help provide information and consultation.

As much as possible, people should be utilized in-house to coordinate programs and do the leg-work needed to assist in correcting the policies which now inhibit good programming.

Other agencies which may be contacted for technical assistance which have not been mentioned above are: the National Sheriff's Association, International Halfway House Association, Institute for Law and Social Research, Search Group, Inc., American University's Law Institute, Pretrial Services Resource Center, National District Attorneys Association, American Bar Association, National Legal Aid and Defender Association, and there are probably others.

APPENDIX 1

TRAVIS COUNTY JAIL OVERCROWDING TASK FORCE HYPOTHESES

TRAVIS COUNTY
JAIL OVERCROWDING TASK FORCE
HYPOTHESES

As noted earlier, 16 hypotheses were formulated to provide direction for data collection. The hypotheses are set forth in this Appendix.

The acceptance or rejection of the hypotheses was based on analysis of the data to support each of them. In the absence of a better test, a subjective evaluation was used.

HYPOTHESIS 1: The use of field citation release if utilized to the maximum would have an impact on jail overcrowding.

After a subjective evaluation of the data used to answer questions 3, 9, 10, 64, and 67, this hypothesis was accepted as valid. The majority of persons booked were booked on only one charge: a non-violent misdemeanor. In those cases of persons booked on multiple charges the majority were on non-violent offenses. An examination of the data displayed by Tables 5 and 6 indicates that many of those booked are likely candidates for a field citation. (See discussion on pages 102 and 111 regarding the expanded use of field release citation.)

HYPOTHESIS 2: Personal bond releases if utilized to the maximum would have an impact on jail overcrowding.

The same data used to accept hypothesis 1 was used to accept this hypothesis. Table 10 shows that the largest category of people released from jail were released on personal bond. Table 16 indicates that of those released on bond of any kind, 86.8 percent were released on personal bond. These figures indicate a high use of the personal bond system. These figures could be expanded further, however, by the use of a conditional personal bond release program (see pages 103 and 112).

HYPOTHESIS 3: Faster screening of arrestees for Personal Bond would impact on jail overcrowding.

The data used to answer questions 8, 15, 22, 61 and 62 was used to evaluate the validity of this hypothesis. This hypothesis was accepted as valid. It is noted that while 58.9 percent of the persons released on personal bond were released in less than 24 hours (table 28), 15.7 percent were in jail two or more days. The 41.1 percent who are released on personal bond after spending one or more days in jail, if released earlier, would have an important impact on jail overcrowding.

HYPOTHESIS 4: Expeditious filing of screening decisions by prosecutors will help alleviate jail overcrowding.

The largest single cause of jail overcrowding is persons awaiting trial who are accused of a felony offense (see discussion on pages 103 and 112). In 36.4 percent of all cases no county or district court action was taken (table 42). Accordingly, expeditious filing of screening decisions not to prosecute would reduce the number classified in the jail as awaiting trial. No exact data could be obtained on the average length of time from the decision not to prosecute to release of arrestee from jail. However, in individual cases it was noted that there were delays in communications of the decision to the release authorities. This hypothesis was accepted as valid.

HYPOTHESIS 5: Expeditious pre-sentence investigations will impact jail overcrowding.

In approximately 16 percent of the cases in our sample, presentence reports were requested. This results in a delay of two to three weeks after the plea before sentencing can be completed. The ability to complete a short presentence report within 24 hours would help to shorten the time between plea and sentencing.

HYPOTHESIS 6: A reduction in processing time from booking to first appearance will impact on jail overcrowding.

HYPOTHESIS 7: A reduction in processing time from first appearance to entry of plea will impact on jail overcrowding.

HYPOTHESIS 8: A reduction in processing time from entry of plea to sentencing will impact on jail overcrowding.

Hypotheses 6, 7, and 8 refer to reductions in time between the different stages of processing criminal cases. Due to the nature of recordkeeping in Travis County, we were unable to determine these specific time intervals. We were, however, able to determine the total length of time each individual spent in the county jail and to compare these lengths with the seriousness of the charge. This information indicated several actions that would reduce case processing time. For example, central screening and booking, timely appointment of attorneys and expeditious disposition of ATRP's will reduce case processing time. See pages 97 and 107 for discussion of central screening and booking. See Tables 37 and 43 and pages 95 and 121 regarding the timely appointment of attorneys. Refer to Table 41 and pages 94 and 121 for discussion of disposition of ATRP cases. Based on this information we accept hypotheses 6 through 8 as valid.

HYPOTHESIS 9: A wider range of alternatives to incarceration in cases of sentenced prisoners will impact on jail overcrowding.

HYPOTHESIS 10: A wider range of alternatives to incarceration in cases of unsentenced prisoners will impact on jail overcrowding.

HYPOTHESIS 11: A reduction in the number of persons confined in Travis County Jail who should instead be admitted to other institutions such as mental hospitals, alcohol treatment centers, etc., will impact on jail overcrowding.

These hypotheses were accepted as valid based on the wide range of alternatives cited in the recommendation section of the report.

HYPOTHESIS 12: Expeditious transferring of sentenced prisoners to T.D.C. will impact jail overcrowding problem.

This hypothesis was accepted as valid based on the discussion presented on pages 96 and 122.

HYPOTHESIS 13: The present and proposed jail inmate capacity in Travis County is inadequate.

The present bed-space capacity of the existing county jail is 279. The State Jail Standards Commission rates the capacity of the existing jail at 223 (80 percent of the maximum capacity allowing for classification). The new county jail bed-space capacity will be 270 and the initial State Commission rated capacity, allowing for classification, will probably be 216. Assuming that

all Jail Overcrowding Task Force recommendations are accepted and are successful, and further assuming no decrease in the present crime rate, it is unknown whether the continued population growth of Travis County will off-set any reduction in jail population.

HYPOTHESIS 14: Twenty-four hour case screening would have a significant impact on jail overcrowding.

This hypothesis was accepted as valid based on the discussion presented on pages 99 and 109.

HYPOTHESIS 15: People with appointed counsel tend to remain in jail longer than those with retained counsel.

HYPOTHESIS 16: Quicker appointment of counsel to indigent defendants would impact on jail overcrowding.

These hypotheses were accepted as valid based on the discussion presented on pages 95 and 121.

APPENDIX 2

QUESTIONS TO ANSWER HYPOTHESES

QUESTIONS TO ANSWER HYPOTHESES

1. How many individuals were arrested by each agency? Percentages?
2. How many felonies were arrested by each agency? Percentages?
3. How many and what percentage of misdemeanors were arrested by each applicable agency?
4. Of the felonies arrested by A.P.D., what percentage were sentenced? What percentage went to trial?
5. Of the felonies arrested by the Sheriff's Department, what percentage were sentenced? What percentage went to trial?
6. Of the felonies arrested by other agencies, what percentage were sentenced? What percentage went to trial?
7. What percentage of the arrested individuals were arrested with a hold condition?
8. Of the holdees arrested - a breakdown on length of time spent in the Travis County Jail?
9. How many arrestees booked were arrested for only one misdemeanor? For two misdemeanors?
10. How many arrestees booked were arrested for only one felony charge? Two felony charges?
11. How many arrested for one charge only? How many arrested for two charges? Multiple charges?
12. How many arrestees are 16 years of age or younger? How many of these juveniles are male? How many are female?
13. What are the bond amounts set in those cases where individuals are released on monetary bonds?
14. Of the detainees who are bonded out of jail (monetary), what is the mean, median and mode as to the amount of time incarcerated prior to bonding out?
15. Of the arrestees who are bonded out of jail (personal bond releases), what is the mean, median and mode as to the amount of time incarcerated prior to bonding out?
16. What percentage of arrestees are U.S. Citizens? Non-Citizens? Unknown?
17. Of those arrested and released on a pre-trial release, how many were misdemeanor? Felony? (percentages)
18. What percent of felony arrestees are pre-trial released (excluding holdees)?
19. What percent of arrestees arrested for a crime of violence are pre-trial released?
20. What percent of Black arrestees are released on personal bond? Mexicans? Whites? Others?
21. (Above information broken down by misdemeanors and then by felony arrests.)
22. What percentage of arrestees released on pre-trial release are released in one day or less? two days? three or more days?
23. Of arrestees who have resided in Travis County for six or more months and charged only with misdemeanor(s), how many did not obtain a release in one day? two days? three or more days?

Questions Page 2

24. Of the arrestees who were released on personal bond, list the most common to least common charges with percentages?
25. (Above information in question 24 for felony arrestees).
26. Of the arrestees who were pre-trial released, list the charges these arrestees were charged with?
27. Percentage breakdown on judges handling cases, this breakdown on cases where a judge was assigned to a case. (Caseload percentage).
28. How many arrestees had a prior misdemeanor arrest?
29. How many arrestees had a prior felony arrest?
30. How many arrestees had a prior felony and misdemeanor arrest?
31. How many arrestees had a prior misdemeanor conviction?
32. How many arrestees had a prior felony conviction?
33. How many arrestees had a prior felony and misdemeanor conviction?
34. How many arrestees who were released on personal bond had prior felony convictions?
35. How many arrestees who were released on personal bond had prior felony arrests?
36. How many arrestees who were released on personal bond had prior misdemeanor convictions?
37. How many arrestees who were released on personal bond had prior misdemeanor arrests?
38. Percent breakdown on marital status.
39. Percent breakdown for those with and those without probation status.
40. Percent breakdown for those with and those without parole status.
41. Percent breakdown on age.
42. Percent breakdown on occupation, employment status.
43. Percent breakdown for length of time Travis County residency.
44. Percentage or ratio for arrestees booked for crimes of violence and non-violence.
45. Percent of arrestees who had an initial appearance.
46. Percent of arrestees who had an initial appearance and bonded out.
47. Percent of felony arrestees who had an examining trial.
48. Percent of arrestees who had no further court date other than the examining trial and/or the initial appearance.
49. Of those who attended examining trials, how many were not sentenced?
50. Of those released on personal bond, how many were sentenced to incarceration?
51. Of those pre-trial detainees retained in jail, how many were sentenced to incarceration?
52. Of the arrestees, how many went to trial? How many did not go to trial?
53. Of those who went to trial, how many were sentenced?

54. Of those arrestees sentenced, how many had a pre-sentence investigation ordered?
55. Of those sentenced at trial, how many were sentenced to:
(give breakdown)?
56. What is the average length of time for a PSI? (last court appearance to sentence date)?
57. What was the shortest time for PSI? Longest?
58. (Same as above for incarcerated people only)?
59. How many arrestees were indicted by the Grand Jury?
60. Of total amount of inmates arrested, how many were sentenced?
61. How many not sentenced spent more than one day incarcerated? (breakdown over a time continuum)?
62. Of the pre-trial arrestees released from jail, graph possible exits on a time continuum?
63. Of arrestees who pled, how many pled no contest, guilty, not guilty?
64. What is the ratio of misdemeanor charges to felony charges of arrestees?
65. Ratio of Black to White to Mexican, male to female of arrestees?
66. Percentage of females arrested for violent crimes.
67. What percentage of arrestees had no prior arrest?
68. What is the ratio for sentenced arrestees for fined, incarcerated, probation, incarcerate and fine, incarcerate and probation?
69. Breakdown on occupations? most to least?
70. What percent of arrestees were pre-trial incarcerated one day? over one day?
71. How many arrestees were arrested for alcohol involvement?
72. Drug related?
73. Mental problems?
74. Of those sentenced to state prison, average elapsed time at date sentenced and date released to T.D.C.?
75. Of personnel released on monetary bond, how many failed to appear in court on scheduled date? Breakdown need by type of crime, length of residence in county, occupation, age, sex?
76. Above information in question # 75 on ROR?
77. Above information in question # 75 on Personal Bond releases?
78. How many detainees are discharged at examining trial?
79. How many detainees are being indicted without examining trial?
80. How many detainees are released on bond after appointment of counsel?

APPENDIX 3

DATA COLLECTION CODE MANUAL

TRAVIS COUNTY JAIL SURVEY
Data Collection and Coding Form

Subjects
Name _____

✓ COURT

County
Court _____
District
Court _____

DATA	COLLECTION		
	Coded*	Date	Verified*
Jail	_____	_____	_____
Personal Bond	_____	_____	_____
Magistrate Court	_____	_____	_____
County Court	_____	_____	_____
District Court	_____	_____	_____

* Initial each column.

1. Case Number _____
1 - 4

2. Card Number _____
5

3. Booking Number (S.O.I.D. #) _____
6 - 10

4. Weekender ----- Yes ☐ No ☐
If yes, do not complete this coding form

5. Race -----
1 White 5 American Indian
2 Black 6 Middle Eastern
3 Hispanic (MA, SSA) 7 Oriental
4 Mexican National 8 Other _____
9 U/K

6. Sex -----
1 Male 2 Female
12

7. Cause Number
J P # _____
D C # _____
C C # _____

-2-

8. Date of Birth ----- Mo. Day Yr.

13 - 18

9. Number of Charges at Booking -----
19-20

10. Primary Charge - most serious offense -----
21-23

- | | |
|----------------------|---------------------------|
| 11 Assault | 23 Illegal Alien |
| 12 Auto Theft | 24 Murder |
| 13 Burglary | 25 Prostitution |
| 14 Check Offenses | 26 Resisting Arrest |
| 15 Contempt | 27 Robbery |
| 16 Criminal Mischief | 28 Theft |
| 17 Drug-Related | 29 Traffic |
| 18 Drunk-Related | 30 Motor Vehicle |
| 19 D.W.I. | 31 Violation of Probation |
| 20 Forgery | 32 Weapons |
| 21 Fraud | 33 Other _____ |
| 22 Fugitive | 88 N/A |
| | 99 U/K |

NOTE:

If ATRP - enter
"7" before the
offense code.
If not, enter
"0".

11. Primary Charge Misdemeanor or Felony -----
24
1 Misdemeanor 2 Felony 8 N/A 9 U/K

12. Second Most Serious Offense -----
25-27
(Use the same codes as in Number 10 above)

13. Secondary Charge Misdemeanor or Felony -----
28
1 Misdemeanor 2 Felony 8 N/A 9 U/K

14. Type of Release from Jail -----
29-30

- | | |
|---|---|
| 11 Personal Bond (PR) | 23 Transferred to T.D.C. |
| 12 Fine Paid (Fn) | 24 Transferred to State Hosp. (ASH, SH) |
| 13 | 25 Released to Immigration |
| 14 Surety Bond | 26 Release to Other Agency |
| 15 Cash Bond | 27 Release to Other State |
| 16 Fine Deferred/Suspended | 28 Bond Reinstated |
| 17 Probation | 29 Released to Attorney |
| 18 Completed Sentence | 30 Charges Dropped |
| 19 Bench Warrant | 31 Escape |
| 20 Weekenders (If 20, check
question 4 again.) | 32 Other _____ |
| 21 Restitution Paid | 88 Not Applicable |
| 22 Community Service Restitution | 99 Unknown |

15. Hold (for other agency)-----
1 Yes 2 No 8 N/A 9 U/K ☐ 31

16. Arresting Agency -----
11 Travis Co. Sheriff (TCSO, SO) 21 U.S. Border Patrol
12 Austin Police Dept. (APD) 22 U.S. Military
13 University of Tx. Police (UTPD) 23 Other Federal
14 Lakeway Police Dept. (LPD) 24 Out-of-State
15 Westlake Police Dept. (WLPD) 25 Other County
16 Constable, local Pct. 26 Court Remanded
17 Tx. Dept. of Public Safety (DPS, THP) 27 Probation and Parole
18 Tx. Alcoholic Beverage Comm. (TABC) 28 Other Agency
19 Other State Agencies 88 N/A
20 U.S. Marshall 99 U/K

17. Initial Court Appearance Date -----
Mo. Day Yr. ☐ ☐ ☐ ☐ ☐ ☐
34 - 39

18. Judge -----
(Use codes from list of Judges on page 9) ☐ ☐
40-41

19. Booking Date -----
H o u r Mo. Day
☐ ☐ ☐ ☐ ☐ ☐
42 - 49
Use Military Time, i.e.,
1 a.m. = 0100 1 p.m. = 1300
12 noon = 1200 12 p.m. = 2400

20. Release Date -----
H o u r Mo. Day
☐ ☐ ☐ ☐ ☐ ☐
50-57
(Use military time)

21. Classification (do not complete) -----
1 Violent 2 Non-Violent 8 N/A 9 U/K ☐ ☐
58-59

* * * Go to page 1 - date and initial jail coding * * *
Go to page 1 - indicate court referral.

22. Bond Amount (\$)-----
AMOUNT SET AT TIME OF BOOKING:
1 Under \$251 5 \$5,001 to \$10,000
2 \$251 to \$500 6 More than \$10,000
3 501 to \$1,000 8 N/A
4 \$1,001 to \$5,000 9 U/K

23. Date of Personal Bond Interview -----
Mo. Day
☐ ☐ ☐ ☐
61 - 64

24. Type of Bond (if released on bond)-----
1 Personal Bond 6 ROR
2 Cash 7 ROR Conditional
3 % Cash Deposit 8 N/A
4 Surety Bond 9 U/K
5 Property

25. If Bond Denied, Reason for Denial -----
1 Denied/ Residency 5 Denied/ Seriousness of Offense
2 Denied/ Lack of Community Ties 6 Denied/ Other
3 Denied/ Previous Record 8 N/A
4 Denied/ Bond Forfeiture(B/F) 9 U/K

26. Residence -----
1 Travis County 5 Out of State
2 Other Co. Bordering Travis Co. 6 Other Country
3 Other County in Texas 8 N/A
4 University Resident 9 U/K

27. Length of Residence in Travis County -----
RECORD MONTHS 888 - N/A 999 - U/K ☐ ☐ ☐
68-70

28. Employment Status -----
1 Employed 5 Self-employed
2 Unemployed 6 Other
3 Student 8 N/A
4 Retired 9 U/K

29. Occupation -----
11 Student 18 Military
12 Professional 19 Retail
13 Clerical 20 Retired
14 Trade 21 Other
15 General Labor 88 N/A
16 Management 99 U/K
17 Agriculture Or list: _____

30. Prior Arrests - Travis County -----

1	Misdemeanor	4	None
2	Felony	8	N/A
3	Misdemeanor & Felony	9	U/K

31. Prior Conviction - Travis County -----

1	Misdemeanor	4	None
2	Felony	8	N/A
3	Misdemeanor & Felony	9	U/K

32. Present Probation Status -----

1 Yes 2 No 8 N/A 9 U/K

33. Present Parole Status -----

1 Yes 2 No 8 N/A 9 U/K

* * * Go to page 1 - date and initial personal bond coding * * *

34. Repeat Case Number -----

(Same as Page 1, question 1)

35. Card Number -----

36. Examining Trial Conducted -----

1. Yes 2. No 8. N/A 9. U/K

37. Judge -----

(Use codes on list of Judges on page 9)

* * * Go to page 1 - date and initial magistrate court coding * * *

Proceed to next page and record all court information on the blank
page provided.

Refer to Court Number on Page 1 in locating subject's file:

NOTE: Attention should be given to locating other pertinent information on the Summary Sheet (Docket Sheet) such as the name of the attorney, whether a Capias (Warrant) had been issued, if the attorney had been court-appointed or hired ("A" or "H"), the names of judges which may be stamped on the Summary Sheet, if a Presentence Investigation (PSI) had been conducted, and the type, and length of sentence given. If in doubt about whether information is needed, WRITE IT DOWN.

S T O P C O D I N G H E R E

* * * Go to page 1 - date and initial court coding * * *

CONTINUED

2 OF 3

38. Warrant or Court-Ordered (Capias) Arrest ----- ☐ 9

1 Yes 2 No 8 N/A 9 U/K

39. Last Pre-Trial Date ----- ☐ ☐ ☐ ☐ ☐ ☐
Mo. Day Yr.
10 - 15
(On primary charge)

40. Judge ----- ☐ ☐
16-17
(Use codes from list of Judges on page 9)

41. Arraignment Date ----- ☐ ☐ ☐ ☐ ☐ ☐
Mo. Day Yr.
18 - 23

42. Judge ----- ☐ ☐
24-25
(Use codes from list of Judges on page 9)

43. Trial Start Date ----- ☐ ☐ ☐ ☐ ☐ ☐
Mo. Day Yr.
26 - 31
(On primary charge)

44. Judge ----- ☐ ☐
32-33
(Use codes from list of Judges on page 9)

45. Trial Last Date ----- ☐ ☐ ☐ ☐ ☐ ☐
Mo. Day Yr.
34 - 39
(On primary charge)

46. Judge ----- ☐ ☐
40-41
(Use codes from list of Judges on page 9)

47. Date of Sentencing or Disposition ----- ☐ ☐ ☐ ☐ ☐ ☐
Mo. Day Yr.
42 - 47

48. Judge ----- ☐ ☐
48-49
(Use codes from list of Judges on page 9)

49. Sentence ----- ☐ ☐
50-51

11 County Jail	19 State Prison
12 County Jail & Probation	20 State Prison and Probation
13 County Jail and Fine	21 State Prison and Fine
14 Probation	22 Dismissed
15 Probation and Fine	23 Death Penalty
16 Fine	24 Other _____
17 Restitution	88 N/A
18 Community Service Resti- tution	99 U/K

50. Length of Sentence ----- ☐ ☐ ☐ ☐ ☐ ☐
Days Mos. Yrs.
Days - Months - Years 77 77 77 for Life 88 88 88 N/A
52 - 57

51. Grand Jury Indictment ----- ☐
58
1 Yes 2 No Bill 3 Indictment Waived 8 N/A 9 U/K

52. Date of Grand Jury Indictment ----- ☐ ☐ ☐ ☐ ☐ ☐
Mo. Day Yr.
59 - 64

53. Presentence Investigation ----- ☐
65
1 Investigation conducted 8 N/A
2 No P.S.I. Requested or Done 9 U/K

54. Number of FTA's (Failure to Appear in Court as scheduled) ----- ☐ ☐
66-67
NUMBER of FTA's 88 N/A 99 U/K

55. Pre-Trial Incarceration ----- ☐ ☐
68-69
OVER ONE DAY 1 Yes 2 No 8 N/A 9 U/K

56. Credit Given for Time Previously Served ----- ☐
70
1 Yes 2 No 8 N/A 9 U/K

57. Plea In Court (primary charge) ----- ☐
71
1 Guilty 5 Other _____
2 Not Guilty 8 N/A
3 No Contest 9 U/K
4 Not Guilty Plea Withdrawn - Guilty Plea Entered

54. Attorney ----- ☐ 72

1 Private (H - hired) 8 N/A
2 Court Appointed (A) 9 U/K
3 Self

55. If Court Appointed, Date Appointed ----- ☐ ☐ ☐ ☐

Mo. Day
73 - 76

LIST OF JUDGES

- | | |
|-----------------------------------|--------------------------------------|
| 11 Mary Pearl Williams, 53rd D.C. | 26 Richard Scott, J.P. # 1 |
| 12 Herman Jones, 53rd D.C. | 27 Charles Webb, J.P. # 2 |
| 13 Hume Cofer, 98th D.C. | 28 Leslie Taylor, J.P. # 3 |
| 14 Jim Dear, 126th D.C. | 29 Mack Martinez, J.P. # 4 |
| 15 Mace Thurman, 147th D.C. | 30 Bob Perkins, J.P. # 4 |
| 16 Thomas Blackwell, 167th D.C. | 31 Guy Herman, J.P. # 5 |
| 17 Charles Matthews, 200th D.C. | 32 Frank T. Ivy, J.P. # 5 |
| 18 Jerry Dellana, 201st D.C. | 33 Steve Russell, Municipal Ct. |
| 19 Harley Clark, 250th D.C. | 34 Harriet Murphy, Assoc. |
| 20 Peter Lowry, 261st D.C. | 35 J. David Phillips, Assoc. |
| 21 Brock Jones, C.C. # 1 | 36 Cleve Moten, Assoc. |
| 22 Bob Perkins, C.C. # 2 | 37 Jodi Lehman, Munic. Relief |
| 23 Mary Pearl Williams, C.C. # 2 | 38 Sandra Fitzpatrick, Munic. Relief |
| 24 Jon Wisser, C.C. # 3 | 39 Mark Schreiber, Munic. |
| 25 Mark Schrieber, C.C. # 4 | 40 Alberto Garcia, Munic. |
| | 41 Munic. Court, OTHER - List name |
| | 42 OTHER - List name and court |
| | 88 N/A |
| | 99 U/K |

DATA COLLECTION FORM

CITY JAIL

SUBJECTS NAME _____

Case Number ----- ☐ ☐ ☐ ☐

1 - 4

Card Number ----- ☐

5

Charge ----- ☐ ☐ ☐

6 - 8

List: _____

Booking Date ----- ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

H o u r Mo. Day
9 - 16

Use military time, i.e.,
0100 1:00 a.m. 1300 1:00 p.m.
1200 12 noon 2400 12 midnight

Comments:

Coded*	Date	Verified*
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Initial of coder

APPENDIX 4

CITIZEN'S JAIL BOND COMMITTEE RECOMMENDATIONS
FOR PSYCHIATRIC HOLDING FACILITY

MEMORANDUM

TO: Citizens Jail Bond Committee
FROM: Adele Freyman, Charlotte Peel, and Karl Slaikou
DATE: July 12, 1978
RE: Recommendations for Psychiatric Holding Facility in Proposed
County (City-County) Jail

APPROACH TO TASK

Our approach to the task of making this recommendation has been to gather information from as many knowledgeable sources as possible. Over a three month period we interviewed representatives from area hospitals, MHMR, the legal profession, the psychiatric profession, public officials on the state, county, and municipal levels, and also heard testimony from citizens at the Jail Committee's four public hearings, held in January. We heard recommendations ranging from a two-to-thirty bed hospital in the jail itself, to a psychiatric unit (hospital) in a public safety building but not a part of the jail to a facility located in a local hospital such as Brackenridge. No one recommended that no facilities were needed.

POPULATIONS TO BE SERVED

We examined the various populations identified as needing psychiatric services. The jail population needing psychiatric care includes, first, persons with a prior history of mental illness or emotional disturbance who exhibit symptoms at the time of arrest and/or incarceration. A second

group is those persons who have no such history, but have a strong emotional reaction to the fact of incarceration. In addition, there is a third group of persons charged with public intoxication, driving while intoxicated, or "suspicion of lunacy" who are now incarcerated in the City or County Jail for lack of any alternative. A fourth group is other "psychiatric emergencies," i.e., persons who are dangerous to themselves or others, who need emergency hospitalization (24 hours) for assessment and treatment recommendations.

The Texas Mental Health Code, the Texas Commission on Jail Standards and Judge Roberts' October, 1974 ruling all indicate that inmates in need of psychiatric treatment should be held only in facilities specifically equipped and staffed to provide such care and treatment. With these facts in mind, we began to see that the issue of a holding facility in the jail was tied to the larger issue of the lack of a holding facility in the community. Our recommendation is therefore two-fold.

RECOMMENDATION:

1) Two to four SLICK ROOMS in the City-County (or County) Jail to be used for emergency observation and care. These are the safety rooms identified in the Jail Standard.

2) A PSYCHIATRIC HOLDING FACILITY in a hospital setting to provide emergency psychiatric inpatient service for citizens of Austin-Travis County. This facility would also have several maximum security rooms to hold persons from City-County Jail in need of psychiatric treatment.

RECOMMENDATION #1: SLICK ROOMS IN COUNTY JAIL

These rooms would be a part of the medical facilities of the jail. Ideally, these would be multipurpose rooms which could be used for other medical uses when not needed for psychiatric observation.

The rooms would be used for observation and temporary care of inmates who exhibit psychiatric symptoms while incarcerated in the County Jail. Staff would be medical personnel reporting to the Director of Corrections. These persons could be psychiatric nurses, who would receive consultation from MHMR and private psychiatrists when appropriate.

In most cases, an inmate's stay in one of these cells would be temporary (from a few hours to one day). If the inmate were to need treatment (beyond initial observation and crisis intervention), he or she would be transferred to a medical facility equipped to provide on-going treatment and care, i.e., the Psychiatric Holding Facility referred to above.

The use of the rooms in the County Jail, then, would be for emergency care, observation, assessment, and diagnosis in order to make an appropriate referral to a facility equipped for treatment.

RECOMMENDATION #2: CITY-COUNTY PSYCHIATRIC HOLDING FACILITY

The Psychiatric Holding Facility should be housed in Brackenridge or some other hospital setting. Placing the Holding Facility in a hospital is less expensive than building a small hospital in a new public safety building, and would allow for use of existing hospital laboratories and

support staff when needed. It should be funded by the City and County according to a formula which reflects the tax assessment of citizens by both governments. With local government support, federal staffing grants would also be available. Staffing should be done in coordination with Austin-Travis County MHMR. This group currently provides emergency outpatient services and psychiatric consultation to the jails. The Psychiatric Holding Facility would be designed to receive such cases as drunkenness, public disturbances, persons evidencing emotional or psychiatric problems which make them a danger to themselves or others, i.e., many cases which are now brought to City Jail. It would function as an emergency psychiatric center (holding from one to four days) leading to referral to such existing community services as the MHMR Detoxification Center, Austin State Hospital, MHMR Outpatient Clinic, or dismissal for return to home setting. (See Table 1.) Police, for example, would bring persons to the Holding Facility instead of to the City Jail, as is now the case. Such a system would be more efficient for the law enforcement officers, and at the same time lead to better care for the citizens needing help.

As indicated above, the Psychiatric Holding Facility would also have four to six maximum security rooms for use by prisoners sent from City-County Jail, i.e., those who must be incarcerated until disposition of case, and who need psychiatric treatment. Security would be provided by County or City guards.

CONCLUSION:

The need for emergency psychiatric services and facilities in Austin-Travis County has been recognized for years. It has been a priority item in numerous City and County needs assessments, such as Austin Tomorrow. In the public hearings held by the Jail Bond Committee of the Whole in January, 1978, the issue of the Psychiatric Holding Facility alone comprised almost 50% of the public testimony. It is also important to note that the testimony on this issue was not specifically solicited by the Committee, but rather reflected genuine community concern.

An emergency Psychiatric Holding Facility is an essential, appropriate service for Austin-Travis County. The location in Austin of the State Hospital, MHMR, Shoal Creek Hospital, etc. does not relieve the City or County of their responsibility to provide this service. These other settings are treatment options, available once an initial decision has been made in a crisis situation.

The Psychiatric Holding Facility, then, should be located in a hospital (likely Brackenridge), should serve all citizens of Austin-Travis County, should be used to divert some citizens from "jail" altogether (e.g., those arrested for "suspicion of lunacy"), and should be capable (via four to six maximum security rooms) of providing treatment for persons who must be incarcerated (i.e., felony charges), but also need psychiatric care.

We do not need to build a hospital in the jail itself. This would be costly and inefficient. Two to four sick rooms for observation, temporary care, followed by transfer to a hospital for treatment (much like is done

Citizens Jail Bond Committee
Page 6

for a physical problem such as appendicitis) is, it seems to our committee,
a much more sensible approach.

TABLE 1
EXAMPLES OF CASES AND DISPOSITION

CASE	INITIAL CONTACT	INITIAL DISPOSITION	SUBSEQUENT DISPOSITION (TREATMENT)
Charged with felony offense (shows signs of emotional problems, mental illness)	City/County Law Enforcement	Jail, Observation in Slick Room	Psychiatric Holding Facility, Rusk State Hospital, or Austin State Hospital
Already in jail (shows signs of mental distress)	Jail Corrections Officers	Crisis Intervention by Jail Corrections Officers and Counseling Staff. Observation in Slick Room, if needed	Return to jail, or Psychiatric Holding Facility of hospital for short term treatment
Charged with driving while intoxicated, public intoxication, "suspicion of lunacy"	City/County Law Enforcement	Psychiatric Holding Facility	Remain in jail, Detoxification Center, halfway house, home, MHMR outpatient center, Austin State Hospital
Other psychiatric emergencies (danger to self or others)	Family/Friends, Social Service Agencies (i.e., Human Resources, Probation, Model Cities), City/County Law Enforcement	Psychiatric Holding Facility	Home, MHMR outpatient facility for follow-up, or Austin State Hospital.

APPENDIX 5

FINAL REPORT OF THE TRAVIS COUNTY CRIMINAL LAW
AND PROCEDURE SECTION SUBCOMMITTEE ON CRIMINAL APPOINTMENTS

FINAL REPORT OF THE TRAVIS COUNTY
CRIMINAL LAW AND PROCEDURE SECTION
SUBCOMMITTEE ON CRIMINAL APPOINTMENTS

During the early summer of 1980, the Criminal Law and Procedure Section of the Travis County Bar created a Committee on Appointed Counsel. The Committee was formed as a result of extended discussions among members of the defense bar, prosecutors and the judges of all levels, about various problems with our present system of appointing counsel for indigent defendants in Travis County. The president of the Criminal Law and Procedure Section, David Sheppard, appointed himself, Stephen H. Capelle and Steve Brittain as representatives of the defense bar. Margaret Moore, then an assistant District Attorney and County Attorney-elect, was appointed to represent the prosecution. Also, Robert Dawson of the University of Texas School of Law was appointed.

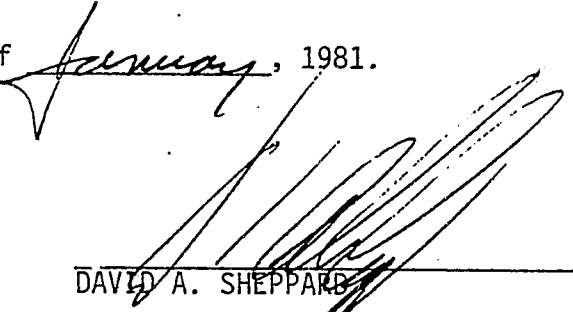
The approach taken by the Committee has been to determine how our present system for appointing counsel actually works, what problems exist with that system, and to prepare recommendations for the Judges of Travis County for correcting those problems.

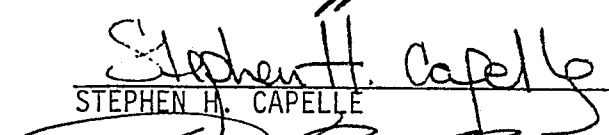
It quickly became clear to the Committee members that the present system for appointing counsel to indigent defendants contain some very serious problems. Many of these problems are the result of a tremendous increase in the volume of criminal cases in Travis County in the last decade. The increase in the number of appointed cases has led to increased problems in administering those appointments, placing an ever greater burden upon all the judges of Travis County.

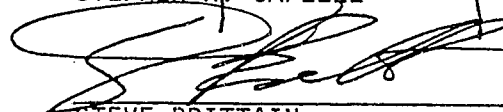
In an effort to assist in dealing with those problems, the following evaluation and recommendations are submitted to the judiciary of Travis

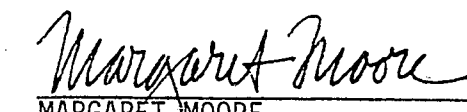
County.

Dated this the 13th day of January, 1981.


DAVID A. SHEPPARD


STEPHEN H. CAPELLE


STEVE BRITTAIN


MARGARET MOORE


ROBERT DAWSON

I.

THE EXISTING SYSTEM FOR APPOINTMENTS
OF COUNSEL IN TRAVIS COUNTY

Presently the County and District Courts utilize different systems for appointment of counsel. In the County Courts, attorneys wishing to be appointed to misdemeanor cases sign up on a list which is kept in the office of Justice of the Peace, Number 5, in the courthouse. Each morning, at the magistrate's warning to the county jail prisoners, the Justice of the Peace will appoint counsel to any defendant charged with a misdemeanor who does not have counsel and is indigent. The attorney must be present in court to be appointed.

Also, the court coordinator for County Court Number 3, reviews the jail list several times a week and has all inmates brought to court if the jail roster fails to indicate counsel or the case has not had any activity for some time.

For those defendants who are out on bond, each County Court at Law Judge makes a case by case determination of indigency. The defendant is required to complete a form concerning his financial condition, which is then submitted to the Court.

In felony cases, a list of names of attorneys wishing to be appointed to felony cases is kept by the secretaries to the District Judges. The jail personnel attempt to determine which inmates are without counsel and submit those names to the judges' secretaries, who assign an attorney from her list. A letter is then mailed to that attorney by the jail, informing him that he has been appointed to represent that inmate. A copy of the letter is given

to the inmate. Prior to appearance in District Court, no additional procedure exists to determine if the inmates have counsel or are indigent.

When an inmate first appears in District Court, after indictment, the judge will appoint him counsel if necessary. No inquiry into the financial status of the defendant is made, although an affidavit of indigency is required by the judges.

In all cases, both misdemeanor and felony, if the judge feels that circumstances warrant it, the judge will directly appoint counsel without relying upon the normal procedures. This is the usual method of appointment in capital and other major cases.

II.

PROBLEM AREAS IN THE PRESENT APPOINTMENT SYSTEM

The Committee has identified five problem areas in the present system:

1) Timely appointment of counsel to indigent inmates is not ensured.

The primary problem in this area appears to be in the appointment of counsel to felony cases. Prior to first appearance in District Court, the present system relies upon the letter to the next attorney on the list. On many occasions, these letters do not result in the attorney taking any action. Whatever the reason for this, it is not uncommon for inmates charged with felonies to be totally without counsel until the first court appearance, often 60-90 days after arrest.

2) The system does not efficiently deal with defendants who have multiple charges.

Often, more than one attorney will be appointed to represent an accused

who has several charges against him. This occurs most often when there are both felony and misdemeanor charges filed against one defendant. The lack of coordination between the misdemeanor and felony appointment procedures results in duplicated effort, delay, added expense to the county.

3) There are no procedures to ensure the competency of the appointed attorneys.

The majority of attorneys on the appointment lists are recent graduates of law school with little or no experience in the defense of a criminal case. It is not unusual for an inexperienced attorney to be appointed to a major felony case, involving complex issues and a possible jury trial. Similarly, many misdemeanor cases involve the potential of a jury trial. In at least one case, the Travis County Bar Grievance Committee found cause to support a complaint of incompetency of counsel provided to an accused who received a lengthy jury sentence while represented by appointed counsel.

4) There are no uniformly applied standards of indigency.

It is not uncommon for a defendant who is not in jail to be appointed counsel by the County Courts; it is uncommon for defendants released on bond to be appointed counsel by the District Courts. It further appears that each judge, at all levels, applies his own standards of indigency. The results lack uniformity.

5) Attorneys who are appointed to represent indigent clients are without guidelines.

The appointed attorney is often faced with situations for which he has no guidelines. Many are confused as to the proper response to appointed clients

who wish to retain them. On the other hand, frequent problems of incompatibility and mutual hostility arise between attorney and client. Often, the appointed attorney is unsure just how much work and effort is expected of him, both in time and expenditures of personal funds. Without some formal guidelines, the appointed attorney is without assistance in dealing with these difficult problems.

III.

PROPOSED CHANGES IN THE PRESENT SYSTEM

The Committee recommends the following alterations to the present system for appointing counsel:

A. It is recommended that the Travis County Personal Bond Office, headed by Jim Rust, be placed in charge of coordinating all appointments of counsel in criminal cases in Travis County. At the present time, virtually every accused in Travis County is interviewed by a Personal Bond officer. In addition to the information presently being obtained, the Personal Bond officer would also make inquiry into the need for counsel by the accused and, if necessary, a financial investigation to determine if the accused qualified for appointed counsel.

In addition to the expanded role of the present personnel, it is further recommended that an additional position of Court Appointment Officer be created. This position within the Personal Bond Office would require budgeting for one additional employee.

The function of the Court Appointment Officer would be to coordinate all criminal appointments.

The following guidelines and procedures would be implemented for this position:

- 1) All denied bond cases would be immediately referred to the Court Appointments Officer for a thorough financial background check:
 - a) Contact current employer, if any;
 - b) Contact previous employer;
 - c) Determine total outstanding monthly bills;
 - d) If defendant claims poor health, a doctor's verification would be needed, etc.
- 2) After a specified time period (24-48 hours, possibly) the officer would notify the judge that the defendant, whose bond was denied, needs a court appointed attorney.
- 3) If the judge agrees that an attorney should be appointed:
 - a) The officer will personally contact the appointed attorney;
 - b) The officer will keep records of the attorneys appointed to all cases, and date said attorneys were appointed;
 - c) The officer will follow up to see if the attorney has contacted the defendant within 24 hours;
 - d) If the attorney does not contact the defendant as required, the judge could then either appoint a different attorney and/or question the original appointed attorney about the problem;
 - e) The officer could investigate minor complaints by defendants concerning court appointed attorneys and report such matters to the judge(s).
- 4) All attorneys who want court appointments would register with the Court Appointments Officer, designating whether they prefer felony, misdemeanor or both types of cases.

5) Attorneys who are going to be on vacation or for some other reason are unable to temporarily accept court appointments would be required to advise the Officer of their particular situations.

6) For the person released on bond who has not hired an attorney by the time of his/her scheduled court appearance, the judge presiding over the case can refer the defendant to the Officer for an additional investigation. The Bond Officer, after conducting the investigation, may recommend:

- a) An attorney can be appointed and the defendant be required to pay attorney's fees as a condition of his/her probation, reimbursing the county in a reasonable monthly payment plan;
 - b) The defendant not be appointed an attorney if the investigation clearly shows the defendant is making no effort to hire an attorney;
 - c) The defendant be appointed an attorney without any additional requirements if the investigation clearly shows that the defendant is indigent.
- 7) The Magistrates and interviewing Personal Bond officers will inform those released on personal bond of their right to apply for appointed counsel and a written explanation of the procedure for applying for appointed counsel will be provided to each accused upon release from jail.
- 8) The Officer will refer all criminal cases against one defendant to the appointed counsel, avoiding duplication of appointed counsel.

B. It is recommended that a uniform standard of indigency be applied in all potential appointment cases. The use of the Court Appointment Officer would greatly facilitate this proposal. For use as financial investigation forms and indigency standards, the Committee recommends the attached forms and standards. (Attachment No. 1)

C. To assist attorneys who are appointed to represent accused in criminal cases, it is recommended that a printed set of rules be made available to all appointed attorneys. It is proposed that the attached set of rules be adopted by the courts. (Attachment No. 2)

D. It is recommended that the minimum payment to appointed counsel be increased from the present level. The present pay scale for appointed counsel was placed into effect in 1965. It is the belief of the members of the Committee that the problem of obtaining qualified, experienced attorneys to participate in the appointment system is largely due to the low level of pay. The present standard of \$50.00 for a routine case often will not cover the attorney's fixed expenses.

The present pay scale does not reimburse the attorney for unusual amounts of out of court time spend on a case. While the payment of appointed counsel is a financial burden upon the County,* an increase in the payment rate is now appropriate.

The Committee recommends the following pay schedule be adopted for appointed cases:

1) For each day or part of a day in court representing the defendant in a proceeding in which sworn oral testimony is taken, a reasonable fee to be set by the court, but in no event less than \$100.00;

2) For each day or part of a day in court representing the defendant in which an appearance is made and evidenced by a docket entry, a reasonable fee to be set by the court, but in no event less than \$50.00 in a felony case and \$25.00 in a misdemeanor case;

* In 1980, Travis County paid a total of \$187,000.00 as appointed counsel fees. (Approximately \$100,000.00 for felony appointments, approximately \$87,000.00 for misdemeanor appointments.) Some of this money was recovered by the County from defendants placed on probation, who were required to reimburse the County for their appointed counsel.

3) For each day in court representing the defendant in a capital case in a proceeding in which sworn oral testimony is taken, a reasonable fee to be set by the court, but in no event less than \$250.00;

4) For each day or part of a day in court representing the defendant in a habeas corpus hearing, a reasonable fee to be set by the court, but in no event less than \$50.00;

5) For reasonable and necessary time spent out of court on the case, a reasonable hourly rate, but not less than \$20.00 per hour, if the time claimed is supported by detailed documentation presented to the court by the appointed attorney.

E. The courts of this and other jurisdictions have long been presented with the problem of providing competent appointed counsel. The limited funding available to the courts prevents a simple solution to the problem. The Committee proposes a plan which seeks to utilize the experience and expertise of the most qualified defense counsel, while still relying upon the more inexperienced attorneys to represent the majority of indigent accused.

It is recommended that a situation of supervising attorneys be created to train and oversee the handling of appointed cases by inexperienced counsel. The system would be structured as follows:

1) A Court Appointment Board will be composed of the District and County Court at Law Judges who handle criminal cases, one representative from the District Attorney's Office and the County Attorney's Office, and two defense counsel selected by the Judges. This Board will meet as often as necessary to implement the proposed system. Only the Judges will have voting power.

2) All defense counsel in Travis County who are Board Certified in criminal law by the State Bar will serve in the role of supervising attorney. The Judges on the Court Appointment Board will appoint any other suitably qualified attorney as a supervising attorney. The supervising attorneys will not be paid for their services in that capacity.

3) All attorneys desiring criminal appointments will be required to sign up with the Court Appointments Officer in the Personal Bond Office. They will be required to fill out a data sheet which gives the date of admission to the Bar, their legal experience, and information of any complaints against them to the Bar Grievance Committee. This data sheet will be kept on file.

4) If the attorney has practiced criminal law in Travis County for less than two years, the attorney is assigned to one of the attorney-supervisors, and is informed of that assignment. A card is also mailed to the attorney-supervisor notifying him or her of that assignment. The attorney is also given a copy of the local rules governing criminal appointments. The attorney-supervisor program will be included in those local rules.

The attorney who is assigned to an attorney-supervisor will remain under the supervision for one year, unless the attorney-supervisor notified the judges that in his opinion, the attorney no longer needs supervision. During that year of supervision, which may also be extended at the advice of the attorney-supervisor, the attorney-supervisor is notified of every appointment of his attorney. It is the duty of the attorney desiring appointments to consult with the supervisor. No judge will accept a plea on those appointments being

supervised without the co-signature of the supervisor on the plea papers.

At the end of the year, the attorney-supervisor notifies the Court Appointment Board in writing through the appointment coordinator of his recommendation as to whether the attorney should continue under supervision or not.

5) The supervising attorney is to assist and advise the appointed attorney in his representation of the accused, and to make any appropriate reports to the trial court concerning the performance of the appointed attorney in the case. It is specifically intended that the supervising attorneys perform a training function in addition to their supervisory role.

The proposed supervisory program will not impose any additional financial burden upon the County and will rely upon the proposed Court Appointments Officer for day to day operation.

Attachment Number 1

INDIGENCY STANDARDS

A. Prima Facie Eligibility Standards. An applicant is prima facie eligible for representation if he meets the Household Net Income Standards and the Household Disposable Assets Standards hereinafter specified. For these purposes, "household" includes all persons, whether related or not, who are living in the same dwelling unit and share common expenses, assets or benefits, but does not include persons who are merely roommates.

B. Household Net Income Standards. The following guidelines are to be used to determine whether an applicant meets the net income standards for his household, as defined in A. above:

1. Income includes benefits received from all sources, such as wages, child support payments, alimony, welfare, unemployment and social security.

2. Income also includes voluntary monetary contributions received from others on a regular basis, such as money regularly provided to an adult student by a parent or other person.

3. Net income includes earned income less mandatory deductions from earned income, such as federal income taxes and social security deductions.

4. HOUSEHOLD NET INCOME ELIGIBILITY SCHEDULE: *(Figures revised January 1980)

<u>Size of Household</u>	<u>Monthly Net Income</u>	<u>Weekly Net Income</u>
1	\$340	\$ 79
2	444	103
3	527	122
4	655	152
5	738	172
6	820	190
7	898	209
8	980	228

C. Household Disposable Assets Standards. The following guidelines are to be used to determine whether an applicant meets the disposable assets standards for his household, as defined in A. above:

1. Assets include all things of value owned by all members of the household; assets are to be valued at current market value.

2. Exempt Assets are specific items that are exempt from computation and are specifically enumerated in Tex. Civ. Stat. Ann. Arts. 3833, 3834, 3835 and 3836; a copy of those provisions is attached. Basically, all household and occupational assets are exempt except cash, bonds and securities.

3. Liabilities on Assets include all debts that are due on the assets, such as installment payment debts.

4. Disposable Assets are Assets minus Exempt Assets and Liabilities on Assets.

5. An applicant is prima facie eligible if disposable assets do not exceed \$300 per member of his household.

D. Special Eligibility Rules. The following special eligibility rules are intended to further the purpose of providing representation only when it is extremely unlikely that the applicant would be able to obtain retained counsel because of inability to pay attorney fees:

1. If the applicant is prima facie eligible under the income and assets standards, his case will not be accepted if he has close relatives who are able and willing voluntarily to contribute the funds needed by the applicant to retain private counsel.

2. If the applicant is prima facie ineligible under the income and assets standards, his case may be accepted if prior to contacting the Program he was unsuccessful in obtaining private counsel because of inability to pay attorney's fees; the applicant will be informed that the attorney may be contacted to verify the applicant's information.

Art. 3833 [3786] [2396] [2336] Homestead

(a) If it is used for the purposes of a home, or as a place to exercise the calling or business to provide for a family or a single, adult person, not a constituent of a family, the homestead of a family or a single, adult person, not a constituent of a family, shall consist of:

(1) for a family, not more than two hundred acres, which may be in one or more parcels, with the improvements thereon, if not in a city, town, or village; or

(2) for a single, adult person, not a constituent of a family, not more than one hundred acres, which may be in one or more parcels, with the improvements thereon, if not in a city, town, or village; or

(3) for a family or a single, adult person, not a constituent of a family, a lot or lots, not to exceed in value ten thousand dollars at the time of their designation as a homestead, without reference to the value of any improvements thereon, if in a city, town, or village.

(b) Temporary renting of the homestead shall not change its homestead character when no other homestead has been acquired.
Amended by Acts 1969, 61st Leg., p. 2518, ch. 841, § 1, emerg. eff. June 18, 1969; Acts 1973, 63rd Leg., p. 1627, ch. 588, § 1, eff. Jan. 1, 1974.

Art. 3834. [3787] [2396] [2336] Proceeds exempt

The proceeds of the voluntary sale of the homestead shall not be subject to garnishment or forced sale within six months after such sale. Id.

Art. 3835

Art. 3835. [3788] [2397] [2337] Interests in land exempt from satisfaction of liabilities

The homestead of a family or a single, adult person, not a constituent of a family, and a lot or lots held for the purposes of sepulchre of a family or a single, adult person, not a constituent of a family, are exempt from attachment, execution and every type of forced sale for the payment of debts, except for encumbrances properly fixed thereon.

Amended by Acts 1973, 63rd Leg., p. 1628, ch. 588, § 2, eff. Jan. 1, 1974.

Art. 3836 [3785] [2395] [2335] Personal property exempt from satisfaction of liabilities

(a) Personal property (not to exceed an aggregate fair market value of \$15,000 for each single, adult person, not a constituent of a family, or \$30,000 for a family) is exempt from attachment, execution and every type of seizure for the satisfaction of liabilities, except for encumbrances properly fixed thereon, if included among the following:

(1) furnishings of a home, including family heirlooms, and provisions for consumption;

(2) all of the following which are reasonably necessary for the family or single, adult person, not a constituent of a family: implements of farming or ranching; tools, equipment, apparatus (including a boat), and books used in any trade or profession; wearing apparel; two firearms and athletic and sporting equipment;

(3) any two of the following categories of means of travel: two animals from the following kinds with a saddle and bridle for each: horses, colts, mules, and donkeys; a bicycle or motorcycle; a wagon, cart, or dray, with harness reasonably necessary for its use; an automobile or station wagon; a truck cab; a truck trailer; a camper-truck; a truck; a pickup truck;

(4) livestock and fowl not to exceed the following in number and forage on hand reasonably necessary for their consumption: 5 cows and their calves, one breeding-age bull, 20 hogs, 20 sheep, 20 goats, 50 chickens, 30 turkeys, 30 ducks, 30 geese, 30 guineas;

(5) a dog, cat, and other household pets;

(6) the cash surrender value of any life insurance policy in force for more than two years to the extent that a member or members of the family of the insured person or a dependent or dependents of a single, adult person, not a constituent of a family, is beneficiary thereof;

(7) current wages for personal services.

(b) The use of any property not exempt from attachment, execution and every type of forced sale for the payment of debts to acquire property described in Subsection (a) of this article, or any interest therein, to make improvements thereon, or to pay indebtedness thereon with the intent to defraud, delay or hinder a creditor or other interested person from obtaining that to which he is or may become entitled shall not cause

the property or interest so acquired, or improvements made to be exempt from seizure for the satisfaction of liabilities under Subsection (a) of this article.

(c) If any property or any interest therein or improvement is acquired by discharge of an encumbrance held by another, a person defrauded, delayed, or hindered by that acquisition as provided in Subsection (b) of this article is subrogated to the rights of the prior encumbrancer.

(d) A creditor must assert his claim under Subsections (b) and (c) of this article within four years of the transaction of which he complains. A person with an unliquidated or contingent demand must assert his claim under Subsections (b) and (c) of this article within one year after his demand is reduced to judgment.

Amended by Acts 1973, 63rd Leg., p. 1628, ch. 588, § 3, eff. Jan. 1, 1974.

Financial Information Form

County Court at Law # _____
Travis County, Texas

STATE OF TEXAS VS. _____ CAUSE NUMBER _____
Defendant(s) name(s) _____

I, _____, am a defendant in the above entitled action. I am not represented by an attorney in this proceeding. I have no assets except the following:

1. My employer is (Name, Address) _____
2. My earnings are \$ _____ per week/month (circle one).
3. I have other income in the amount of \$ _____ per week/ month (circle one).
The source of this other income is _____.
4. If not working now, for how long have you been unemployed? _____.
5. Have you been to any employment agencies, such as Texas Employment Commission(TEC)?
Yes/ No (circle one). If yes, when did you last go to them? _____.
6. I am married/single (circle one) and support _____ children.
7. I support _____ other dependants. They are my (enter relationship) _____.
8. My spouse and/or children earn \$ _____ per week month (circle one).
9. I own the following property: (enter address where located, payments, balance owed on item, and current value of item)
 - a. Home _____
 - b. Other land/buildings _____
 - c. Automobiles _____
 - d. Motorcycles _____
 - e. Other vehicles _____
 - f. Furniture _____
 - g. Notes, mortgages, trust deeds _____
 - h. Savings bonds _____
 - i. Stocks, bonds _____
 - j. Animals _____
 - k. Jewelry _____
 - l. Other personal property _____
10. I have the following debts and/or expenses in addition to those listed above:
Rent _____, _____, _____
11. I have the following friends and/or relatives who might loan me money to hire an attorney: _____
12. I am free/not free (circle one) on bail. The amount of bail is \$ _____.
The name of the person who paid my bail is _____.

13. I have the following money:

- | | |
|----------------------------------|---------------------------------------|
| a. In jail\$ _____ | e. In safety deposit box.....\$ _____ |
| b. At home.....\$ _____ | f. Being held or owed to me..\$ _____ |
| c. Checking account.....\$ _____ | g. Other.....\$ _____ |
| d. Savings accounts.....\$ _____ | |

I declare under penalty of perjury that the information I have given above is true and correct and that I am not withholding any information regarding my ability to hire my own attorney.

(sign your name here) _____

Address _____ City _____ State _____

Zip code _____ Home phone _____ Work phone _____

SUGGESTED RULES FOR APPOINTED COUNSEL

To provide consistency with other committee reports and recommendations these rules are drafted with the assumption that the defendant is entitled to appointed counsel and that counsel is qualified or acting under the supervision of a qualified attorney.

1. PROMPT CONTACT

The attorney should make contact with his client within twenty-four hours of notice of appointment or inform the Court why such action cannot be taken.

2. INITIAL INTERVIEW

The first communications between appointed counsel and defendant should satisfy any questions concerning language difficulties and mental competence to the extent that the attorney is able to intelligently advise defendant according to the following rules. The attorney should at a minimum provide his client with the following information at this first meeting:

- (a) Name, address, phone number of attorney and members of the firm who may assist in the defense;
- (b) The nature and seriousness of the allegations being made by the state;

- (c) Probable time-table of events depending upon course of action taken by the state and defendant, including date and purpose of next court appearance;
- (d) Bond requirements and reasonable expectations of securing bail;
- (e) Summary of attorneys qualifications and work to be done prior to next meeting;
- (f) Explanation of rights of defendant concerning future communication with any person other than defendant's counsel;
- (g) Conduct required of defendant in jail and in court;
- (h) Set date and time for next appointment, no more than three days after the first meeting; and,
- (i) Name, address, and phone number of the individual or agency to be contacted concerning any problems with appointed counsel's representation.

The attorney should require defendant to provide the following information at first contact:

- (a) Description of any immediate medical needs and treatment already provided, if any;

- (b) Necessity to communicate with family or friends concerning needs of client in community. (Care of dependants, rent and bills coming due, employers, etc.);
- (c) Communication with family, friends, or sheriff concerning needs of client in jail;
- (d) Discussion of previous symptoms and treatment for mental disorders;
- (e) Brief summary of facts surrounding offense and arrest including names and addresses of all potential witnesses and charged co-defendants and their attorneys if known;
- (f) Prior record of defendant and background information, ^{including} ~~and~~ names of attorney's who have represented defendant in the past;
- (g) Information concerning any potential conflicts of interest;
- (h) Summary of oral and written communications between defendant and agents of the state.

Steps should be taken within forty-eight hours after the first meeting with client to correct any problems discovered during the initial interview and pertinent communications concerning these problems should be made to the appropriate individuals.

3. FUTURE CONTACT

Appointed counsel should continue to make specific appointments with client and should make contact no less than every two weeks

until disposition of the case. As the case proceeds through discovery, plea bargaining, trial preparation, and trial or plea the appointed attorney should observe the following rules:

- (a) Accurately communicate all options for disposition and their consequences, especially any recommendations of the state for a plea of guilty;
- (b) Avoid any exaggeration of the possibility for early parole or early discharge from probation;
- (c) If applicable explain fully the consequences of the felony conviction or conviction or moral turpitude;
- (d) Provide client with explanation for and copies of all instruments filed with the court;
- (e) Fully explain the consequences of entering a negotiated plea of guilty in terms of a possibility for appeal;
- (f) At no time discuss any fee arrangement between client and attorney or suggest that hired counsel would provide more favorable disposition; and,
- (g) Appointed counsel should keep accurate records of the representation of an indigent including dates and times of all meetings and matters discussed therein. It is advisable that appointed counsel keep a record of the hours spent in representing the defendant both in and outside of the courtroom.

4.. TERMINATION OF ATTORNEY CLIENT RELATIONSHIP

If client should indicate his dissatisfaction with appointed counsel, the attorney should first make an effort to correct the source of the problem. If such efforts are unsuccessful the attorney should immediately report the difficulty to the appropriate magistrate and fairly and accurately describe the basis for clients dissatisfaction. If it is determined during the course of the representation that funds have become available to the defendant to hire counsel and a willingness to do so has been expressed, appointed counsel should file a Motion to Withdraw with the appointing court indicating the wishes of defendant. When new counsel is appointed or hired every effort should be made to provide new counsel with all information concerning work previously done by appointed counsel.

APPENDIX 6

REPORT OF THE
CITIZENS JAIL BOND ADVISORY COMMITTEE

REPORT TO

HONORABLE JUDGE MIKE RENFRO
HONORABLE MEMBERS OF THE COMMISSIONERS COURT

RE:

TRAVIS COUNTY JAIL BOND ISSUE

Respectfully Submitted By:

THE CITIZENS JAIL BOND ADVISORY
COMMITTEE

Donald S. Thomas, Chairman

October 9, 1978

October 9, 1978

Honorable Judge Mike Renfro
Honorable Members of the Travis
County Commissioners Court
Austin, Texas

Honorable Judge and Commissioners:

In response to the directive you gave us, this Committee has held some thirty-five open public meetings at night in various neighborhoods in the County to "bring the facts to the people, listen to public input, and get expert and non-political opinions." All but three of these meetings were reported and transcribed by a court reporter into some 2200 pages of written evidence, debate, and discussion.

Our chore was, and is, to assist you in performing the constitutional obligation to provide a decent, humane facility to detain those citizens charged with or convicted of crime. The exercise of your judgment and discretion in the performance of this duty has been largely preempted by the federal courts. The suit now pending in the United States District Court for the Western District of Texas commands you to act, and a multitude of decisions in other federal courts defining constitutional rights and governmental duties substantially specify the facilities, programs, and services you must provide.

The bond proposal submitted to the electorate in November, 1977, and the preliminary studies incident to it, evidence your

awareness of the problem and your willingness to meet the issue, however unpopular it may be. The failure of the proposal created a near crisis and resulted in our appointment so that private citizens might evaluate the situation and make recommendations to you that would be free of any charge of political expediency and would come from taxpayers sharing the burden of cost.

Recognizing that our efforts would be futile and wasted if a future bond issue fails, we have sought to determine the reason the November bond issue did not pass.

The community expressions of opinion that we have heard indicate that your proposal provided space for non-jail governmental services with a resulting and unacceptable cost; the architectural planning was not sufficiently detailed; there was a lack of citizen/taxpayer input and communication, and an under utilization of available organized community groups.

Responding to these opinions and to your directive we have confined ourselves to study of a pure jail facility. This is not to say, however, that your judgment to provide for a broader scope of public safety needs was imprudent, for, no doubt, the need either exists or will soon arise for additional space for county governmental functions other than for a new jail. The public safety complex you proposed would no doubt be functionally efficient. Moving the sheriff's department, probation department, justices of the peace, personal bond office and other functions out of the main courthouse would relieve an over crowded condition that must

necessarily be accomplished in the near future and at considerable cost.

With respect to the preliminary architectural planning, we again are not critical of the judgment you exercised. To have provided complete architectural plans in advance of the bond election would have been very costly and in view of the election results would have resulted in total waste.

Our committee has, we hope, supplied any deficiency in citizens input. Ordinary citizens, community organizations, including the League of Women Voters, the Texas Council on Crime and Delinquency, University Hills Home Owners Association, Citizens United for Rehabilitation of Errants (CURE), Travis County Democratic Women's Committee, Travis County Bar Association and the Austin Citizens' League, have appeared before us and expressed helpful views. Representatives of such governmental agencies as the Texas Jail Standards Commission, the National Clearinghouse for Criminal Justice Planning and Architecture, the Texas Attorney General, the City Police Department, the Travis County Sheriff, the Travis County Adult Probation Department and District Judge Tom Blackwell have been most helpful.

We especially appreciate the attitude of the County Judge and Commissioners Court in remaining aloof from our deliberations and providing all the financial support we have requested. A number of citizens who have appeared before us, recognizing that our authority was limited to the making of recommendations, have expressed

a desire to appear before you and express their views. Since many of them are unable to be present at your regular meeting time, the Committee recommends that you hold a minimum of four neighborhood meetings at night. We have found that those who have appeared before us have a sincere interest in the jail problem and are open-minded in approaching its reasonable solution.

Obviously no citizens' committee can design a jail nor exercise the authority delegated by the people to their elected public officials. Consequently, the focus of our efforts has been on those considerations of policy with respect to which we may hopefully reflect the attitude of the public.

Analyzing the overall needs of the County for detention purposes we have isolated the questions of policy which directly relate to the quality of inmate service and the cost of providing it. These fundamental issues are:

1. Should we plan for a joint city/county jail?
2. Where should the jail be located?
3. What inmate capacity should we provide?
4. To what degree should inmate privacy and security be designed?

The Joint City/County Jail Issue

Every witness who appeared before us recognized the economies of effort and expense that would result from a joint city/county jail facility. Like economies would necessarily result if a central

or joint system of booking prisoners and maintaining identification records could be provided. As the system now operates all arrests made by city police are brought to the city jail and carried through a booking procedure including photos or mug shots, finger prints, stripping, bathing, removal of personal property and inventorying it, placing it in safe keeping and if charged with a State offense, being transported the following morning to the county jail where much of the same process is repeated. The cost of duplicated processing has not been quantified but no doubt is considerable. To the taxpayer living in Austin the cost is double. He must pay the city tax collector for the first process and the county tax collector for the other. Paying twice he gets but one service. Such unnecessary abuse of the taxpayer and indeed the arrestee is unconscionable if it can be avoided.

What then is the problem? No doubt legitimate questions of jurisdiction and authority arise between the city police and the county sheriff with respect to the persons they arrest and detain. The city police hold to the view that their police officers should bring those whom they arrest into their own facility and before their supervisory officers before they are locked up. Likewise, they have their own needs for completing their investigation and compiling their identification records. Such needs point to the requirement of at least a lockup facility at City Hall.

The sheriff also has his problems when the persons charged with crime are presented to him. He is responsible for the safety

and security of his prisoners, must engage in necessary classification procedures to comply with law, has need for identification records and dislikes the increased burden of caring for those charged with Class C misdemeanors, violation of city ordinances and the like. The solution of these problems and conflicts of jurisdiction can only be achieved by a mutually acceptable agreement between the two agencies. The constitutional and statutory responsibilities and rights of the sheriff make his acquiescence necessary. Due to the possible turnover of sheriffs holding that office, any such agreement might not be permanently acceptable. Because of such uncertainty and the inefficiencies pointed out, a legislative program might be indicated. Provision could be made for a city/county jail administered by a non-elected official and independently of the sheriff or city police.

Whether the necessary agreements can be obtained for a joint facility is not known. However we are of the view that with rapidly accelerating costs of confinement the city/county facility is not too distant in the future.

Location of the Jail

The Committee has decided, with but one dissent, that a new jail should be constructed at the northwest corner of 10th and San Antonio Streets.

This decision was based upon the great weight of opinion of those who appeared before us.

The alternatives presented were the site selected, the Del Valle Minimum Security site, and an unidentified site near City Hall.

The City Hall location received no serious consideration in view of the fact that its attractiveness would depend on an immediate and currently improbable consolidation of city and county operations. Standing alone it would compare unfavorably with the site selected in convenience to courts, prosecutors, probation office, justices of the peace, court clerks, etc.

Strong arguments were made by those favoring the Del Valle location. An abundance of land is owned by the County, some existing facilities could be utilized. Horizontal construction as contrasted with high-rise vertical construction is possible and thought by some to be cheaper in cost and operation though denied by others. Our architects say that vertical construction contemplates an additional cost of \$1.50 per square foot on the ground floor only. Mechanical engineers have stated that this cost is more than offset by savings in the plumbing, heating and air conditioning costs. Visitation requirements could be more easily met and outside recreation could be easily provided at Del Valle.

Contra to these arguments the Committee based its judgment on the following factors.

First, the land at 10th and San Antonio Streets is also owned by the County. It is convenient to the courthouse and

prisoners can be marched through a secure underground passageway from the jail to the courthouse for court appearances. Transporting inmates from a distant Del Valle location to the courthouse, 50 to 100 at a time in some instances, would be a major logistical burden. It would involve substantial continuing costs and would further involve a serious risk of escape and possible danger to the public. Eliminating these costs would entail moving the county and district attorneys, the justices of the peace, the probation officers, the clerks of the court, the district judges, their bailiffs and court reporters to the distant location. Judge Tom Blackwell outlined these problems in his testimony before the Committee on February 27, 1978. He pointed out what the burden of such a move would be, he expressed his and the other judges' willingness to work there if such a move of a substantial part of the county government were decided. It virtually means moving the courthouse.

Both the sheriff and chief of police opposed the Del Valle site.

Strong reaction against Del Valle was expressed by numerous individuals who felt that the right of family visitation would be substantially impaired by movement to an area where no public transportation is available. Many if not most of the inmates are poor and uneducated. The very fact of their incarceration further impoverishes their families. Many cannot drive, many have no cars and virtually none can afford taxi fare which one witness said

was \$13.50 each way.

Section 014 of Texas Jail Standards provides:

"014 LOCATION: Where practical, separate jail buildings should be in near proximity to, or connected to, local courtrooms by a secure means of pedestrian passage."

The Del Valle Minimum Security facility has a present inmate capacity of 96. It has support facilities such as kitchen services for expansion to 192. Throughout the period of our labors the population there has never exceeded 50 inmates. When asked why there was no greater utilization of this facility, Craig Campbell replied:

"Its hard to get prisoners to go to Del Valle, its too far for families to visit. Its a problem with the families. Transportation is one of the biggest problems... We don't force them."

Also contributing to underutilization of the Del Valle facility according to the sheriff is the lack of budgeted funds for adequate staffing.

The argument has been made that Arthur Young & Co. recommended that the entire jail function be located at Del Valle. Their representative, Mr. Reed, who appeared before us did not so testify. His firm, according to Mr. Reed, was employed to study the long range needs of Travis County and recommend a staggered future construction program adding inmate capacity as the need developed. He testified that they recommended the Del Valle Minimum Security facility that was built, then in the future, a new

main jail either there or downtown, then a remodeling of the present jail with reduced capacity to 150 beds.

The most compelling argument against a suburban location is that it would forever foreclose the possibility of achieving the economies of a joint city/county jail. Del Valle would be totally unacceptable for city police to operate out of.

Inmate Capacity

The Committee has recommended the construction of a new jail with 280 beds.

Since vote was taken on this issue the press reports that the sheriff and some Commissioners feel that the recommended capacity is inadequate.

When the currently available capacity of Del Valle is added to the proposed new construction we will have a total capacity of 376 or about 50 more beds than the all time high population of the jail system. The city jail has a capacity of 136 and an average of 35-40 inmates daily, leaving a comfortable margin for meeting any unanticipated emergency need. Additionally, if the need should arise the present jail could be made to meet jail standards by rather simple modifications, but reducing its capacity to around 150.

The number of beds recommended exceeds the recommendation of our consultant, Mr. Pontesso, by 20 beds. The average 1977 jail population was 247. Mr. Viterna of the Texas Commission on

Standards says planning should be for 40% more than your average. Calculated in this manner we should plan for 345 inmates. We have planned for 376.

The weight of professional opinion presented to us is that it is unwise to attempt to project our needs for cell space into the distant future. Too many forces are at work with the tendency toward far less pre-trial detention. The Speedy Trial Act is now in effect and will most likely reduce the number of prisoners held for lengthy periods before trial. The personal bond and other pre-trial release programs can, no doubt, be expanded. A 24 hour magistrate on duty at the jail could virtually empty the jail if those now held for as much as 72 hours could be released in a much shorter time. In the Pontesso Study 56.7% of those jailed in Travis County jail were released in 24 hours and by 72 hours the percentage released grows to 68.2%.

Other pre-trial release programs can further enlarge the number of pre-trial detainees that can safely be let out of jail. Certain inmates not meeting the standards for personal recognizance release might, as elsewhere, be released safely under a supervised release program. The 10% cash bond release program has had like results.

To make a projection of future jail needs and build for it now based on projected future population and trends of current crime rates and present incarceration policies is to assume that

all sociological programs to reduce crime will fail. That society in the future will continue to shoulder the increasing cost of short-term pre-conviction incarceration to the present extent is not, in our opinion, a valid premise.

In order that a short fall in cell capacity may be met well in advance of need, we recommend either that sufficient structural strength be designed into the building to permit the addition of floor space or that ground space adjacent to the building for a future addition be reserved. Building now to meet a future need that might not develop and paying interest on the present cost could well exceed, or at least substantially offset, any future inflation. At least future dollar costs, if the need develops, will be paid with cheaper dollars.

It has been estimated to us that the direct cost of maintaining a prisoner in jail is \$18.50 per day. In addition, the cost of providing a cell for him to occupy is in the neighborhood of \$25,000.00. When capital costs are included the total is not less than \$50.00 per day for each inmate. Sixty-eight and two-tenths percent (68.2%) of these prisoners are released within 72 hours. The real question is whether the taxpayers get anything of value for perhaps an average cost of \$100.00 for each arrest. These costs relate to pre-trial detention where guilt has not been established and where protection of the public is not an issue. They are out among us whether it's safe or not. It is these costs

we seek to avoid in recommending a small jail and an expanded program of pre-trial release.

In looking to future policy with respect to incarceration one wonders how long society will be willing to bear excessive pre-conviction costs of detention. Almost all of these prisoners get out of jail at some point before their trials. If they are dangerous to the public at loose, that danger is only shortly deferred, yet the costs are extreme. What we must all accept is that every person is presumed to be innocent, and many are, until guilt is finally proved. After arrest and before final conviction you may detain them if you reasonably believe they will not appear for trial. However, that detention cannot constitute punishment. If you deprive inmates of rights and privileges unrelated to their detention you have punished them unconstitutionally. So what we are paying for is the comforts of home as the courts constantly expand what those comforts are.

The Single Cell Issue

We recommend a minimum size jail constructed entirely of single cells. There has been much debate within and before the Committee on the single cell issue. Most of that debate has been on issues of law as it is now and as it likely may be in the future. The only expressed resistance to single cells has been directed at their relatively higher cost. This largely as a result of the high cost of individual sanitation facilities.

The opponents are quick to point out that the Texas Jail Standards require a minimum of 30% single cells while recommending 50%. At the same time, 100% single cells is required by the National Clearinghouse for Jail Planning and Architecture if federal funds, when available, are contributed as well as by the National Sheriffs Association on Jail Architecture, the American Correctional Association and in the U.S. Department of Justice Jail Standards.

The opponents of 100% single cells argue that the federal government is not dictating to the states in this matter and that only the Texas Jail Standards have the force of law. This argument is conceded by the proponents of 100% single cells insofar as governmental regulation or current decisions in the federal courts in Texas are concerned.

The problem is, however, that those services we are now required to provide at such great cost such as outdoor recreation areas, libraries, windows in cells communicating with the outside world, free and unlimited use of telephones, virtually unlimited visitation rights, provision of dental and medical services, rehabilitation programs and the like have not been imposed initially by governmental regulation. They have arisen in civil suits brought by individuals against their jailers asserting basic and undeniable constitutional rights. Thus the large majority of the Committee has concluded, based on what every attorney who has

appeared or participated in the discussion has said, that neither you as individuals holding public office nor we as planners of a jail facility can risk going against the trend of American thinking on this issue. Take this scenario: A presentable young man is arrested for a minor offense and placed in a multi-occupancy cell with a muscular and unsuspected homosexual who attempts to rape him. A fight ensues and the young man suffers a serious concussion with resulting serious injury. He brings suit against you and the sheriff. He brings forth proof that this danger is recognized by the National Sheriffs Association, the National Clearinghouse (a contract agency of the U.S. government) the American Corrections Association and the U.S. Department of Justice. He alleges that his constitutional rights of due process and equal protection of the laws have been violated. He brings the suit at his choice, either in the United States District Court or in the state courts with a right of appeal to the United States Supreme Court. He has incapacitating injuries and a good lawyer, the record of our proceedings is allowed in evidence to show notice. How do you feel - - can you win your case? Can you pay the judgment out of your pocket?

More likely, in some deplorable jail a class action is brought along the lines of the action now pending against you. Venue is in a liberal judicial district, a requirement of single cells is alleged; the courts so order and find a constitutional

requirement of single cells. Such a suit is then brought against you or you voluntarily recognize your personal risk. What then the cost - or is it even possible to convert the jail to constitutionally minimum standards?

The only possible compromise of this issue that this Committee would accept as its recommendation conflicts with what appears to be the Jail Standards Commission's interpretation of Art. 5115 V.A.C.S. A large part of the risks of multiple occupancy cells could be eliminated if we could agree on what a cell is. If it is where a person or persons are confined by a jailer, a satisfactory resolution might exist. If on the other hand a cell is any space with a locked door there is no compromise possible.

Many of the Committee would agree on a 4 or 3 bed cell if within the area of that cell they could have private compartments with no toilet, containing their bunk and a door with a locking mechanism under the inmate's control. Thus if the inmate wanted privacy he or she would have the means of achieving it simply by retiring any time he or she wished to the compartment and locking the door. The lawyers on this Committee are of the opinion that a reading of Article 5115 as requiring separate toilet facilities in these compartments is a strained and improper reading of the law, inconsistent with its other provisions.

Psychiatric Holding Facility

The one area in which this Committee has had enthusiastic

unanimity of opinion is with regard to a psychiatric holding facility. Our subcommittee studying this issue was fortunate in having persons so extremely qualified in this area and so dedicated to serving the community's need for psychiatric services. Likewise, they have received valuable and eager support from the private and governmental professionals practicing psychiatry in Travis County. Theirs is a separate report as adopted by the full Committee. In essence they request four slick cells in the jail with a hospital oriented facility away from the courthouse and near a hospital. Provisions can be made there for a secure space for confinement of those mentally ill and requiring treatment and charged with crime much as such matters are handled when jailed prisoners need hospitalization for physical ailments.

It is unconscionable and illegal to incarcerate mental patients not charged with crime in a jail.

Alternatives Considered

In the course of our studies an idea was advanced that had apparent merit. We thought that perhaps considerable savings might result if the jail could be expanded downward into the courthouse as the need for additional space was required. The thought was that other County agencies and offices could be displaced and relocated either in the annex, or that perhaps the Stokes Building could be purchased advantageously solving both office and parking requirements.

The architects provided us with a plan whereby this could be accomplished and some additional court space provided by an addition to the south side of the courthouse. Considering the relative costs, confusion, interference with courthouse functions during construction and compromises in jail design that would necessarily result, this plan was abandoned.

Task Force Recommendation

The Committee is concerned with the lack of public knowledge of the conditions existing from time-to-time in our city and county jails. The policies employed in determining the nature, extent and duration of incarceration must also be monitored by the citizenry. Needless incarceration, preventable by modern pre-trial and post-trial diversion practices, is extremely expensive in the provision and construction of facilities and their operation.

In an effort to assure that our jail facilities, operations, and services comport with standards acceptable to the community, this Committee recommends that a task force be appointed jointly by the city and county administrations. Such an approach to corrections administration is not without precedent. The Minnesota Community Corrections Act provides much the same concept through its Corrections Advisory Board approach.

Focusing in this manner on the corrections problem in a continuing fashion should result in substantial tax saving.

Significant savings should result from providing liason between city and county officials and the elimination of costly duplication of efforts. It is believed that such a task force could be helpful in achieving the apparent economies of a joint city/county jail, the elimination of the costly double booking of inmates, monitoring the pre-trial and post-trial diversion policies and conducting studies and gathering data on the rapidly evolving concepts relating to the handling and prevention of crime and recidivism.

Without presuming to design such a program, we suggest only that the task force include representation from the Austin Police Department, the Sheriff's Office, the County and District Courts, Probation and Parole Offices and such other agencies and citizen participation as you deem appropriate. Mr. Don Taylor is perhaps the most knowledgeable member of this Committee and is enthusiastically available to assist in refining such a plan.

Summary of Recommendations

This Report has been adopted by a formal vote of the Committee. Committee member George S. Nalle, Jr. dissents from the majority recommendation with respect to the size, location and cell configuration of the jail, expressing the view that the Del Valle site is preferable, that the jail should have a 400 inmate capacity and no more than 30% single cells. He further recommends that the present jail should be preserved and used for booking and temporary holding facility and for prisoners on trial.

The preliminary draft of this Report was based upon the provisions of a general policy paper presented by Mr. Frank McBee which adequately summarizes the major recommendations discussed in this Report as well as recommendations not treated in detail.

The recommendations so adopted are:

1. Travis County needs and should have a new jail.
2. The jail should be of such design and function that it is clean, well-lighted and not inhumane.
3. The jail should meet all current state jail standards and federal guidelines. It should reflect Travis County's needs for no more than ten years in the future.
4. The new facility should be designed as a maximum security unit (facilities should include minimum, medium and maximum security cells consisting of 280 single cells and the necessary jail-related administrative offices, waiting rooms, medical facilities, recreation space, staff control/supervision services, maintenance, etc.). This presumes that the Del Valle facility is fully utilized (96 beds).
5. The Travis County jail should not include a psychiatric holding facility. This should be located in a hospital and should include two to four slick rooms to care for the mentally disturbed on a short-term basis.
6. The jail should be located in downtown Austin (i.e., between 9th and 10th Streets and San Antonio and Nueces Streets).
7. The City of Austin and the County of Travis should have a jointly operated facility. Considerable savings could be accomplished by booking of all prisoners at the City of Austin Jail facility and not double booking those who are transferred to Travis County.

8. The new jail should provide for expansion of its capacity by having additional land and/or providing structural members only in order to expand outward and upward. (The inclusion of shell space is not recommended.)
9. The jail should be built in the most economical fashion possible giving due consideration to the materials and equipment available at the time.
10. The jail should be designed in such a fashion so as to enable its operational costs to be minimized. While inflation raises the prices of bricks and mortar, it also increases the cost of operation in a never-ending spiral.
11. Facilities and officials, such as judges, bondsmen, etc. should be available on a 24-hour basis in order to minimize the number of those detainees who are held in the jail.
12. Recreational facilities should be provided in the facility and should be designed so as to isolate inmates from residential areas.

Conclusion

During the period of our deliberations, two valued members of our Committee, Col. Bob Frisby and Dr. Karl Slaikeu, moved out of the city and did not participate in the decisions we made. Both of these gentlemen were very faithful in their attendance at our meetings and contributed immeasurably to our studies of the problems we dealt with. We are also greatly indebted to Mr. Bob Viterna of the Texas Jail Standards Commission, Mr. Craig Campbell of the sheriff's office, and John Albach of the Texas Council on Crime and Delinquency for numerous appearances before us and for the valuable input they were able to provide. We are also grateful to Mr. Arnold Pontesso,

criminal justice consultant, for his interest over and above the report for which he was commissioned.

It is the hope of the Committee that our labors may be helpful to you in bridging the gap between your proper performance of your duties and public understanding that the duty which you must fulfill will be prudent and wise.

Respectfully submitted,

CITIZENS JAIL BOND ADVISORY COMMITTEE

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