# Budget Presentations FY 2021-22 Day 1

### HARRIS COUNTY, TEXAS

JANUARY 6 - 13, 2021



# Day 1

January 6, 2021

Justice					
Justice Administration (207)	Jim Bethke				
County Courts (940)	Ed Wells				
Pretrial Services (605)	Jim Bethke (interim)				
Community Supervision (601)	Teresa May				
District Attorney (545)	Kim Ogg				
Office of Managed Assigned Counsel (945)	Kenneth Hardin				
>i j Yb]`Y`DfcVUh]cb (, (\$)	Henry Gonzales				
Domestic Relations (286)	David Simpson				
Institute of Forensic Sciences (270)	Luis A. Sanchez				



# 207 – Justice Administration Jim Bethke





# FY2021-22 Budget Request

#### Mission

Bringing stakeholders together to facilitate *meaningful improvements* in the Harris County justice systems that ensure:

- public safety,
- fairness,
- equity,
- · efficiency, and
- accountability

so that all Harris County <u>residents can live</u> <u>in safe, healthy, and thriving</u> <u>communities.</u>

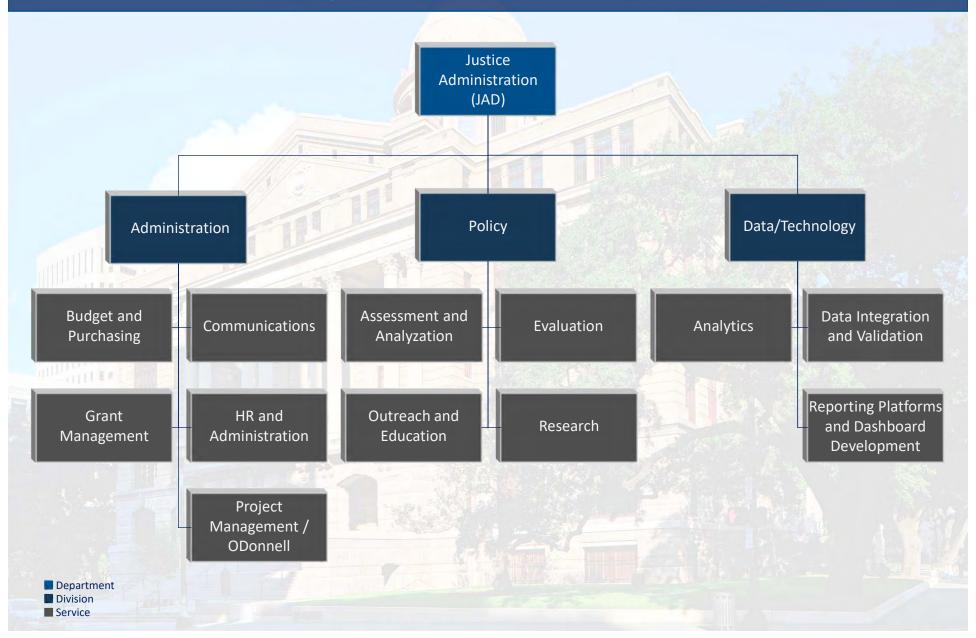
#### Vision

To advance solutions that will make the Harris County justice system the standard that other jurisdictions aspire to attain

#### Goals

- 1 REDUCE RACIAL AND ETHNIC DISPARITIES
- INCREASE TRANSPARENCY, ACCOUNTABILTY, PUBLIC TRUST, AND CONFIDENCE
- SUPPORT SURVIVORS OF CRIME, PREVENT VIOLENCE AND TRAUMA
- IMPROVE THE EFFECTIVENESS OF POLICIES, SERVICES, AND OPERATIONS COUNTY-WIDE
- 5 IMPROVE PUBLIC SAFETY, OVERALL HEALTH, AND QUALITY OF LIFE
- 6 MINIMIZE CRIMINAL JUSTICE SYSTEM EXPOSURE AND REDUCE RELIANCE ON INCARCERATION
- REDUCE THE NUMBER OF YOUTHS IN HARRIS COUNTY'S JUVENILE JUSTICE SYSTEM
- RECRUIT AND RETAIN A TALENTED AND DIVERSE WORKFORCE

## Functional Org Chart



## FY 2020-21 Services

Administration	Policy	Data/Technology	Baseline cost for FY2021-22	% of Budget
Budget and Purchasing			\$165,707	6.15%
Communications			\$306,740	11.38%
Grant Management			\$125,351	4.65%
HR and Administration			\$162,324	6.02%
Project Management / ODonnell			\$291,508	10.82%
	Assessment and Analyzation		\$115,108	4.27%
	Evaluation		\$117,949	4.38%
	Outreach and Education		\$186,960	6.94%
	Research		\$321,716	11.94%
		Analytics	\$275,505	10.22%
		Data Integration and Validation	\$419,582	15.57%
		Reporting Platform and Dashboard Development	\$206,161	7.65%
			\$2,694,611	100%

## FY2021-22 Budget Requests

#### 30 requests totaling \$5.22M for FY2021-22

		77 W
Area	Amount	Percentage
Youth Justice Community	\$2,000,000	38.28%
Reinvestment Fund (1 line item)		
ODonnell Consent Decree transfer	\$1,423,829	27.25%
from PIC (5 line items)		
Assessments/Evaluations (7 line	\$708,500	13.56%
items)		
ODonnell Consent Decree new	\$663,300	12.70%
expenses (4 line items)*		
Personnel (3 line items)	\$315,518	6.04%
Other – training, software, supplies	\$113,450	2.17%
(10 line items)		

Service	Amount	Percentage
Evaluation	\$2,000,000	38.28%
Project Management / ODonnell*	\$1,316,457	25.20%
Assessment and Analyzation*	\$1,033,500	19.78%
Reporting Platform and Dashboard	\$367,783	7.04%
Development		
Research	\$301,518	5.77%
Data Integration and Validation	\$130,389	2.50%
HR and Administration	\$32,950	0.63%
Communications	\$22,000	0.42%
Outreach and Education	\$20,000	0.38%

Division	Amount	Percentage
Research, Policy and Outreach*	\$3,403,918	65.15%
Administration and Operations*	\$1,322,507	25.31%
Data and Technology	\$498,172	9.54%

Goal	Amount	Percentage
Reduce the number of youths in Harris County's Juvenile justice system	\$2,206,562	42.23%
Minimize criminal justice system exposure and reduce reliance on incarceration*	\$1,757,307	33.64%
Increase transparency, accountability, public trust, and confidence	\$750,672	14.37%
Reduce racial and ethnic disparities	\$208,750	4.00%
Improve the effectiveness of policies, programs, services, and operations county-wide*	\$118,106	2.26%
Improve public safety, overall health and quality of life	\$98,500	1.89%
Recruit and retain a talented and diverse workforce	\$84,700	1.62%

### FY2021-22 Budget Requests (cont.)

- Personnel
  - Youth Justice Policy Analyst
  - Two (2) Interns
  - Consulting for Pretrial Case Management System implementation
- Expenses associated with studies/reports requested by Commissioner's Court
  - Law Enforcement Independent Oversight Board
  - Fines and Fees study
  - Racial and Ethnic Disparities study
  - Non-punitive Responses to Social Problems study
  - Community-Based Violence Intervention pilot
  - Hospital-Based Violence Intervention pilot
  - Criminal Justice Coordinating Council service evaluation

### FY2021-22 Budget Requests (cont.)

- ODonnell Consent Decree expenses (transferring from PIC fund)
  - Court Monitor fees
  - Personnel
    - Project Manager
    - Data Analyst
  - Development of a web-based data platform with public-facing interface
  - Non-appearance mitigation
    - Section 52 of consent decree
- New ODonnell Consent Decree expenses
  - Technical writing and design services for court notification system
    - Section 50 of consent decree
  - Court date notification form design services
    - Section 50 of consent decree
  - Indigent defense research project
    - Section 41 of consent decree
  - Court nonappearance study
    - Section 52 of consent decree

### FY2021-22 Budget Requests (cont.)

- Youth Justice Community Reinvestment Fund
  - Community-based detention alternatives: Invest in grassroots service providers in communities hit by juvenile detention
  - Sustainable investment: "Backbone organization" will identify grassroots providers, invest in infrastructure & data collection, coach on best practices
  - Accountability: Third-party evaluator will report on whether service providers achieve better outcomes for youth
  - Two-year pilot program, \$4 million fund:
    - Juvenile Probation commits up to \$2 million unspent funds
    - JAD requests \$2 million general funds

### FY2021-22 Services

			Baseline Cost for	New	Est. Cost for	% of
Administration	Policy	Data/Technology	FY2021-22	Requests	FY2021-22	Budget
<b>Budget and Purchasing</b>			\$165,707	\$0	\$165,707	2.09%
Communications			\$306,740	\$22,000	\$328,740	4.15%
Grant Management			\$125,351	\$0	\$125,351	1.58%
HR and Administration			\$162,324	\$32,950	\$195,274	2.47%
Project Management / ODonnell			\$291,508	\$1,316,457	\$1,607,965	20.30%
	Assessment and Analyzation		\$115,108	\$1,033,500	\$1,148,608	14.50%
	Evaluation		\$117,949	\$2,000,000	\$2,117,949	26.74%
	Outreach and Education		\$186,960	\$20,000	\$206,960	2.61%
	Research		\$321,716	\$301,518	\$623,234	7.87%
		Analytics	\$275,505	\$0	\$275,505	3.48%
		Data Integration and Validation	\$419,582	\$130,389	\$549,971	6.94%
		Reporting Platform and Dashboard Development	\$206,161	\$367,783	\$573,944	7.25%
			\$2,694,611	\$5,224,597	\$7,919,208	100.00%

### FY2022-23 Services

			Baseline Cost for	FY2021-22 On-going	Baseline Cost for	% of
Administration	Policy	Data/Technology	FY2021-22	Requests	FY2022-23	Budget
<b>Budget and Purchasing</b>			\$165,707	\$0	\$165,707	4.21%
Communications			\$306,740	\$22,000	\$328,740	8.36%
Grant Management			\$125,351	\$0	\$125,351	3.19%
HR and Administration			\$162,324	\$24,200	\$186,524	4.74%
Project Management / ODonnell			\$291,508	\$688,157	\$979,665	24.91%
	Assessment and Analyzation		\$115,108	\$0	\$115,108	2.93%
	Evaluation		\$117,949	\$0	\$117,949	3.00%
	Outreach and Education		\$186,960	\$20,000	\$206,960	5.26%
	Research		\$321,716	\$242,562	\$564,278	14.35%
		Analytics	\$275,505	\$0	\$275,505	7.01%
		Data Integration and Validation	\$419,582	\$130,389	\$549,971	13.98%
		Reporting Platform and Dashboard Development	\$206,161	\$111,000	\$317,161	8.06%
			\$2,694,611	\$1,238,308	\$3,932,919	100.00%

# 940 – County Courts Ed Wells





# Harris County Court Operations

- Access to justice: courts have remained available during multiple overlapping disruptions
- Adopted policies and technologies to facilitate access to justice:
   virtual presence, hybrid-presence, live-streaming, appearance policies
- During an unprecedented fiscal year, courts have maintained operations in consistency with the Purposes and Responsibilities of Courts, such as:
  - > To promote justice in individual cases
  - > To provide an impartial forum for the resolution of legal disputes
  - > To protect individuals against the arbitrary use of governmental power
  - > To provide for a formal record of legal status

#### **Mission**

The Mission of the Office of Court Management is to assist the Harris County and Justice Courts in their ability to provide a forum for the fair, impartial, accessible, and timely resolution of cases. This mission is accomplished through close collaboration, enabling-technologies, justice community leadership, and continual monitoring, evaluation and improvement of court and justice practices.

#### Vision

A Harris County and Justice Court system that is;

- Fair, equitable, and accessible to the community and those who come before the court, effective in its ability to carry out its constitutional duties,
- efficient in its adherence to established principles of time standards and caseflow management,
- an established source of visioning and strategic planning for the Harris County justice community,
- and consistent with the Purposes and Responsibilities of Courts.

# Scope of Support

16 County
Criminal
Courts at Law

4 County Civil Courts at Law

16 Justice
Courts
[independent]

24-Hour
Probable
Cause Hearing
Court

Office of Court Management

- Leadership in development of court processes and management practices
- Administrative support
- Staff Attorney / legal services
- Information Technology / infrastructure and multi-tier help desk
- Information Technology / reporting, business intelligence, research, and application engineering
- Human Resources and Payroll coordination
- Training support for effective court/caseflow management

# FY 2021-2022 Budget Requests

#### **New Positions**

- [BR3] Administrative Support Liaison
- [BR4] A/V Technology Support Engineer
- [BR7] Admin Clerk II: 24-Hour Probable Cause Hearing Court

#### **Other Requests**

- [1] Merit-based salary & COLA increase
- [BR2] A/V System Replacement
   Civil Courts
- [BR5] Technologies for ongoing support of remote access to court resources
- [BR6] Visiting judge increase for service deployment

### Performance Metrics

County Civil Courts at Law - Filings and Dispositions Fiscal Year 2020-2021, YTD [October]						
Month	Clearance Rate					
March	1,498	1,646	110%			
April	597	704	118%			
May	798	1,332	167%			
June	746	1,991	267%			
July	882	1,724	195%			
August	958	1,585	165%			
September	745	1,480	199%			
October	1,168	1,495	128%			
Total	7,392	11,957	162%			

#### County Criminal Courts at Law - Clearance Rates Fiscal Years 2015 - 2021 YTD [October]

Fiscal Year	New Filings	Incoming Other	Outgoing Cases	Clearance Rate (including other)	Clearance Rate (excluding other)
FY 2014-2015	64,925	4,651	69,586	100.01%	107.18%
FY 2015-2016	65,391	4,186	69,633	100.08%	106.49%
FY 2016-2017	63,004	3,480	65,132	97.97%	103.38%
FY 2017-2018	54,231	3,133	51,691	90.11%	95.32%
FY 2018-2019	57,498	1,827	51,195	86.30%	89.04%
FY 2019-2020	53,904	1,036	44,503	81.00%	82.56%
FY 2020-2021 YTD	29,113	471	18,972	64.13%	65.17%

# Performance Metrics

County Criminal Courts at Law - Active Pending Caseload Snapshot Years 2014 - 2020 (November)					
Year	Active Cases Pending				
2014	16,962				
2015 16,708					
2016 16,598					
2017	18,188				
2018 23,788					
2019 30,573					
2020	39,043				

County Criminal Courts at Law - Time to Disposition Snapshot Years 2014 - 2020 (November)									
Year	Year Under 30d 30d to 90d 91d to 180 181d to 360d Over 360d								
2014	2,120	758	930	487	196				
2015	2,220	835	1,077	590	943				
2016	2,117	890	1,201	603	220				
2017	1,091	631	1,077	732	224				
2018	991	687	921	716	392				
2019	611	473	699	982	583				
2020	188	156	141	502	657				

County Criminal Courts at Law - Age of Caseload Snapshot Years 2014 - 2020 (November)					
Year	Under 30d	30d to 90d	90d to 180d	180d to 360d	Over 360d
2014	3,530	5,389	4,255	2,681	1,107
2015	3,456	5,290	4,663	2,588	711
2016	3,598	5,363	4,250	2,528	859
2017	3,343	4,766	4,706	3,764	1,609
2018	3,626	5,979	6,367	5,425	2,391
2019	3,966	6,262	7,454	8,129	4,762
2020	3,286	5,794	7,051	12,837	10,075

### Accomplishments and Priorities

#### **Consent Decree Accomplishments and Related Ongoing Projects**

- Open Hours Court
- Waiving of appearances where appropriate
- Development of online court setting reset request portal
- Updating county computer systems to more accurately identify appearance and setting types
- Development of electronic phone and email notifications for upcoming and missed court appearances

#### **Creation of Harris County Office of Managed Assigned Counsel**

- In August, secured a 4-year TIDC indigent defense improvement grant after years in pursuit of improved representation for people found to be indigent,
- In October, Commissioners Court voted to create the Office of Managed Assigned Counsel, and appointed Kenneth Hardin, Executive Director

#### **Collaboration with Justice Administration Department**

- Ongoing work with JAD to provide mentorship on existing data systems and architecture
- Peer-review for data-driven publications
- Future-visioning for improved data repositories for internal and external sharing

# Accomplishments and Priorities

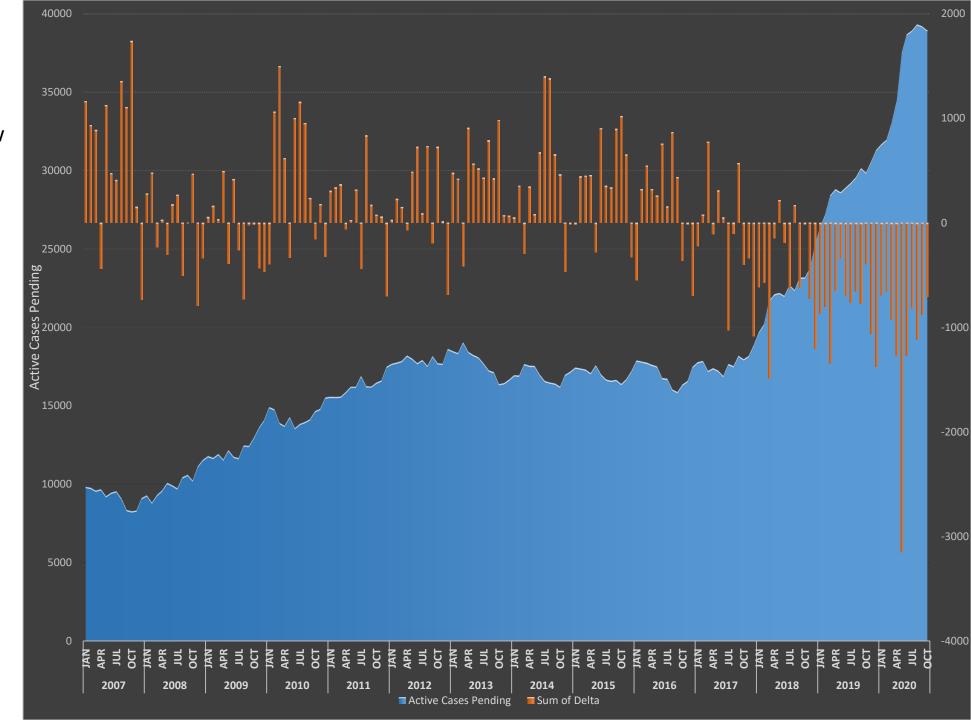
#### **COVID-19 Response and Virtual Proceedings**

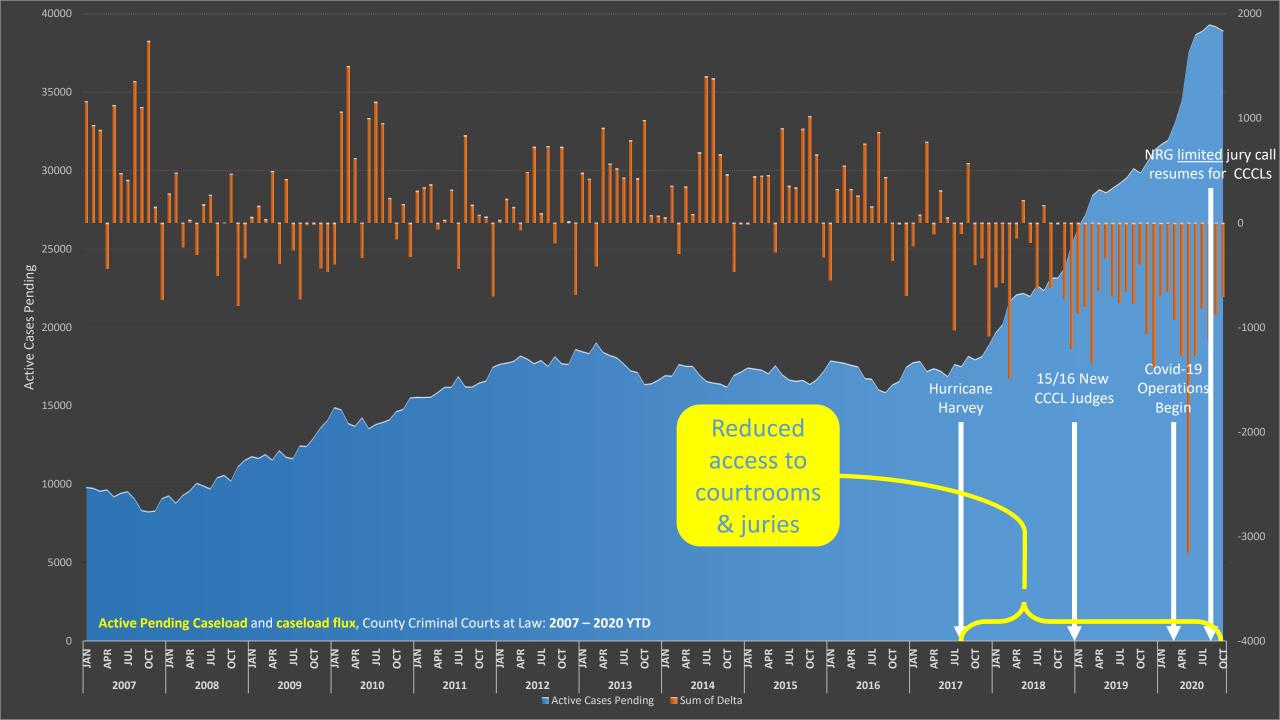
- March 11, 2020 Initial COVID-19 Disaster Declaration issued by Harris County
- March 18, 2020 DAO withdraw from CJC and Criminal Court dockets
- March 19, 2020 County Courts deploy virtual appearance technology
- April 20, 2020 Live-streaming of court proceedings begins

Chosen technologies minimize barriers to access: people can connect or view via telephone, nearly any smartphone, tablet, or computer platform.

# **Active Pending Caseload** and Caseload Flux

County Criminal Courts at Law 2007 – 2020 YTD





# Recovering from historic backlog will require:

- Collaboration among justice system partners
- The understanding and support of Commissioners Court
- Access to courtrooms and a reduction of COVID-19 protocols
- The full resumption of jury operations
- Unprecedented approaches to managing dockets and caseloads
- Consistent, credible access to trials
- Utilizing innovative practices in trial court administration

# 605 - Pretrial Services Jim Bethke (interim)





# FY 2021-22 Budget Request

#### Mission

Provide accurate and timely information to assist the judicial officers in Harris County with making informed pretrial release decisions and to monitor defendants released on bond to promote compliance with court orders and court appearances, and to support public safety.

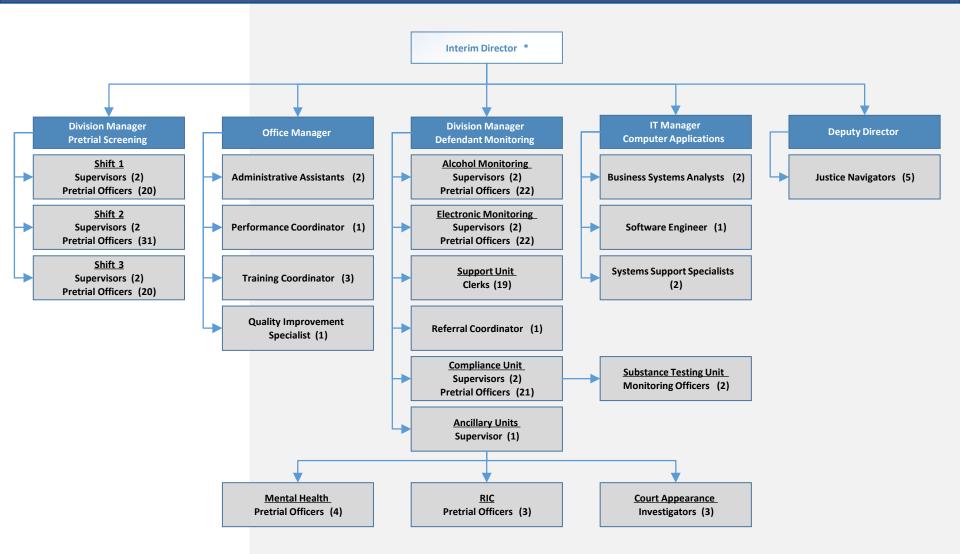
#### Vision

Use evidence-based practices, empirical research, innovations and technology to maximize release of pretrial defendants, to maximize public safety by ensuring oversight and accountability, and to maximize court appearance of those that are released during the pretrial stage.

#### Goals

- Build out a robust pretrial services program
- Increase pretrial services provided at 15.17 hearings
- Target supervision resources to higher risk defendants and higher-level risk factors (i.e., drug addiction, mental health, victim contact).
- Improve collection and reporting of data to assess effect of any changes and program impact
- Develop training for the judiciary, other system stakeholders, and public on the new pretrial services protocol
- Implement an electronic case management system and enhance virtual capabilities

### Functional Organization Chart



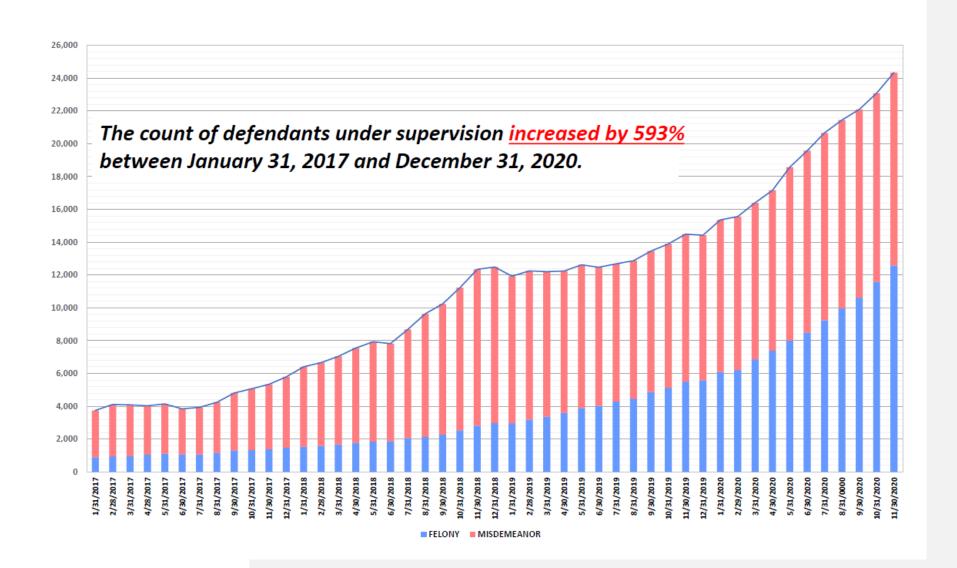
<sup>\*</sup> The following consultant groups are assisting the Interim Director while the search for a permanent Director is in progress . Justice Management Institute (JMI) is assisting with workload and resource concerns, Justice System Partners (JSP) is assisting with data and technology issues , and PFM is reviewing the Harris County criminal justice system .

Adopted budget **\$11,970,000** 

Adjusted budget **\$18,429,000** 

#### FY 2017-20 Pretrial Services

#### Defendants Under HCPS Supervision, January 2017 to December 2020



#### **Harris County Pretrial Services**

- On 12/31/2019 supervising 14,426 individuals pending trial
- Currently supervising 26,951 individuals pending trial on 12/31/2020
- Multifaceted agency services 15.17, pretrial screening, facilitate GOB's, court services

#### Observations and Outcomes

- By 2020, HCPS had the following caseload averages for its largest supervision units
  - Alcohol Monitoring 1:165
  - Electronic Monitoring 1:91
  - Compliance Unit 1:605

Workload exceeds other similar situated pretrial departments

#### PFM key findings related to budget:

- Unreliable data reporting and case management system
- Physical space for pretrial supervision officers
- Inconsistent judicial consideration
- Transitions of secured bond supervision from CSCD
- Rising and unpredictable high-cost/low reward release conditions

#### **Recent Accomplishments**

- Reduced in person reporting
- Moving "Coffee Pot" operations to Wilson Building in February
   2021
- Migrating to Office 365 and ordered 120 plus laptops for PTO's
- Enhanced coordination and communication w/ the judiciary
- Conducted agency wide employee viewpoint survey
- Initiated working executive management team
- Reviewing ALL policies and procedures

### FY's 2020-21/2022... Pretrial Services

#### JMI key recommendations

- Dedicated Court Representative Team
- Requirements for Supervision Level 1
- Restructure drug testing
- Limit electronic monitoring to serious victim related charges
- Adopt 'step-down' procedures currently piloted
- Institute strategies to encourage staff retention

#### Structured approach to manage growth

- Address immediate caseload needs
- Focus on what is essential
- Measure, analyze, adjust

### FY 2022-23 Pretrial Services

# **Top Three Funding Needs**

- 1. Continue Funding 2020-21 budget levels
- 2. Address workload issues involving serious victim related charges
- 3. Secure costs pertaining to electronic, alcohol, and drug monitoring of persons released on bond



December 31, 2020

TO: Jim Bethke

Interim Director

Harris County Pretrial Services

FROM: Spurgeon Kennedy, JMI Program Director

Natalie Michailides, JMI Program Manager

### **RE:** JMI HCPS Workload Analysis Report Summary

This memorandum is a summary of our upcoming workload and caseload analysis of Harris County Pretrial Services. JMI conducted this analysis at the request of the County Commission and Justice Administration Department to determine if HCPS is sufficiently staffed and resourced to accomplish its mission-critical work functions under Harris County's new bail requirements and, if not, to identify the resources needed to make the agency a fully capable partner in bail reform efforts. We focused our evaluation on HCPS's Pretrial Screening and Defendant Monitoring Divisions. These components perform the agency's mission-critical work and comprise the bulk of HCPS's staffing needs. JMI assessed staffing resource needs in these units primarily through:

- 1. A *Delphi Technique* workload analysis that used input from a select group of experts to estimate future system and resource needs.
- 2. Elements from a previous JMI workload assessment in Maricopa County, Arizona, and internal workload assessments conducted by pretrial services agencies in Washington, D.C., Kentucky, and the Administrative Office of the United States Courts.

Our analysis found that work volume is the main driver of HCPS's staffing and resource needs. HCPS's work volume is significantly higher than other pretrial services with similar organizational structures.¹ Much of HCPS's monitoring/supervision caseload expansion occurred over the past three years. From January 1, 2017 to December 31, 2020, the agency experienced a 593% increase in its monitoring and supervision caseload. However, HCPS's staffing levels (204 approved positions) grew by only 29 percent since December 2019 and remains below that of pretrial services agencies with similar organizational structures.

Another significant driver of HCPS's staffing needs is the Courts' demand on agency screening and supervision staff. HCPS Division Managers and Supervisors participating in the Delphi study

<sup>&</sup>lt;sup>1</sup> For example, as of October 2020, HCPS monitored or supervised 23,443 defendants. This compared to Cook County (Chicago), Illinois's pretrial services agency's daily average of 6,726 defendants for 2020 and 29,100 supervised defendants for 2019. HCPS's daily supervision population also outstripped the 2019 yearly supervision totals of the Washington, D.C. (12,700 defendants) and Kentucky pretrial services agencies (17,949).

estimated that average staff time in court ranged from 90 minutes (supervision staff) to two hours (screening staff) daily. Very often, court time for individual staff is unplanned and takes away from other daily mission-critical functions.

### **FINDINGS**

HCPS's resourcing of mission-critical functions has not kept pace with the system's demand for these services. The agency appears built for responsibilities that existed before the *O'Donnell* decision and subsequent bail reform initiatives. System demand likely will continue to grow. For example, in 2020, caseloads increased an average 833 defendants a month. CSCD supervises thousands of pretrial defendants that eventually will be transferred to HCPS. Further, a recent study showing that HCPS's risk assessment instrument is valid in predicting pretrial outcomes may encourage the court to consider more nonfinancial bail options. Given the current and potential future demands on agency resources, JMI recommends the following staffing levels and caseload ratios for the PSD and DMD:

	APPROVED	ACTUAL	ACTUAL CASE	RECOMMENDED	NEW CASE RATIO		STAFFING
UNIT	STAFF LEVEL	CASELOAD	RATIO	STAFF LEVEL			CHANGE
PSD	69	N/A	N/A	83	N/A		+14
Compliance	21	15,799	1:605	59	1:268		+38
EM	22	2,005	1:91	101	1:20		+79
AM	22	3,634	1:165	169	1:20 (GEN)	1:23	+147
						(SCRAM)	
МН	4	717	1:179	3	1:239		-1
RIC	3	1,288	1:429	6	1:215		+3
TOTALS:	141	23,443	N/A	421	N/A		+280

Our recommendations reflect significant increases to HCPS's staffing. However, increased staffing alone is not a cure-all for what is now an inefficient, ineffective, and overworked agency. Our analysis identified several policy and procedural shortcomings that have been institutionalized into HCPS's day-to-day operations. Improving these likely would decrease the number of additional staff needed in screening and supervision areas. However, given HCPS's current and likely future workload, some substantial increase in staffing still is a must.

### **RECOMMENDATIONS:**

1. **Create a dedicated court representative team:** Court demand for HCPS staff time is inconsistent and often unscheduled. Staff time in court can vary from a few minutes to an entire workday. Some court requirements of pretrial staff (for example, filling out and signing bond orders) appear to be unique to the local courts' culture. As a result, demand likely will continue as a major work function—and time drain—for HCPS. To ensure that the court's desire for PTO coverage is met, but does not affect staff work hours unnecessarily, we recommend HCPS staff a 19-38 person court representative team. Assigned employees would staff a single criminal calendar (38 staff) or share court responsibilities for two or more calendars (19). This specialized team would ensure required court coverage and free up substantial screening and supervision PTO work time.

2. Revise Supervision Level 1 through Supervision Level 3 reporting requirements: HCPS developed a "differentiated supervision" protocol to support implementation of the Public Safety Assessment risk assessment. The core of this strategy is defendant reporting requirements that correspond to supervision levels. This is a common practice for pretrial services agencies that adopt the PSA and is consistent with the "risk principle" and the idea of bail being the least restrictive option needed to ensure court appearance and law-abiding behavior. However, there is no evidence that regular reporting for lower risk defendants to a pretrial services agency improves court appearance rates or promotes law abiding behavior. Supervisors participating in the Delphi survey also doubted that the SL1 reporting schedule (one telephone call per month) effected pretrial outcomes.

SLI level defendants are among the lowest risk defendants supervised. While they comprise 53 percent of Compliance Unit defendants, this group expends nearly 80 percent of the unit's monthly staff time. Given the likelihood of this group's pretrial success even with minimum requirements, JMI recommends that HCPS move this group from a regular supervision schedule to pretrial monitoring status. This level would require notification of all upcoming court dates, monitoring of any court-imposed condition, and defendant reporting to case managers geared to address noncompliance with other conditions and potential issues with a defendant's ability to make a scheduled court date. This also would significantly reduce the Compliance Unit's workload and the need for substantial staff increases.

3. **Discuss with the courts the feasibility of continued high volume drug testing:** Drug testing is among the most time consuming of conditions for pretrial staff. However, the benefits of this condition may not match its staffing demands. In 2019, 60.2 percent of all drug tests yielded negative results while 30 percent were positive for THC. While the literature on the topic is dated, there is no clear association between drug testing and improved pretrial outcomes.<sup>3</sup> However, there is ample evidence that low-level defendants—the majority of

<sup>&</sup>lt;sup>2</sup> Lowenkamp, C. T., & VanNostrand, M. (2013). Exploring the impact of supervision on pretrial outcomes. Laura and John Arnold Foundation. https://craftmediabucket.s3.amazonaws.com/uploads/PDFs/LJAF\_Report\_Supervision\_FNL.pdf. (Pretrial monitoring had no impact on pretrial outcomes for those who were assessed as being most likely to succeed pretrial). Goldkamp, J. S. and White, M. D. (2006). Restoring accountability in pretrial release: The Philadelphia pretrial release supervision experiments. Journal of Experimental Criminology, 2(2), 143–181. https://www.

researchgate.net/publication/225135854\_Restoring\_Accountability\_

in\_Pretrial\_Release\_The\_Philadelphia\_Pretrial\_Release\_Supervision\_ Experiments. (The study randomly assigned lower risk individuals to weekly telephone reporting and higher risk persons to twice-weekly telephone reporting. The authors found that monitoring intensity did not have a statistically significant impact on the likelihood of court appearance or arrest-free behavior.).

<sup>&</sup>lt;sup>3</sup> Henry, D. A., & Clark, J. (1999). Pretrial drug testing: An overview of issues and practices. <a href="https://www.ncjrs.gov/pdffiles1/176341.pdf">https://www.ncjrs.gov/pdffiles1/176341.pdf</a>. Britt, C. L., III, Gottfredson, M. R., & Goldkamp, J. S. (1992). Drug testing and pretrial misconduct: An experiment on the specific deterrent effects of drug monitoring defendants on pretrial release. Journal of Research in Crime and Delinquency, 29(1), 62–78. <a href="https://doi.org/10.1177/0022427892029001004">https://doi.org/10.1177/0022427892029001004</a>. Goldkamp, J. S., & Jones, P. R. (1992). Pretrial drug-testing experiments in Milwaukee and Prince George's County: The context of implementation. Journal of Research in Crime and Delinquency, 29(4), 430–465. <a href="https://doi.org/10.1177/0022427892029004003">https://doi.org/10.1177/0022427892029004003</a>. Toborg, M. A., Bellasai, J. P., Yezer, A. M., & Trost, R. P. (1989). Assessment of pretrial urine testing in the District of Columbia (NCJRS 119968). <a href="https://www.ncjrs.gov/pdffiles1/Digitization/119968NCJRS.pdf">https://www.ncjrs.gov/pdffiles1/Digitization/119968NCJRS.pdf</a>. Goldkamp, J. S.,

defendants supervised by the Compliance Unit—are likelier to fail if exposed to high-end interventions such as drug testing. For example, a national study found that lower-level defendants were significantly more likely to fail pretrial if they were released with substance abuse testing as a condition than if they were not.<sup>4</sup> JMI recommends that HCPS and the local courts reevaluate the purpose and scope of the pretrial drug testing condition. Specifically, the agency and courts should identify the bail-related objective for drug testing and determine whether other options might be both less resource demanding and more effective to ensuring court appearance and public safety. As an example, the court could institute an order for drug treatment assessment following a defendant's release. An assessment indicating a treatment need coupled with a medium-to-high level PSA result would then trigger HCPS to place the defendant as appropriate.

4. Limit Electronic Monitoring placements to cases involving significant victim/witness security issues or location restrictions: Similar to regular reporting and drug testing requirements, there is little evidence to correlate electronic monitoring placements to improved pretrial outcomes. Moreover, several studies link electronic monitoring to increased technical violations by pretrial defendants. The developing consensus within the pretrial field is electronic monitoring should not be imposed as a stand-alone condition but rather as a means to enforce compliance to other conditions such as stay away from persons and locations, curfews, and house detention.

Gottfredson, M. R., & Weiland, D. (1990). Pretrial drug testing and defendant risk. Journal of Criminal Law and Criminology, 81(3), 585–652. ttps://core.ac.uk/download/pdf/205697685.pdf.

<sup>&</sup>lt;sup>4</sup> VanNostrand & Keebler, 2009; see also: Lowenkamp, C. T., Latessa, E. J., & Holsinger, A. M. (2006). The risk principle in action: What have we learned from 13,676 offenders and 97 correctional programs? Crime & Delinquency, 52(1), 77–93. https://mow.fd.org/sites/mow.fd.org/

files/training/2015\_CLE\_Detention\_and\_Release/The%20Risk%20

Principle%20in%20Action%20What%20Have%20We%20Learned%20 article.pdf.

<sup>&</sup>lt;sup>5</sup> See, for example, Cooprider, K. W. and Kerby, J. (1990). A practical application of electronic monitoring at the pretrial stage. Federal Probation, 54(1), 28–35. Hatton, R. (2019). Research on the effectiveness of pretrial electronic monitoring. https://cjil. sog.unc.edu/files/2019/09/EM-Briefing-Paper-9.26.2019.pdf; Maxfield, M. G., & Baumer, T. L. (1991). Evaluation of pretrial home detention with electronic monitoring: Brief summary (NCJRS No. 133526). https://www.ncjrs.gov/pdffiles1/Digitization/133526NCJRS.pdf. Cadigan, T. P. (1991). Electronic monitoring in federal pretrial release. Federal Probation, 55(1), 26–30. https://www.ncjrs.gov/pdffiles1/Digitization/133410NCJRS.pdf.

Wolff, K. T., Dozier, C. A., Muller, J. P., Mowry, M., & Hutchinson, B. (2017). The impact of location monitoring among U.S. pretrial defendants in the District of New Jersey. Federal Probation, 81(3), 8–

<sup>14.</sup> https://www.uscourts.gov/sites/default/files/81 3 2 o.pdf.

<sup>&</sup>lt;sup>6</sup> Cooprider & Kerby, 1990. Wolff et al., 2017. 20. Sainju, K. D., Fahy, S., Hamilton, B. A., Baggaley, K., Baker, A., Minassian, T., & Filippelli, V. (2018). Electronic monitoring for pretrial release: Assessing the impact. Federal Probation, 82(3), 3–10. <a href="https://www.uscourts.gov/sites/default/files/8231.pdf">https://www.uscourts.gov/sites/default/files/8231.pdf</a>.

<sup>&</sup>lt;sup>7</sup> Oren M. Gur, Peter R. Ibarra & Edna Erez (2016) Specialization and the Use of GPS for Domestic Violence by Pretrial Programs: Findings from a National Survey of U.S. Practitioners, Journal of Technology in Human Services, 34:1, 32-62, DOI: 10.1080/15228835.2016.1139418 To link to this article: <a href="http://dx.doi.org/10.1080/15228835.2016.1139418">http://dx.doi.org/10.1080/15228835.2016.1139418</a>. DeMichele, M. T., Payne, B. K., & Matz, A. K. (2011). Community supervision workload considerations for public safety. Report of the American Probation and Parole Association. Retrieved from https://www.appa-net.org/eweb/docs/APPA/pubs/CSWCFPS.pdf Dron,

J. (2013). Soft is hard and hard is easy: Learning technologies and social media. Form@re, 13, 32–43. Retrieved from <a href="http://www.fupress.net/index.php/formare/article/view/12613">http://www.fupress.net/index.php/formare/article/view/12613</a>. Erez, E., Ibarra, P. R., & Gur, O. M. (2013). Using GPS in domestic violence cases: Lessons from a study of pretrial programs. Journal of

Most court-ordered EM placements have charges that suggest a potential victim or location issue or a need to restrict the defendant's movements. However, there is a significant group of EM placements that are connected to theft, drug possession, and non-domestic violence trespassing offenses that may not require the rigor of EM supervision nor the potential exposure to technical noncompliance for defendants. JMI recommends that HCPS work with the Courts to identify the types of charges, defendant risk levels, and circumstances of a case that would warrant EM as a pretrial condition. We also recommend that HCPS develop internal procedures to recommend suspension of EM in cases not involving victim/witness or location issues and after a sufficient (i.e., 6o-day) period of compliance with electronic monitoring requirements.

5. Adopt "step-down" procedures for compliant defendants: HCPS and six judicial calendars are participating in a pilot program sponsored by the Harvard University Kennedy School's Government Performance Lab. The HCPS Incentive-Based Supervision Pilot would allow PTO's to record and analyze the compliance of select DMD defendants. Officers would recommend reductions in supervision (for example, from in-person to remote reporting or reductions in drug testing frequency) for defendants meeting specific levels of supervision success. Among the pilot's goals are to allow PTOs to focus more resources on higher-end cases, increase overall defendant compliance with court conditions, save defendants the costs of in-person reporting to HCPS, and reduce supervision costs for HCPS and Harris County.

The pilot program offers HCPS and the Courts a tool to ensure that supervision levels match observed defendants' pretrial behavior. This is especially important to Harris County: in 2019, only 1.8 percent of misdemeanor and 4.7 percent of felony-charged HCPS defendant violated conditions of supervision. Despite these levels of success, there was no mechanism to move compliant defendants to lower supervision levels or own recognizance bond. JMI supports the Lab's pilot program and recommend that the Courts and HCPS institute a DMD-wide step down protocol if the pilot program shows positive results.

6. **Institute strategies to encourage staff retention:** Since July 2020, 21 staff have resigned from HCPS. A JMI survey of HCPS staff satisfaction found that issues correlated to staff loss (such as lack of respect, the perception of poor management, a feeling of being overworked or stressed, limited opportunities for growth, and poor communication with management)<sup>9</sup> were common themes voiced by pretrial employees. This suggests that staff retention issues go beyond workload to what staff perceive as an uninspiring and unhealthy work environment and culture. HCPS executive leadership has begun to address staff retention issues, including regular interviews with departing staff to identify reasons for leaving the agency, an "employee viewpoint survey" to gauge staff satisfaction with their jobs and work environments, and establishing administrative positions to increase opportunities for advancement. We recommend that this continues as a priority for future agency management.

Offender Monitoring, 25(1), 5–10. Erez, E., Ibarra, P. R., & Lurie, N. A. (2004). Applying electronic monitoring to domestic violence cases: A study of two bilateral programs. Federal Probation, 68(1), 15–20. 

8 HCPS (2020). 2019 Annual Report. p. 13.

<sup>&</sup>lt;sup>9</sup> Alex Robinson, "What Makes Good Employees Quit? 16 Most Common Reasons." November 7, 2018. https://b2b.kununu.com/blog/why-do-good-employees-quit-leave-their-job

We hope this information and our recommendations are useful to you in formulating your future budget requests. We also hope the release of our full report will inform discussion within HCPS and with its funding and stakeholder agencies on how best to "reimagine" the agency as a high-functioning partner in the county's bail reform strategy.

# 601 – Community Supervision Teresa May





FY21-22 Budget Hearings



# CSCD Operational Services

- CSCD's general revenue supports physical operation expenses such as computer equipment, software, equipment leases, building security, and utilities needed to perform the department's core functions.
- In compliance with Texas Government Code, Chapter 76, Section 76.008, Financial Responsibilities of Counties: The County or counties served by a department shall provide physical facilities, equipment, and utilities for a department.
- Additionally, the department provides driver's license restoration assistance, education/vocation services, addiction recovery coaching, and tele-psychiatry services.

### Goals:

- Reduce criminal behavior through intervention, supervision, and treatment.
- Expand the case management system capability to directly import data from community service providers and ensure race/ethnicity is accurately coded for all clients.
- Increase employability of clients at a sustainable wage through community partnerships with Houston Community College, SERJobs, Workforce Solutions, Goodwill, City of Houston Re-Entry program, and others.
- Expand legal resources for clients needing assistance with expunctions, driver's license suspensions, and other legal barriers to employment.

### **Objective the service achieves:**

- These services ensure CSCD staff and community partners operate efficiently and have the resources needed to help CSCD clients achieve long-term sustainable change.
- Providing driver's license restoration services and addiction recovery coaching is essential to improving the employability of our clients.

### **Target Metric Values for FY2021-22:**

- 75 clients receive driver's license restoration assistance.
- 350 clients enrolled in educational/vocational course each quarter.
- 200 clients successfully complete educational/vocational classes each quarter.
- 250 DDRP clients receive tele-psychiatry services.

# Felony Mental Health Court Services

- The Felony Mental Health Court support division provides treatment, supervision, and support services for the Felony Mental Health Court (FMHC). This division provides clinical supervision over programmatic functions of the FMHC.
- The services provided and coordinated by the FMHC division include clinical assessment, case management services, residential treatment services, outpatient treatment services, peer support services, and transitional living services.
- The FMHC division meets the County's statutory requirement under the Texas Government Code, Chapter 125, Section 125.005 to establish a mental health court program under Section 125.002 and complies with Section 121.002(c) (1).

### Goal:

 Work collaboratively with the courts to provide diversion opportunities and reduce incarceration in jail and prison for Felony Mental Health Court clients.

### **Objective the service achieves:**

 FMHC diverts justice-involved defendants from incarceration and provides a full range of wrap around services to meet client needs while providing structure and guidelines to help participants achieve their goals and restore their lives.

### **Target Metric Values for FY2021-22:**

- 35 new FMHC participants diverted into the program.
- 95 participants served by FMHC each year.

# STAR Drug Court Services

 The STAR Drug Court program supports four weekly specialty court dockets. STAR Court treats justice-involved individuals who reside in Harris County and are charged with non-aggravated/violent and repeat drug and DWI offenses.

 The STAR Drug Court support services include processing referrals and admissions, providing evidence-based treatment curriculum and counseling, supervision, and management of the alumni aftercare association.

 The Star Drug Court program meets the County's statutory requirement under the Texas Government Code, Chapter 123, Section 123.006 to establish a drug court program under Section 123.002 and complies with Section 121.002(c) (1).

### Goal:

• Work collaboratively with the courts to provide diversion opportunities for STAR Drug Court clients that changes behavior, decreases recidivism, and decreases incarceration in the county jail and prison.

### **Objective the service achieves:**

 The program is recovery-based and designed to accommodate a full range of needs while providing structure and guidelines to help participants reach their goals.

### **Target Metric Values for FY2021-22:**

- 55 new STAR Drug Court participants diverted into the program
- 135 participants served by STAR Drug Court each year.

# FY21-22 Budget Request Summary

cscd is requesting the same funding as FY21 to support its current services.

		Budget	
Division	Service	Request	
<b>CSCD Operational Services</b>	Case Management License	\$ 379,470	
	Computer Equipment & Supplies	\$ 275,000	
	Telephone & Copier	\$ 200,000	
	Tele-psychiatric Services for DDRP	\$ 200,000	
	Building & Equipment Maintenance	\$ 184,021	
	Regional Office Security	\$ 150,000	
	Building Leases	\$ 130,000	
	Driver's License Restoration	\$ 125,000	
	Fleet Maintenance, Parking, Gasoline	\$ 125,000	
	Addiction Recovery Coaching	\$ 100,000	
Felony Mental Health Court	FMHC Staff Salary/Benefits	\$ 515,509	
	FMHC Transitional Housing	\$ 40,000	
	FMHC Outpatient Treatment	\$ 20,000	
	FMHC Residential Treatment	\$ 20,000	
STAR Drug Court	STAR Staff Salary/Benefits	\$ 100,000	
FY21-22 Budget Request Total	\$ 2,564,000		

# Capital Improvement Program (CIP) Budget Requests:

### New Office Locations Supporting Supervision & Wraparound Services

• Three additional region locations are needed to accommodate approximately 20,000 justice-involved clients currently living far from existing locations without access to public transportation and community resources.

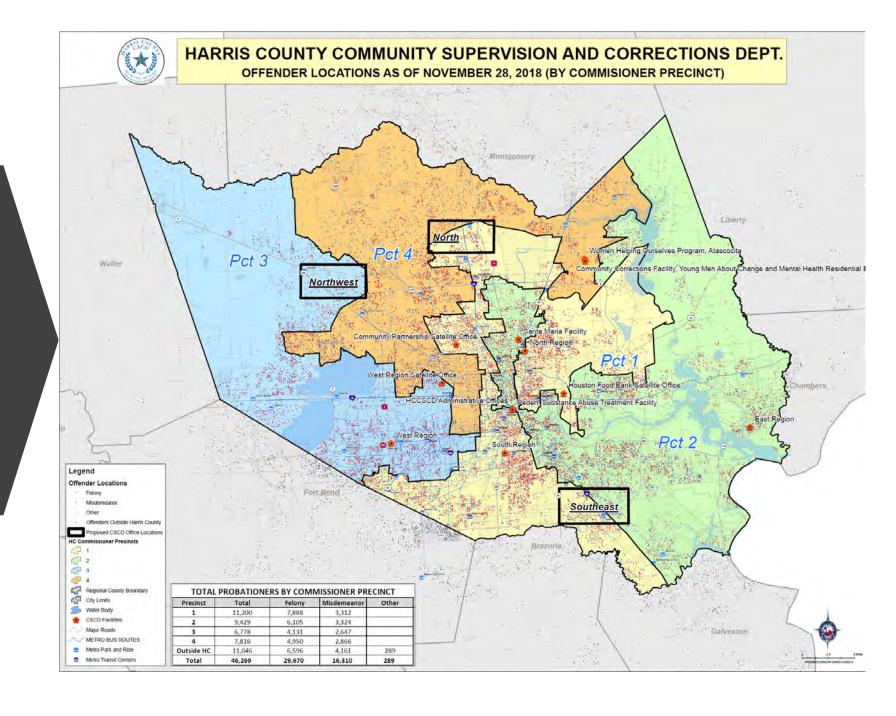
### VoIP Phone Upgrade

- The existing Mitel phone infrastructure is no longer supported by the manufacturer at three CSCD regional offices.
- The voicemail system is not working at two of the regional offices. Universal Services implemented a work around solution to provide voicemail functionality in the interim, but this is not sustainable long-term. Estimated project cost is \$200,000 to upgrade the current phone system.

### Badge Card Access System

• Expand the current County ID card key access system to CSCD's five existing regional office doors to replace lock and key systems that are inefficient and less secure. Estimated project cost \$700,000.

# CSCD Office Location Needs



# 545 – District Attorney Kim Ogg



# **Budget Proposal FY 2021-2022**

# Harris County District Attorney's Office (HCDAO) Dept. 545



### KIM OGG

**Vision:** The Harris County District Attorney's Office is dedicated to making Harris County the safest and fairest county in America.

**Mission:** The Harris County District Attorney's Office is dedicated to making our community safer through evidence-based prosecution and equal justice for all. This means guaranteeing a fair process to obtain a just result for the victim, the accused and the community in every case.

**Statutory Duty:** It shall be the primary duty of all prosecuting attorneys, including any special prosecutors, not to convict, but to see that justice is done. *See* TX. CODE CRIM. PROC. ART. 2.01.



### Goals:

- 1. Achieve just outcomes in criminal cases based on the evidence.
- 2. Prioritize the identification and prosecution of violent offenders to increase public safety in the community.
- 3. Utilize prosecutorial discretion to decrease the footprint of non-violent offenders within the criminal justice system.
- 4. Treat all crime victims as well as those accused of criminal offenses with dignity and fairness.
- 5. Appropriately reduce criminal justice system involvement (i.e. use of criminal courts and jails) for those accused of non-violent offenses who suffer with mental illness.
- 6. Improve services to law enforcement by assisting in the investigation and apprehension of serious and violent offenders.
- 7. Increase public trust and community safety by advancing community educational, cultural, and outreach programs.
- 8. Continue technological improvements to enhance system efficiencies.

Goal 1: Achieve just outcomes in criminal cases based on the evidence.

The HCDAO has approximately 369 prosecutors for 60 courts (22 felony/16 misdemeanor/16 JP/3 specialty courts—RIC, Capital & Aggravated Robbery). The following 8 slides coupled with the FY 2021-2022 General Fund Budget Background Template (Oct. 28, 2020) and the FY22 Budget Forms (due Nov. 23, 2020) will highlight some of our achievements.

100,000 approximate pending cases (excluding Juvenile & JP cases)

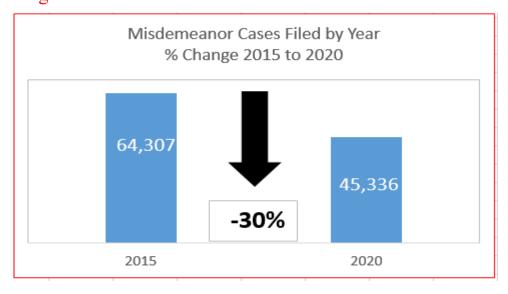
91,523 cases were filed as of Oct.1,2020

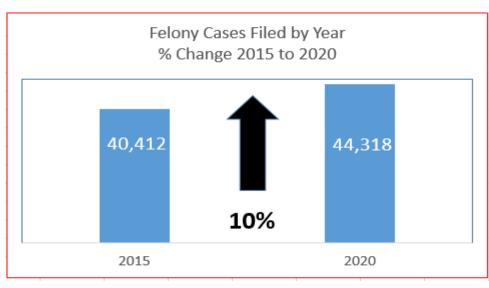
45,336 Misdemeanor cases estimated @ December 31, 2020

44,318 Felony cases estimated @ December 31, 2020

100,000 estimated calls to Intake @ December 31,2020

10,354 backlog cases were created in 2020 due to covid19. These backlogged cases have created additional work for our Intake prosecutors. We are requesting 12 additional employees (4 FTEs per shift) to process the backlog of TO BE warrants and to adequately staff the Intake Division during the covid19 pandemic. This pandemic is causing increased absences and staff shortages.

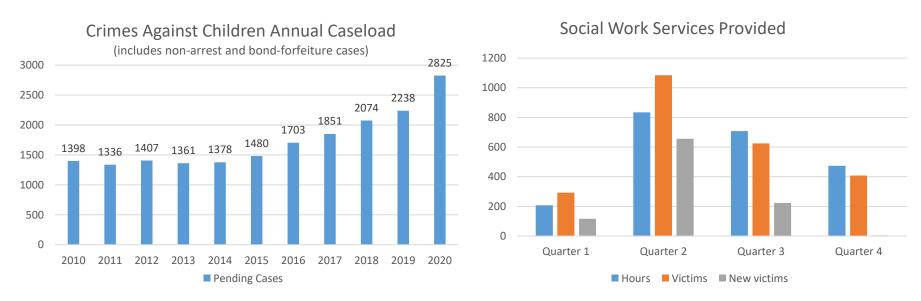




Goal 2: Prioritize the identification and prosecution of violent offenders to increase public safety in the community.

The Crimes Against Children Division handles intake for all of the most serious child sexual abuse cases in HC. Once filed, those cases are then handled by specially trained prosecutors using a multidisciplinary-team approach. Caseloads have doubled since 2010.

Sex Crimes Social Work Programs: In 2017, the HCDAO applied for a VOCA grant to provide social work services to the adult victims of sexual assault and other sexual offenses. In 2018, the HCDAO re-applied for the VOCA grant to extend social work services to child victims of sexual assault and their families. In the first three quarters of 2020, the HCDAO provided 2,488.75 hours of crisis intervention and social work assistance to 1,421 victims of adult and child sexual abuse. The ultimate goal for each victim was to help them connect with community-based partners for long-term support.





### KIM OGG

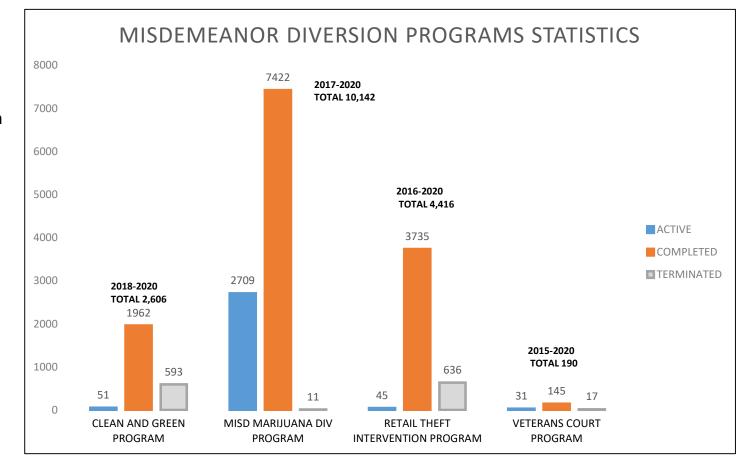
Goal 3: Utilize prosecutorial discretion to decrease the footprint of non-violent offenders within the criminal justice system.

<u>Juvenile Diversion Programs</u> have over 2,000 diversions (6 juvenile diversion programs)

Primarily felony cases are being filed. Juvenile Division Goal #2 is to have 90% of the Juvenile District Court Docket comprise of either violent felonies or non-first time offender felonies.

- 15 Trainings Conducted to officers, (ISD, School Administrations, Superintendent Trainings)
- 122 hours participating in coalitions/meetings/taskforce.

Misdemeanor **Diversion Programs** were created to keep criminal records clean for non-violent Misdemeanor offenders and increase work opportunities. These programs include Misdemeanor Marijuana Div. <4oz, Retail Theft, & Clean & Green, **Environmental** Crimes, and Theft by Check.





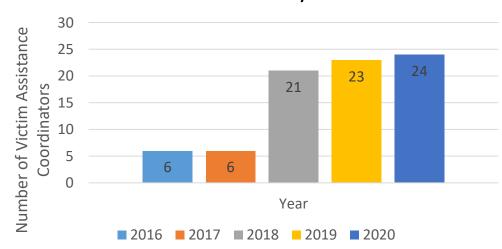
### KIM OGG

Goal 4: Treat all crime victims as well as those accused of criminal offenses with dignity and fairness.

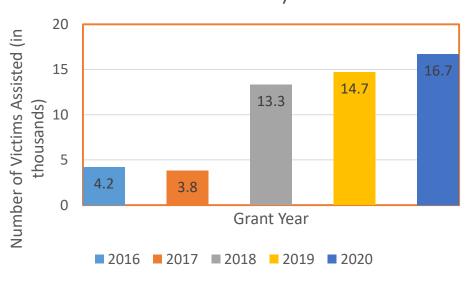
Statutory Duty per TCCP Art. 56.04: The District Attorney ... shall designate persons to serve as Victim Assistance Coordinators in that jurisdiction. The duty of the Victim Assistance Coordinator (VAC) is to ensure that a victim, guardian of a victim, or close relative of a deceased victim is afforded the rights granted victims, guardians, and relatives by statute. The VAC shall work closely with appropriate law enforcement agencies, prosecuting attorneys, the Board of Pardons and Paroles, and judiciary in carrying out that duty. VACs make initial contact with victims; serve as point of contact for victims for court date and case status updates; assist with Crime Victims' Compensation paperwork; assist with Victim Impact Statements; serve as translation liaison between prosecutors and victims; court accompaniment; and make referrals to community partners and services.

The <u>Victims of Crime Act (VOCA) grant</u> allowed the HCDAO to expand from 6 VACs in 2017 to 24 VACs in 2020 and to serve over 400% more victims of violent crimes. 16,701 individual victims were helped by 24 VACS (20 of whom were grant funded) over the last 12 months of the grant. Compare 16,701 victims helped in 2020 to 3800 victims helped in 2017 as a result of staff expansion. We have requested funding for five (5) VAC positions beginning Sept. 2021 to replace 5 grant funded positions.

### Number of Victim Assistance Coordinators by Year



# Number of Victims Assisted (In Thousands)





### KIM OGG

Goal 5: Appropriately reduce criminal justice system involvement (i.e. use of criminal courts and jails) for those accused of non-violent offenses who suffer with mental illness. The goal of the Mental Health Diversion Program is to reduce the involvement in the criminal justice system by individuals with mental illness, who are accused of low-level, non-violent offenses. The most frequently diverted offense is Criminal Trespass. The program goal is achieved by completely diverting the individual from jail or criminal charges, by sending them to the Judge Ed Emmett Mental Health Diversion Center, with no criminal charges filed.

### The number of Diversions per year since program inception on 09/04/2018:

2018: 496 diverted (from 09.04.2018 to 12.31.2018) 452 (25%) participated in After-Care programs

2019: 1848 diverted 353 (28%) *After-care* (09.01.2019-08.31.2020)

2020: 1048 diverted (from 01.01.2020 to 11.30.2020) 73(26%) After-care (09.01.2020-11.30.2020)

### Reduction in filings of Criminal Trespass cases since program inception:

2015: 5,988 filed

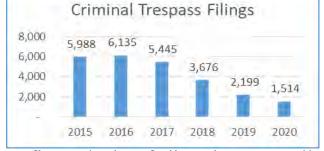
2016: 6,135 filed

2017: 5,445 filed

2018: 4,631 filed (program started 09.04.2018)

2019: 2,199 filed

2020: 1,514 filed (01.01.2020 to 11.30.2020)



Cost savings to Harris County: Justice System Partners (JSP) did a cost-benefit analysis of diverting mentally ill persons versus charging them with criminal misdemeanor offenses. JSP concluded that for every \$1 spent at the Diversion Center, the county avoided spending \$5.54. With 6,392 persons diverted from 09.04.2018 to 11.30.2020, the total savings to HC is approx. \$2,611,771.20 (\$4.54 x 6,392 total diverted x 90 days avg. stay in jail).

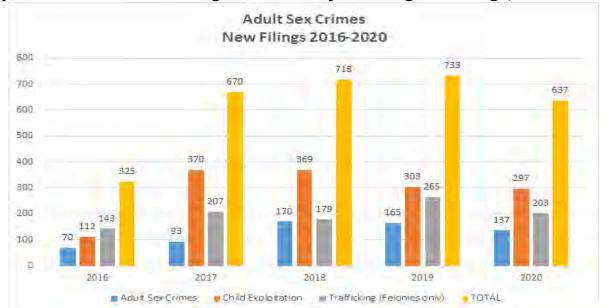


### KIM OGG

Goal 6: Improve services to law enforcement by assisting in the investigation and apprehension of serious and violent offenders.

Gangs and Organized Crime Division is responsible for the investigator and prosecution of complex and violent gang crimes; engaging in organized criminal activity cases involving gangs or criminal combinations committing violent and/or high dollar crimes; complex robbery and burglary cases involving serial armed robbery crews and serial burglary crews: ATM thefts; and jugging cases. Our Gang Division participates in at least two multi-agency taskforces: the ATF Crime Gun Strike force taskforce and the FBI ATM theft taskforce. Also our Border Prosecutors (grant funded) are mainly focused on the prosecution of violent transnational gang crime, most specifically, violent crimes committed by MS13 gang members. The Gang Division has a caseload of 886 cases (including 384 First degree cases and 127 homicides), writes an average of 115+ search warrants, pocket warrants, and court orders a month, and provides legal advice and guidance on approximately 3,750 related inquiries.

Adult Sex Crimes and Human Trafficking Division has approximately 2,619 pending cases (1973 of which are adult sex crimes,703 child exploitation, 706 trafficking and 151 Project 180 grant filings)



Goal 7: Increase public trust and community safety by advancing community educational, cultural, and outreach programs.

Kim Ogg's Make it Right program is offered twice a year and designed to reduce crime by getting people to work. Our first program of 2020 was offered at the George R. Brown Convention Center and the second program was virtual due to the covid19 pandemic.

The program includes services to:

- Resolve old Class C JP warrants;
- Provide free legal assistance for expungements and non-disclosure of eligible criminal records;
- Second Chance Job Fair.

In 2020, over 1,500 individuals applied for expunctions and/or non-disclosures. 1100 were eligible for either expunction or non-disclosure of criminal records. Also, in 2020, we had approximately 65 Second Chance employers and approximately 2,000 total live and internet hits on our Make It Right website created due to the covid19 pandemic.

HCDAO <u>Outreach Programs</u> include community conversations with various community stakeholders such as clergy, Super Neighborhood groups, Business groups, Professional Organizations and Management Districts.

Goal 8: Continue technological improvements to enhance system efficiencies.

The HCDAO Central Records Division is responsible for digitizing our criminal files and assisting with Misdemeanor discovery. Central Records helped create paperless office environment beginning in 2018 after Hurricane Harvey (August Sept. 2017) when our 700+ employees were forced out of 10 floors in the Criminal Justice Center and made to move to temporary offices around the downtown, Galleria, and midtown areas. This made it impossible to carry countless heavy files to court to meet the traditional demands of exchanging paper documents with defense counsel. From the start of the scanning project in April 2018 through November 2020, we have imaged 37,868 felony and Misdemeanor files and 2,009,779 individual documents.

CIP Space Planning Requested: Since Hurricane Harvey, HCDAO prosecutors have worked in cubicles without the privacy required for sensitive cases and victim interviews. The HCDAO needs additional space designed to create a safe work environment under the spacing requirements of the covid19 pandemic. In addition, the space needs to be designed to provide privacy to victims of violent crimes.

# 945 – Office of Managed Assigned Counsel Kenneth Hardin





Red: Passion

White: Hope

Grounded in **passion** and through **sincerity**, we create stairs of **hope** for clients who feel invisible in the criminal justice system.



# WHAT IS A "MAC" OFFICE?

- Official Name: Office of Managed Assigned Counsel
- Funded by Harris County Commissioners Office & Texas Indigent Defense Commission (TIDC) Grant
- Primary function is to act as an independent agency for purposes of managing appointments for poor people accused of a crime
- Secondary function is to support court appointed attorneys by providing holistic services,
   client support, case support, mentorship, and training
- Servicing all misdemeanors cases except mentally ill clients and appeals



# HOLISTIC SERVICES

- Social Workers
- Investigation
- Immigration Attorney
- Satellite Offices in walking distance to the courthouse
- Trial Support (motions bank, case development)
- Conflict Resolution



## WHO WE ARE

- Mission: To support attorneys in giving poor people dignity and hope through high quality and holistic representation
- Vision: Making All Clients Seen And Valid Every Step (i.e. MAC SAVES)
- Values: Quality Representation, Client-Centered Advocacy, and Care for Community



# WHAT HAS THE MAC OFFICE DONE SO FAR?

- Completed grant modifications for all MAC personnel
- Completed our MAC staff model (subject to change)
- Hired Office Administrator (start date in February of 2021)
- Posted for Misdemeanor Division Chief & Training Director position (closes January 11<sup>th</sup>)
- Posting soon for Program Administrator
- Secured office space within walking distance to courthouse
- Initiated conversations with University of Houston Downtown on social work and investigator externship program
- Launched MAC website (phase 1): https://mac.harriscountytx.gov/



# WHAT'S NEXT?

- Complete grant personnel modifications
- Develop Human Resources protocol
- Complete move into office space
- Complete leadership hires (before end of fiscal year)
- Complete remainder of staff hires (before summer)
- Seek approval for Community Engagement & Recruiting Coordinator position
- Initiate working drafts of MAC office plan of operations



# **MAC** Funding Structure

- Previous Grant Period: October 1<sup>st</sup>, 2019—July 31<sup>st</sup>, 2021 (per the August 11<sup>th</sup>, 2020 Commissioner Court request)
- Adjusted Grant Period: October 1<sup>st</sup>, 2019—November 30<sup>th</sup>, 2021 (per the January 5<sup>th</sup>, 2021
   Commissioner Court request)
- Agreement initiated in October 2019; MAC Director appointment did not occur until October 13<sup>th</sup>,
   2020
- Grant period: 4 years with the anticipation of County reapplying for the grant every year of the 4 years
- Grant funds disbursed on reimbursement basis—proportional to county match
- Unused funds do not rollover into the next year
- Based on decline schedule between TIDC & Commissioners Court
  - Year 1: 80% TIDC funded, 20% Harris County funded
  - Year 2: 60% TIDC funded, 40% Harris County funded
  - Year 3: 40% TIDC funded, 60% Harris County funded
  - Year 4: 20% TIDC funded, 80% Harris County funded



# MAC FUNDING STRUCTURE

### **Direct Costs:**

1) Personnel Salary: \$1,810,000

**2) Fringe Benefits**: \$615,400

3) Travel and Training: \$20,500

4) Start-Up and Equipment: \$74,069

**5) Supplies**: \$16,100

6) Contract Services (case management software): \$180,000

7) Indirect Costs: 0

**Total Proposed Costs:** \$2,716,069

Less Cash from Other Sources- County Match: \$543,214

**Total Amount Funded by TIDC:** \$2,172,855



# COMMISSIONERS COURT MEETING ON JANUARY 5<sup>TH</sup>

- Requested the extension of the current grant period from 7/31/21 to 11/30/21
- Requested to realign salary and fringe benefit ratios within the current grant and match budget allocations to reflect actual benefit rates of 23.68% plus \$14,300 for group health for the current award period
- Requested for grant modifications of MAC personnel without a budget request

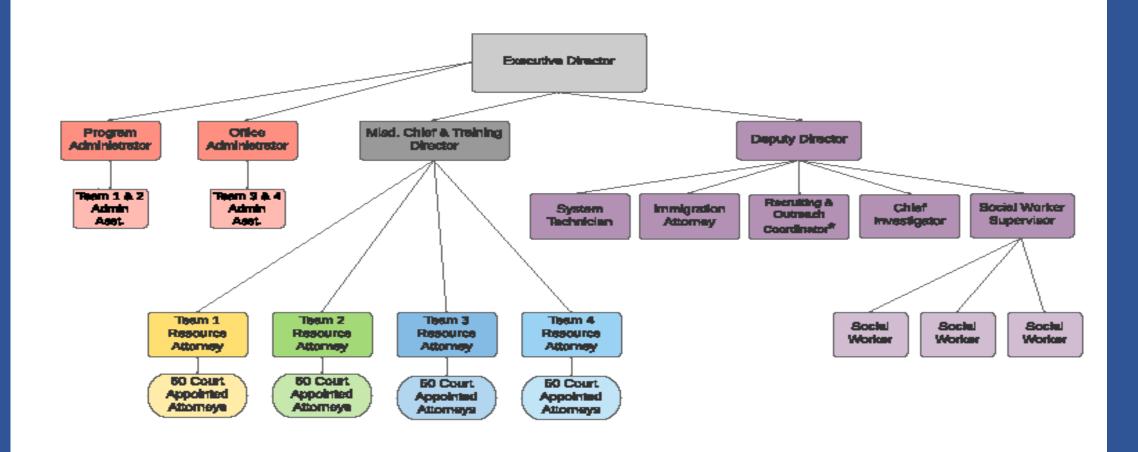


#### **MAC PERSONNEL**

- 1. Executive Director: \$180,000 (appointed on 10/13/2020)
- 2. Administrative Assistant: \$55,000 (job description created and submitted for evaluation for 3<sup>rd</sup> cycle)
- **3.** Administrative Assistant: \$55,000 (job description created and submitted for evaluation for 3<sup>rd</sup> cycle)
- **4. Systems Technician:** \$80,000 (job description created and submitted for evaluation for 2<sup>nd</sup> cycle)
- **5. Program Administrator:** \$90,000 (position approved and soon to be posted for 1<sup>st</sup> cycle)
- **6. Office Administrator:** \$90,000 (offer accepted and begins on 2/1/2021)
- 7. Misdemeanor Division Chief & Training Director: \$135,000 (position approved and posted for 1st cycle)
- **8. Resource Attorney:** \$115,000 (job description created and submitted for evaluation for 3<sup>rd</sup> cycle)
- **9. Resource Attorney:** \$115,000 (job description created and submitted for evaluation for 3<sup>rd</sup> cycle)
- **10.** Resource Attorney: \$115,000 (job description created and submitted for evaluation for 3<sup>rd</sup> cycle)
- **11. Resource Attorney:** \$115,000 (job description created and submitted for evaluation for 3<sup>rd</sup> cycle)
- **12. Deputy Defender:** \$145,000 (job description created and submitted for evaluation for 2<sup>nd</sup> cycle)
- **13.** Chief Investigator: \$90,000 (job description created and submitted for evaluation for 2<sup>nd</sup> cycle)
- **14. Immigration Attorney:** \$100,000 (job description created and submitted for evaluation for 3<sup>rd</sup> cycle)
- **15. Social Worker Supervisor:** \$90,000 (job description created and submitted for evaluation for 2<sup>nd</sup> cycle)
- **16. Social Worker:** \$80,000 (job description created and submitted for evaluation for 3<sup>rd</sup> cycle)
- **17. Social Worker:** \$80,000 (job description created and submitted for evaluation for 3<sup>rd</sup> cycle)
- **18. Social Worker:** \$80,000 (job description created and submitted for evaluation for 3<sup>rd</sup> cycle)

**Total Staff: 18** 

**Total Salary Allotment (excluding fringe benefits):** \$1,810,000



Harris County Managed Assigned Counsel Organization Chart

\*Position not listed within the grant and is subject to Commisioners Court approval.



#### WHAT IS OUR BUDGET ASK?

- 1. Fund the budget shortfall within original grant award
- 2. Fund one non-grant position for this fiscal year: The Community Engagement & Recruiting Coordinator position

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# BUDGET SHORTFALL WITHIN ORIGINAL GRANT AWARD

- <u>Problem</u>: Oversight in the cost of the fringe benefits (higher in 2020/2021 instead of when originally prepared in 2019)
- Original grant assumed a flat rate for fringe benefits for each year of the 4-year grant
- Cost of fringe benefits in 2019: \$615,400 (note: year 2 is scaled back to 10 months based the current grant period between 10/1/2019—11/30/2021

	Grant as Awarded	Revised Grant	
	Match	Match	Delta
Y1	\$123,080.00	\$102,917.82	\$20,162.18
Y2	\$205,133.33	\$229,073.56	-\$23,940.23
Y3	\$369,240.00	\$418,084.80	-\$48,844.80
Y4	\$492,320.00	\$557,446.40	-\$65,126.40



# BUDGET SHORTFALL WITHIN ORIGINAL GRANT AWARD

- Assumes the 18-person staff has been hired within the first year
- Assumes that each person has different start dates within the first year
- Assumes that there is no rollover of the underspend from year 1 to use as a credit in the future
- Assumes that amount of the total grant amount as well as the match for each year does not change
- Assumes that a budget for indirect costs is not included

	Grant as Awarded	Revised Grant	
	Match	Match	Delta
Y1	\$123,080.00	\$102,917.82	\$20,162.18
Y2	\$205,133.33	\$229,073.56	-\$23,940.23
Y3	\$369,240.00	\$418,084.80	-\$48,844.80
Y4	\$492,320.00	\$557,446.40	-\$65,126.40



# BUDGET SHORTFALL WITHIN ORIGINAL GRANT AWARD

- Fund total amount of the overspend, which \$197,666.55 between years 2-4
- Potential Solutions
  - Immediate (temporary) solution: extend grant period from July 21<sup>st</sup>, 2021 to November 30<sup>th</sup>,
     2021 (approved on 1/5/2021)
  - Other Solutions:
    - Have indirect costs in year 1 to offset projected overspend through the life of the 4-year grant
    - Autonomy to potentially re-budget non-salary items to cover projected needs in personnel costs
    - Fund the \$197,666.55 up front



#### SECOND ASK

#### A New Position Within The MAC

- Title: Community Engagement & Recruiting Coordinator
- Value: \$75,000-\$85,000 salary range annually, plus benefits
- Why we are seeking this position: To get community buy-in and involvement in how we represent poor people. As public interest organizations, we strive to represent the community but often leave their voice out of it. This is where participatory defense comes in—which is a community organizing model for people facing charges that allows their families and communities to impact the outcomes of cases. In theory, it is a form of client mitigation as a direct service for helping attorneys defend clients. Additionally, this position is necessary to help our office maintain an active social media presence and help build a system of recruitment to constantly seek the best attorneys for our appointment list.
- Why we are seeking the county to fund this position as opposed to TIDC: While supportive of the initiative, TIDC has already denied a request to utilize a grant modification to accommodate this position due to it being too far outside of the scope of the grant.



# COMMUNITY ENGAGEMENT & RECRUITING COORDINATOR POSITION

- Job description: The Community Engagement & Recruiting Coordinator is primarily responsible for developing a participatory defense model as a holistic service offered through the MAC Office to support attorneys who utilize mitigation through family involvement, systemic awareness of legal issues surrounding a client's case, and organizing community support if necessary to advance clients' narratives. Additionally, the Community Engagement & Recruiting Coordinator will lead efforts in finding event sponsors and raising funds for community causes and office needs, maintain a healthy social media presence on behalf of the MAC office, and organize events that will promote the MAC's presence in a community. The Community Engagement & Recruiting Coordinator will also visit and foster relationships with law schools and professional legal organizations, both locally and nationally, in order to seek qualified candidates and encourage them to seek employment and/or appointment through the MAC office. Specifically, the recruiting aspect of this position includes but is not limited to developing and overseeing the implementation of equitable policies and practices designed to promote diversity and inclusion through recruiting, hiring, mentorship, advancement, and retention.
- Research (salary.com for example): Values this position anywhere between \$55,000-\$90,000 depending on experience and qualifications
- Does it exist elsewhere: No
- Is there a comparative position elsewhere: Yes
  - Orleans Public Defender's Office: Combined position between 1.) Director of Community Outreach and Lead Organizer (Robert Jones) and 2.) Director of Communications and Development (Lindsey Hortenstine).



# BENEFITS OF C & R COORDINATOR TO MAC OFFICE

- Provides another direct client service
- Allows Harris County to lead the nation in a new blueprint of indigent representation: participatory defense
- Enhances the credibility of court appointed attorneys with the community
- Allows MAC Office to provide live updates with the public on what the we are doing
- Gives the MAC Office an opportunity to broaden and maintain a high standard of recruitment for our court appointed list



#### **CONTACT INFORMATION**

- Office Address: 1310 Prairie St., Suite 1600, Houston, TX 77002 (February 2021)
- Office Number: 832-927-3949
- Office Website: https://mac.harriscountytx.gov/
- My email address: kenneth.hardin@mac.hctx.net



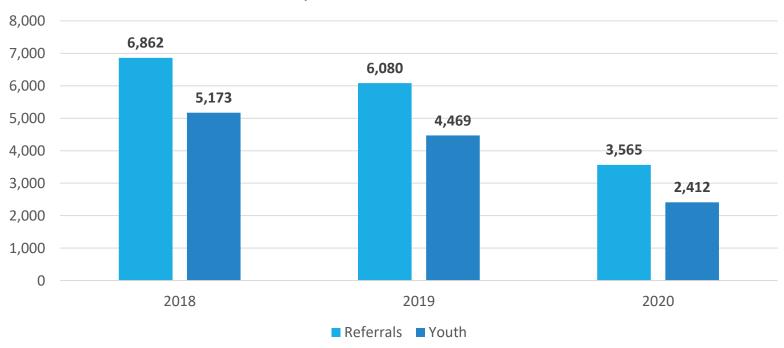
## 840 – Juvenile Probation Henry Gonzales



## HARRIS COUNTY JUVENILE PROBATION

2021-22 BUDGET PRESENTATION

## Entry Point Youth Referrals January – November 2018-2020



## DETENTION (pre-adjudicated)

FACILITY (available beds)	<u>Current Year</u> January – November	<u>Current Month</u> <b>November</b>	<u>Last Year (2019)</u> January – November
Detention Center (250)	127	110	175
Harris County Psychiatric Center (11/21)	11	10	12

## COURT PROCEEDINGS

Youth Court Decisions	2020 Decision	2020 Youth	2019 Youth
Certification	9	5	5
TJJD Commitment	15	9	31
TJJD-Determinate Sentence	33	16	28
Probation	665	490	1447
Deferred Adjudication	182	172	1175
Non-Suit/ Dismissed	1007	633	792
TOTAL	1911	1325	3478

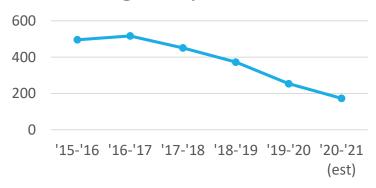
## DISPOSITIONS

Probation Service	Current Month November 2020	Last Year November 2019
Community Supervision (at all levels)	979	2218

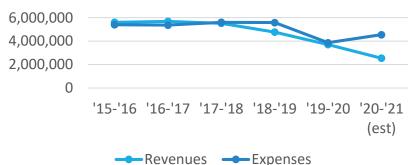
POST-ADJUDCATED FACILITIES (available beds)	Current Year  January –  December	Current Month November	Last Year (2019) January — November
Burnett Bayland Rehabilitation Center (88)	(closed)	(closed)	60
Leadership Academy (96)	42	39	72
Youth Village (128)	27	20	67
Harris County Psychiatric Center (11/21)	3	10	5

# EXCEL ACADEMY CHARTER SCHOOL

#### Average Daily Attendance



## Charter School Revenues & Expenses



Avg. Attenda	ance
'15-'16	496
'16-'17	517
'17-'18	451
'18-'19	373
'19-'20	254
'20-'21(est.)	173

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	Revenues	Expenses
'15-'16	\$ 5,597,785	\$ 5,397,237
'16-'17	\$ 5,681,603	\$ 5,363,723
'17-'18	\$ 5,514,417	\$ 5,599,761
'18-'19	\$ 4,764,838	\$ 5,581,482
'19-'20	\$ 3,705,682	\$ 3,858,869
'20-'21(est)	\$ 2,545,424	\$ 4,542,209

## **RECIDIVISM**

One year re-arrest rate for any offense misdemeanor B and above.

	RATE
Probation	17.7
Private Placement	43.6
Harris County Leadership Academy	34.6
Harris County Youth Village	23.3

### Vision & Goals

#### Juvenile Justice Transformation

- Annie E. Casey Foundation JDAI/Deep End Initiative
- Columbia University Justice Lab
- Youth Correctional Leaders for Justice
- Justice for Families
- Credible Messengers
- COVID -19 Lessons Learned
- Community Reinvestment

Budget Request: Research analyst

## TRIAD SERVICES\*

- The Children's Forensic Unit Psychological and psychiatric assessments for the juvenile justice courts and at-risk youth referred to the Youth and Family Resource Services
- Parenting Program Six-week evidenced based program
- TRIAD Mental Health Services Outpatient mental health counseling
- Youth and Family Resource Services (Community Resource and Coordination Group) – Develops service plans for youth with complex needs and coordinates services through inter-agency collaboration and community partnerships

\*All services provided in collaboration with Harris County Resources for Children and Adults,
The Harris Center, and Harris County Juvenile Probation

## SERVICE METRICS

SERVICE	COST	Youth/Famil	lies Served 2019
Children's Forensic Unit - HCJPD - YFRS	\$ 1,034,129	<b>856</b> <i>847</i> <i>9</i>	1,370 1332 38
Parenting Program	(\$16,500/3yrs)*	94	82
TRIAD Mental Health Services	\$ 392,374	45	193
Youth and Family Resource Services	\$ 331,594	35	133

<sup>\*</sup>Paid once every 3 years.

### TRIAD BUDGET REQUESTS

Cost to run the TRIAD Programs FY22: \$ 1,867,386

( FY21 TRIAD COST = \$ 1,758,097)

Budget Allocation: \$ 1,629,000

Difference: (\$ 238,386)

Additional Budget Request: \$ 238,386

# 286 – Domestic Relations David Simpson





#### HARRIS COUNTY DOMESTIC RELATIONS OFFICE

Children bring joy, love and hope into our lives.



#### MISSION

- Parents discover that mediation is a preferred alternative to litigation.
- Parents understand and keep children out of parental conflict
- Parents are aware of the consequences of failing to follow court orders.
- Children receive both emotional and financial support from each parent.
- Children are afforded quality time, in a safe environment with both parents.
- Children timely receive the financial support needed to grow up and thrive in life

## FAMILY MEDIATION

The Office mediates divorces, suits affecting a child, modifications of existing court orders, terminations/adoptions and parentage action that are pending in the Harris County Family **District Courts.** 



# THE VISITATION CENTER



The Visitation Center provides supervised group visitation on the Saturday following the first, third and fifth Friday of each month for four hours at eight locations. Group visitations are from 9:00 a.m. to 1:00 p.m. at designated sites in Harris County. The Center provides monitored visits that offer the following:

- Neutral monitoring in a safe conflict-free environment
- Consistent enforcement of the rules for all participants
- No contact between the parties
- Child-friendly environment
- Conflict-free atmosphere
- Visit observation reports
- Law Enforcement present during visits
- Child and parent counseling through Houston Galveston Institute

### ADOPTION EVALUATIONS



Individuals or couples seeking to adopt a child are required to participate in a pre-adoption home screening and post-placement adoption report. This report evaluates the circumstances of the child, the petitioners and the home. The evaluation provides the Court with a source of impartial, objective information to determine whether an adoption is in a child's best interest.

## CHILD SUPPORT

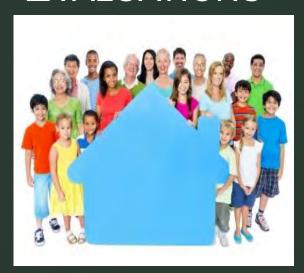


Establishment: This Office can assist with securing a court order that establishes child support/medical support.

Enforcement: If a parent has been ordered to pay child support and is not paying, this Office may assist with enforcing the child support order. In some cases, child support can be enforced without going to court.

<u>Termination</u>: If your child has turned 18 and graduated from high school or has emancipated, this Office may provide services to terminate a garnishment order for child support.

#### CHILD CUSTODY EVALUATIONS



A Family District Court may order a child custody evaluation when conservatorship or possession/access of a child is contested. The evaluation is a forensic assessment of the needs of a child(ren) and each parent's or other parties' ability to meet those needs. Information is collected from interviews with the parents, child(ren), significant others and collateral witnesses; review of school, medical and mental health records; home visits; collateral sources, including court records, criminal histories, TDFPS history and personal references; and other sources to determine which placement is in the best interest of the child. The evaluation follows the requirements of Chapter 107, Texas Family Code.

## Child Access and Possession Services



Establishment - This Office can assist with securing a court order that secures a possession/access schedule.

Enforcement - If the court-ordered times of possession and access with your child are being denied or a parent is not following the possession schedule, the Domestic Relations Office may be able to assist. Our staff of attorneys, mediators and mental health professionals are specially trained and highly experienced with possession and access issues.

# COMMUNITY SUPERVISION SERVICES



If a parent violates a child-related court order, the Court may hold that parent in contempt. As punishment, the Court may place that parent on community supervision (probation) instead of incarcerating them.

While on community supervision, this Office will monitor the parent's compliance with the Court's order. In addition, the Office may require that the parent submit to random drug testing, attend a parenting class, complete substance abuse intervention or seek employment assistance.

# Parenting Coordination AND Parent Conference



Parenting Coordination is a child-focused resolution process in which a mental health professional assists high conflict parents implement their parenting plan. The coordinator assists parents with the following: identifying their child's needs, identifying disputed issues, reducing misunderstandings, exploring possibilities for problem solving, developing methods of collaboration in parenting, and reaching agreements about parenting issues.

A <u>Parent Conference</u> is a joint meeting between parents and a specially trained facilitator to resolve conflict surrounding parenting time issues. Focusing on communication, the facilitator reviews the court order with the parties, attempts to achieve compliance, and provides tools for better parent communication.

# 270 – Institute of Forensic Sciences Luis A. Sanchez



# Institute of Forensic Sciences FY21/22 Budget Hearing

Luis A. Sanchez, M.D.

Executive Director and Chief Medical Examiner

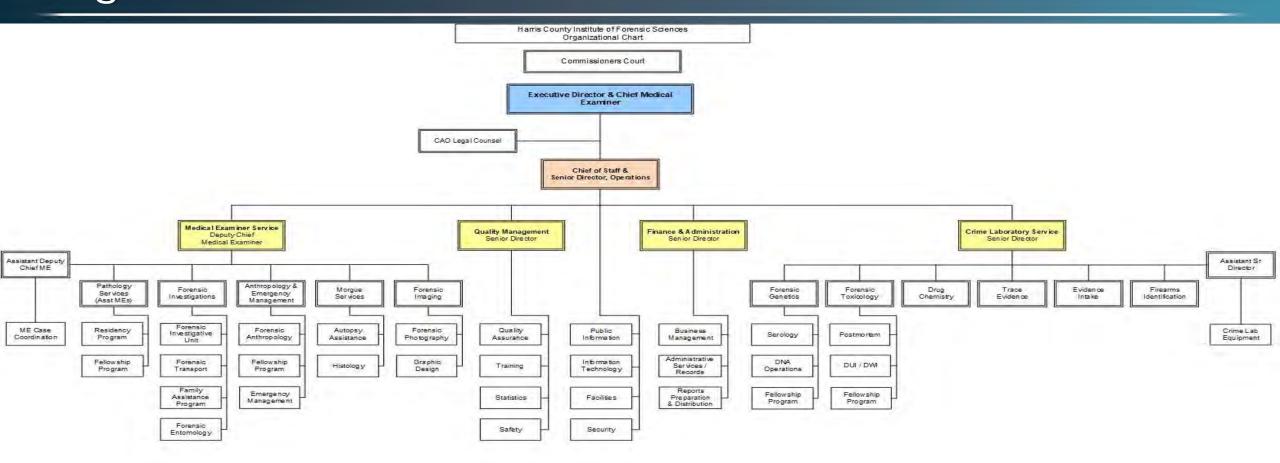


HARRIS COUNTY INSTITUTE OF FORENSIC SCIENCES
HOUSTON, TEXAS

SCIENCE | SERVICE | INTEGRITY

The MISSION of the Harris County Institute of Forensic Sciences is to provide medical examiner and crime laboratory services of the highest quality in an unbiased manner with uncompromised integrity.

#### Organizational Structure



#### Services Provided

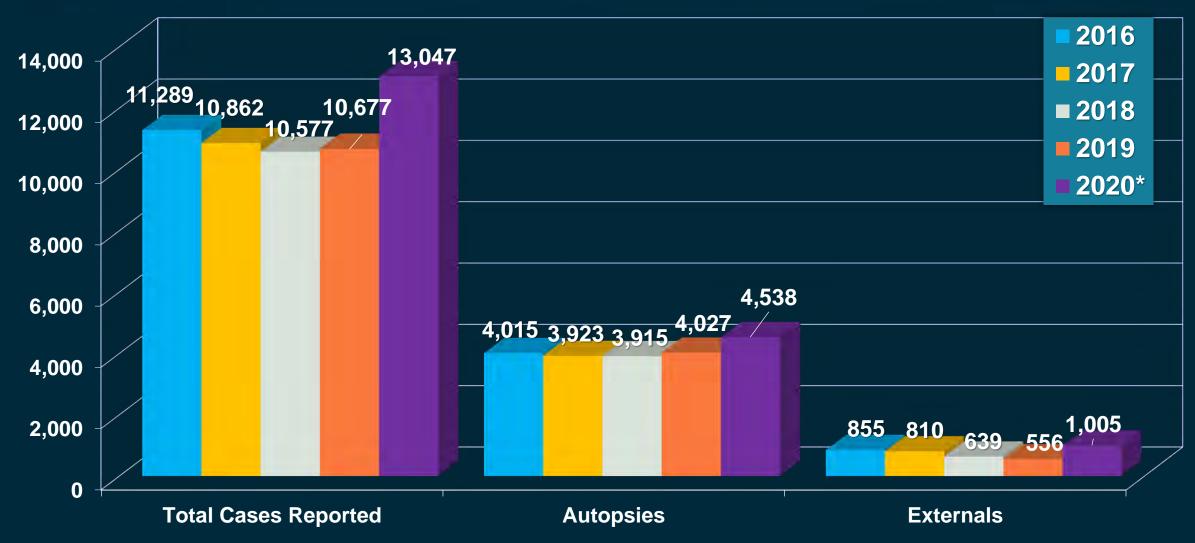
#### **Medical Examiner Services**

- Forensic Investigations
- Forensic Pathology
- Morgue Services
- Forensic Anthropology
- Forensic Imaging
- Histology

#### Crime Laboratory Services

- Drug Chemistry
- Firearms Identification
- Forensic Genetics (Serology / DNA)
- Forensic Toxicology
- Trace Evidence

#### Total Medical Examiner Caseload (2016 - 2020)



<sup>\* 2020</sup> statistic is a projected total, based on the average monthly data from January to November.

<sup>\*\*</sup> Projected 2020 caseload shows a 22% increase from 2019.

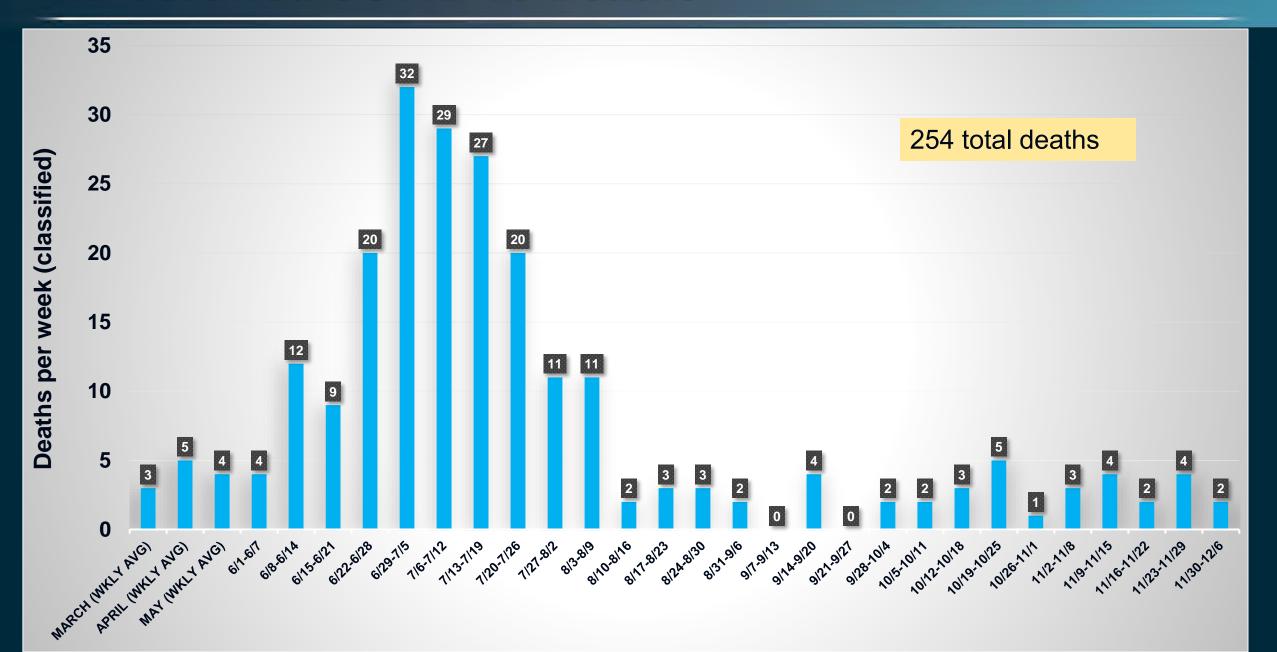
#### Medicolegal Homicide Cases



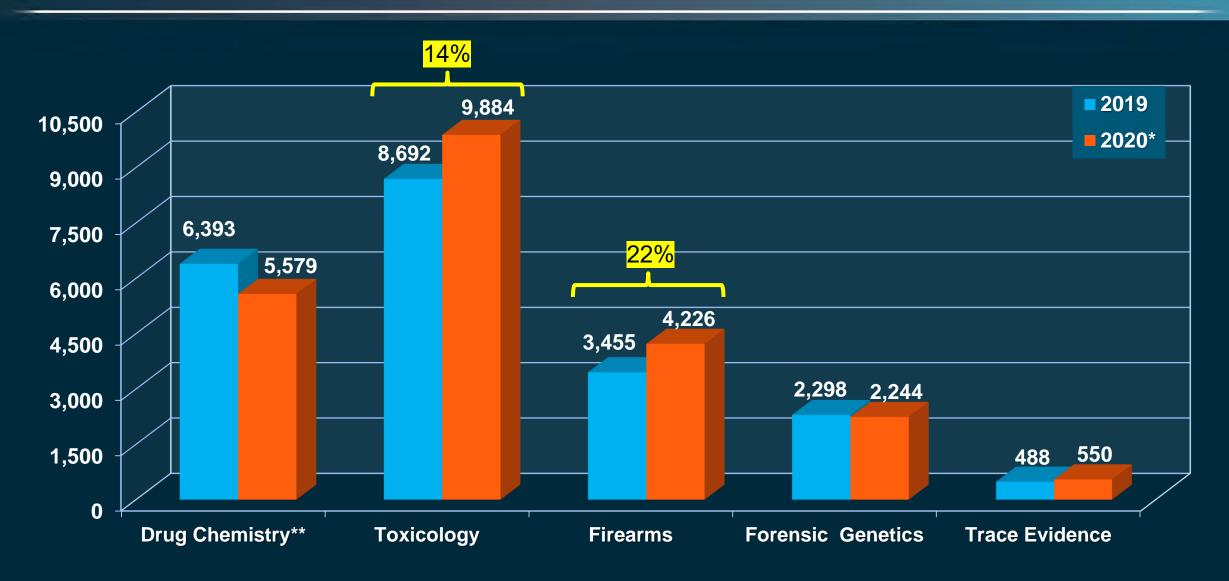
<sup>\* 2020</sup> statistic is a provisional total, based on the average monthly data from January to November.

<sup>\*\*</sup> Projected 2020 homicide caseload shows a 28% increase from 2019 and a 36% increase from the 5-year average.

#### ME Certified COVID-19 Deaths



#### Crime Lab Cases Received 2019-2020



<sup>\* 2020</sup> statistics are projections, based on the average monthly data from January to November.

<sup>\*\*</sup> The decrease in Drug Chemistry's caseload was due to a change in the laboratory's case acceptance policy in mid-2019.

#### Selected Key Performance Metrics

#### **Medical Examiner Service**

Perform accurate and timely investigations on cause and manner of deaths

- Respond to death scenes within 1.5 hours (motor vehicle crash scenes within 1 hour)
- Complete 90% of autopsies within 48 hours
- Complete 90% of postmortem exam reports within 60 days

#### **Crime Laboratory Service**

Provide the justice system with objective, science-based forensic lab analysis

- Complete all DWI toxicology cases within 30 days (alcohol only)
- Complete sexual assault and homicide DNA cases within 90 days
- Provide investigative leads for 50% of property crime DNA cases where profiles are entered into the CODIS database

#### FY21/22 IFS Budget Requests

Service	Division	Description	Amount
All Services	All	A Budget Management compensation study for targeted positions in order to retain a talented and fully trained workforce	
Medical Examiner Service	Forensic Pathology	1 FTE position for Assistant Medical Examiner	\$218,384
Medical Examiner Service	Histology	1 FTE position for Histology Technician	\$71,496
Crime Laboratory Service	Evidence Intake	2 FTE positions for Evidence Intake Technicians	\$9,020
Medical Examiner Service	Morgue	1 FTE position for Autopsy Assistant	\$67,946
		TOTAL	\$366,846

<sup>\*\*\*</sup> New TMC parking transition requires IFS to pay for dedicated shuttle service from off-site TMC parking lot. Monday – Friday, 4:30am – midnight. (No weekends or holidays provided.)

These new costs were NOT included in FY21/22 IFS Budget Requests due to late notification by TMC.

Costs = \$75 / hour for 25.5 hours / day (2 shuttles during peak hours). Estimated monthly cost of \$38,000 - \$44,000 (+ parking costs of \$27,000 / month).