



## COVID-19 WEEKLY JAIL POPULATION REPORT

### ABSTRACT

This document outlines changes in the Travis County jail population following the COVID-19 pandemic. All data in this report is subject to further analysis and revision.

Compiled by: Justice Planning

October 1, 2020

## Contents

Average Daily Population.....	4
Jail Bookings.....	5
Jail Releases .....	6
Inmates in Custody Today.....	7
Family Violence Charges and Other Charges of Interest .....	8
Family Violence Charges .....	8
Prostitution Charges .....	8
Criminal Trespass Charges .....	8
DWI/DUI Charges.....	9
Controlled Substance Charges .....	9
Who is in Jail and Why? .....	10
What is the Purpose of the Standing Order for Personal Bonds?.....	11
What is a Personal Bond? .....	11
What is the Process for Personal Bond Recommendation? .....	11
What is the Impetus of the Standing Order for Personal Bonds? .....	12
What is the Process for Individuals that do not qualify for General Order Bonds? .....	12
Impacts of the Governor’s Order on Personal Bonds.....	13
Standing Order for the Misdemeanor Jail Population.....	14
Standing Order for the Felony Jail Population .....	15
Attachment 1: County Court at Law Standing Order .....	16
Attachment 2: District Court Standing Order for Personal Bonds .....	18
Attachment 3: Standing Order Flow-Chart.....	20

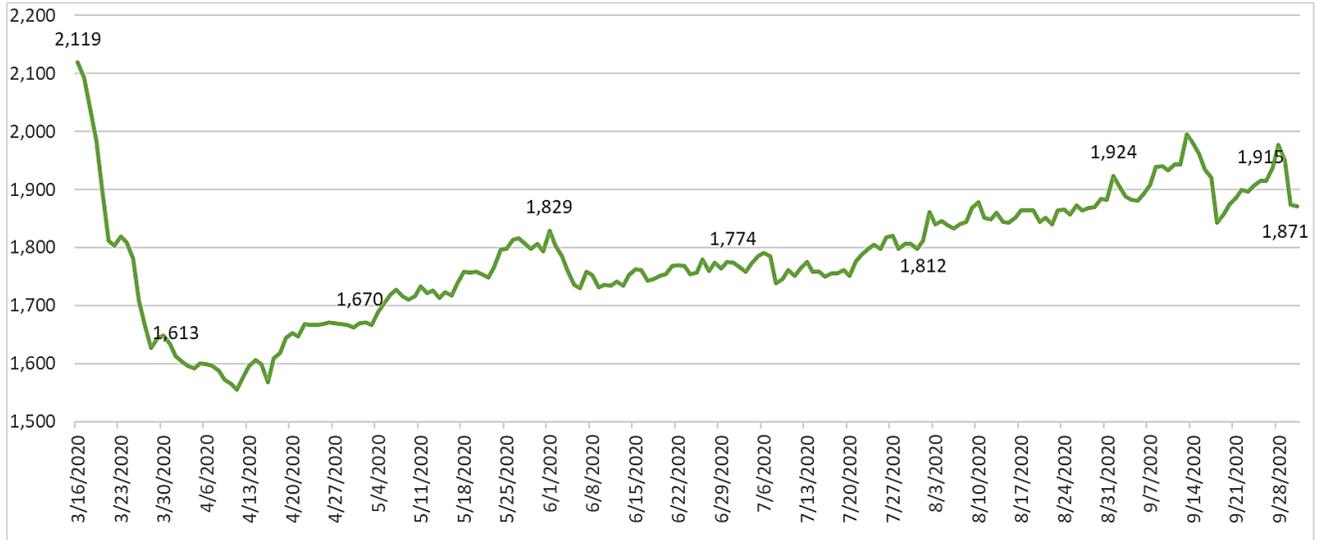
Executive Summary: The COVID-19 pandemic has created new and challenging issues for jail administrators. Justice Planning produces a daily report that identifies several outcome measures related to the jail population such as Average Daily Population (ADP), jail bookings and releases, and inmates in custody by charge level and offense type. This is a different report, which provides more detailed information regarding the same outcomes, as well as additional outcomes, such as who is in jail and why and personal bond release rates. The following outcome measures are included in this report:

- ADP
  - Month to date (Not applicable for the current report)
  - COVID-19 countermeasure to the end of the current reporting period (March 16-October 1, 2020)
  - Current reporting period (September 25-October 1, 2020)

- Jail bookings and releases
  - Month to date (Not applicable for the current report)
  - COVID-19 countermeasure to the end of the current reporting period (March 16-October 1, 2020)
  - Current reporting period (September 25-October 1, 2020)
- Inmates in custody today (October 1, 2020)
  - Charge level and offense type
  - Excludes inmates waiting for a hospital bed and SWAP participants
- Who is in jail and why (October 1, 2020)
  - Inmates with a hold
  - Inmates serving a sentence
  - Pretrial inmates
- Misdemeanor A/B jail bookings compared with misdemeanor A/B personal bond releases
- State Jail Felony jail bookings compared with State Jail Felony personal bond releases
  - Jail bookings compared with personal bond releases for the week prior to the standing order
  - Weekly bookings compared with personal bond releases for the weeks following the standing order

# Average Daily Population

Average Daily Population March 16-October 1, 2020

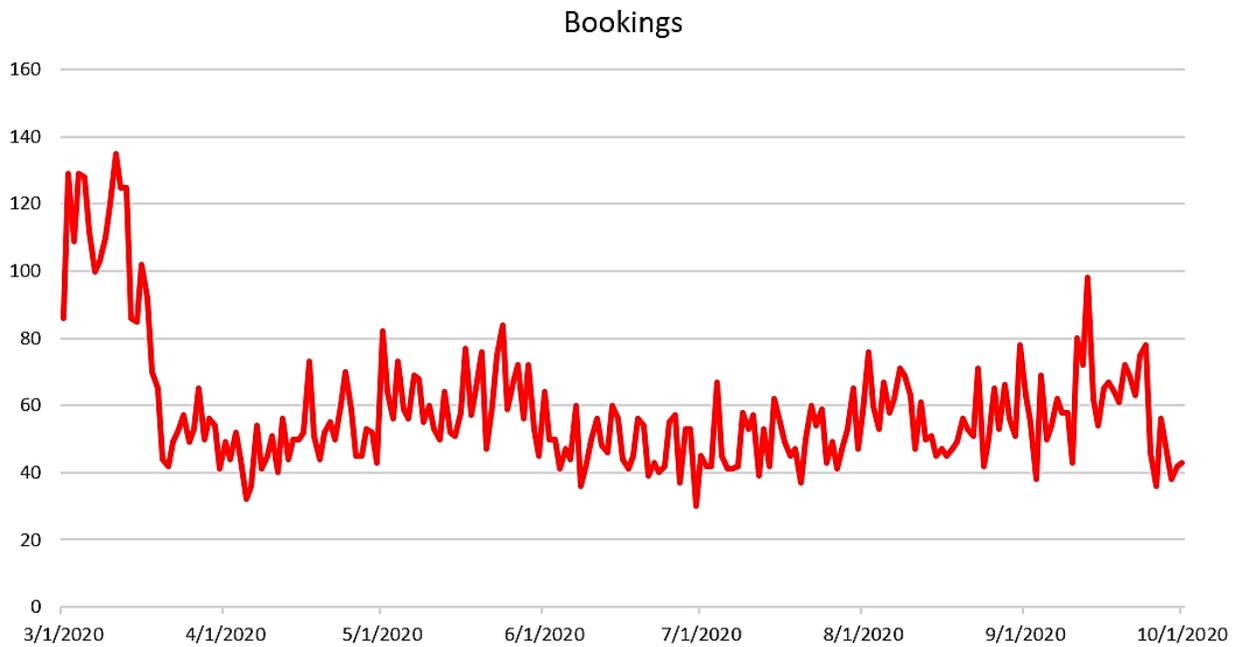


## SUMMARY<sup>1</sup>:

- Since the COVID-19 order to the end of the current reporting period, the ADP decreased -12% from March 16 (2,119) to October 1 (1,871).
- For the current reporting period, the ADP decreased -2% from September 25 (1,915) to October 1 (1,906).

<sup>1</sup> Excludes SWAP participants and individuals waiting for a hospital bed. Pre-Release Parolees are included in this report 10/1/2020 (7). Source: TCSO Custody Report

# Jail Bookings



## Daily Bookings:<sup>2</sup>

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Monthly Average
March	86	129	109	129	128	112	100	103	110	120	135	125	125	86	85	102	92	70	65	44	42	49	53	57	49	53	65	50	56	54	41	85
April	49	44	52	44	32	36	54	41	45	51	40	56	44	50	50	52	73	51	44	52	55	50	60	70	59	45	45	53	52	43	50	50
May	82	64	56	73	59	56	69	68	55	60	53	50	64	52	51	58	77	57	65	76	47	60	75	84	59	67	72	56	72	53	45	62
June	64	50	50	41	47	44	60	36	43	50	56	48	46	60	56	44	41	45	56	54	39	43	40	42	55	57	37	53	53	30	48	48
July	45	42	42	67	45	41	41	42	58	53	57	39	53	42	62	55	49	45	47	37	50	60	54	59	43	49	41	48	53	65	47	49
August	58	76	60	53	67	58	62	71	69	63	47	61	50	51	45	47	45	47	49	56	53	51	71	42	50	65	53	66	56	51	78	57
September	63	55	38	69	50	54	62	58	58	43	80	72	98	62	54	65	67	64	61	72	69	63	75	78	46	36	56	46	38	42	60	60
October	43																															43

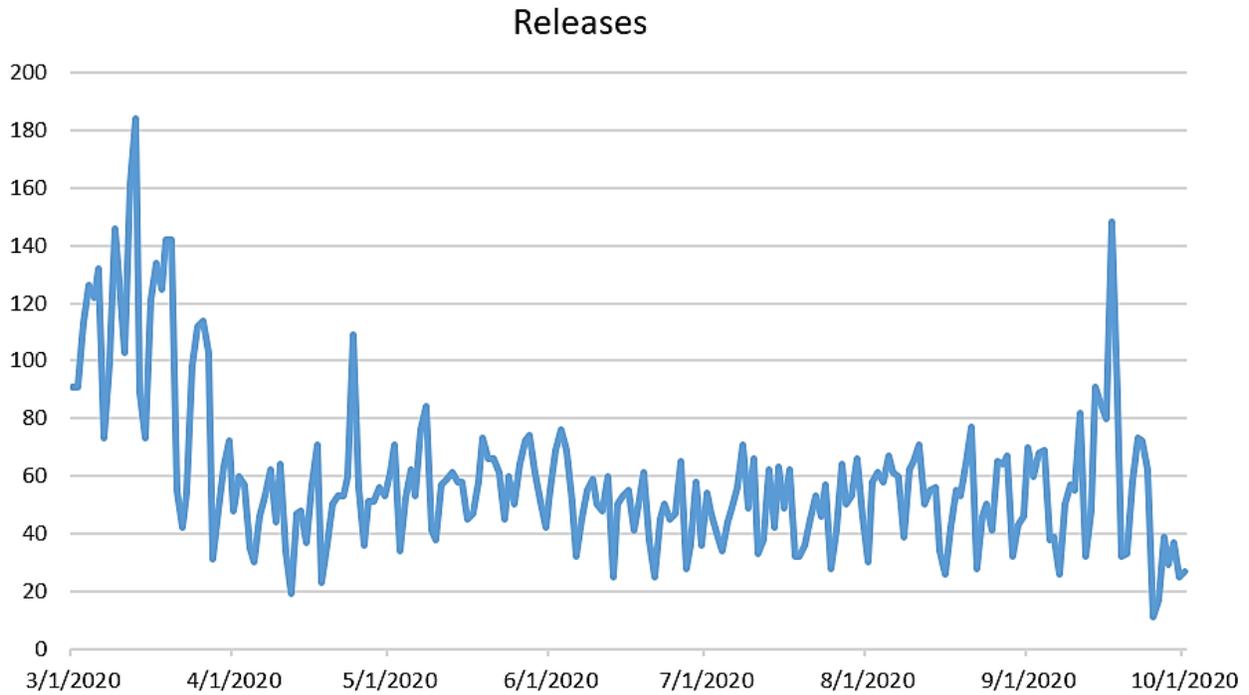
## Bookings SUMMARY:

- Since the COVID-19 order to the end of the current reporting period, jail bookings decreased -58% from March 16 (102) to October 1 (43).
- For the current reporting period, jail bookings decreased -7% from September 25 (46) to October 1 (43).

<sup>2</sup> Target:

Red = 10% above average for the month  
 Blue = 10% below average for the month

# Jail Releases



## Daily Releases:<sup>3</sup>

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Monthly Average
March	91	91	113	126	122	132	73	99	146	128	103	161	184	89	73	121	134	125	142	142	55	42	54	98	112	114	103	31	48	63	72	103
April	48	60	57	35	30	46	53	62	44	64	34	19	47	48	37	57	71	23	36	50	53	53	60	109	56	36	51	51	56	53	50	
May	61	71	34	52	62	53	76	84	41	38	57	59	61	58	58	45	47	58	73	66	66	61	45	60	50	64	72	74	61	51	42	58
June	55	69	76	69	51	32	45	55	59	50	48	60	25	50	53	55	41	52	61	38	25	45	50	45	47	65	28	36	58	36	49	
July	54	47	40	34	44	49	56	71	49	66	33	38	62	42	63	49	62	32	32	36	45	53	46	57	28	41	64	50	53	66	46	49
August	30	58	61	58	67	61	60	39	62	65	71	50	55	56	34	26	42	55	53	64	77	28	46	50	41	65	64	67	32	43	46	52
September	70	60	68	69	38	39	26	50	57	55	82	32	48	91	85	80	148	89	32	33	58	73	72	62	11	17	39	29	37	25	56	
October	27																														27	

## Releases SUMMARY:

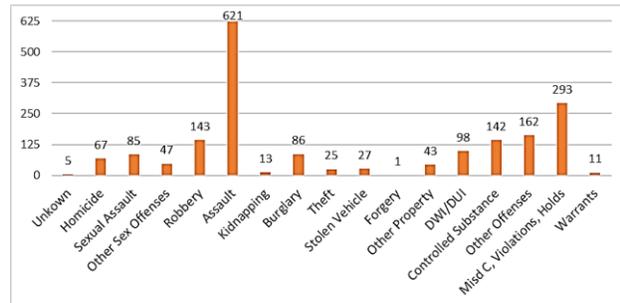
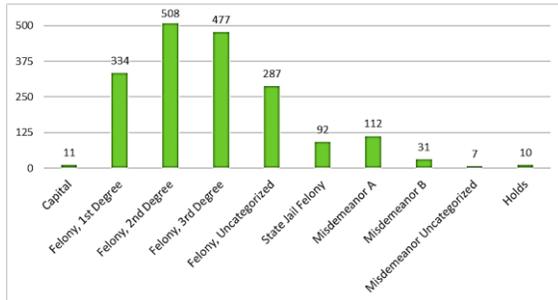
- Since the COVID-19 order to the end of the current reporting period, jail releases decreased -78% from March 16 (121) to October 1 (27).
- For the current reporting period, releases increased 145% from September 25 (11) to October 1 (27).

<sup>3</sup> Target:

Red = 10% below average for the month  
 Blue = 10% above average for the month

## Inmates in Custody Today

The following inmates are being held in custody today, October 1, 2020. For the purposes of highlighting individuals booked for a Travis County charge, the totals do not include inmates waiting for a hospital bed, or inmates participating in the SWAP program.



	Capital	Felony, 1st Degree	Felony, 2nd Degree	Felony, 3rd Degree	Felony, Uncategorized	State Jail Felony	Misdemeanor A	Misdemeanor B	Misdemeanor Uncategorized	Holds	Total
Unknown	-	2	2	1	-	-	-	-	-	-	5
Homicide	11	54	2	-	-	-	-	-	-	-	67
Sexual Assault	-	63	20	2	-	-	-	-	-	-	85
Other Sex Offenses	-	-	20	16	4	2	2	3	-	-	47
Robbery	-	101	42	-	-	-	-	-	-	-	143
Assault	-	22	295	237	-	2	65	-	-	-	621
Kidnapping	-	10	-	2	-	-	1	-	-	-	13
Burglary	-	14	45	-	-	17	9	1	-	-	86
Theft	-	-	1	5	-	17	-	2	-	-	25
Stolen Vehicle	-	-	-	-	-	26	1	-	-	-	27
Forgery	-	-	-	-	-	1	-	-	-	-	1
Other Property	-	11	10	2	-	11	6	3	-	-	43
DWI/DUI	-	1	5	81	-	1	6	4	-	-	98
Controlled Substance	-	50	46	27	7	10	2	-	-	-	142
Other Offenses	-	5	11	96	7	5	20	18	-	-	162
Misd C, Violations, Holds	-	1	9	8	268	-	-	-	7	-	293
Warrants	-	-	-	-	1	-	-	-	-	10	11
<b>Total</b>	<b>11</b>	<b>334</b>	<b>508</b>	<b>477</b>	<b>287</b>	<b>92</b>	<b>112</b>	<b>31</b>	<b>7</b>	<b>10</b>	<b>1,869</b>

### Summary<sup>4</sup>:

- There are 1,869 inmates in custody today, October 1, 2020.
- 91% (1,709) have a felony as their highest charge.
- 8% (150) have a misdemeanor as their highest charge.
- 57% (1,062) have a violent charge as their highest charge.
- 43% (807) have a non-violent charge as their highest charge.

<sup>4</sup> Excludes SWAP participants and individuals waiting for a hospital bed. Pre-Release Parolees are included in this report 10/1/2020. Source: Tiburon

## Family Violence Charges and Other Charges of Interest

The analysis on page 4 contains a breakdown of inmates in custody by offense categories but does not isolate certain charges that might be of interest to the District and County Attorney offices. The purpose of the following analysis is to isolate family violence charges from the assault offense category on page 4. Additionally, other charges such as DUI/DWI, Possession of Controlled Substance, Prostitution and Criminal Trespass are aggregated by charge level.

### Family Violence Charges

Family Violence Charge Number	Family Violence Charge Description	Felony, 1st Degree	Felony, 2nd Degree	Felony, 3rd Degree	Misdemeanor or A	Total
10990001	KIDNAPPING	-	-	1	-	1
13150007	AGG ASSAULT DATE/FAMILY/HOUSE W/WEAPON	10	-	-	-	10
13160014	STALKING	-	-	3	-	3
13160015	STALKING W/PREV CONV	-	2	-	-	2
13990031	ASSAULT CAUSES BODILY INJURY FAMILY MEMBER	-	-	-	42	42
13990075	ASSAULT FAMILY/HOUSEHOLD MEMBER PREV CONV IAT	-	-	89	-	89
13990076	ASSAULT FAM/HOUSE MEM IMPEDE BREATH/CIRCULAT	-	-	65	-	65
16020010	TERRORISTIC THREAT OF FAMILY/HOUSEHOLD	-	-	-	2	2
Total		10	2	158	44	214

### Prostitution Charges

Prostitution Charge Number	Prostitution Charge Description	Felony, 2nd Degree	Total
40020018	PROMOTE PROSTITUTION W/PREVIOUS CONVICTION	1	3
40040021	PROSTITUTION/OTHER PAYOR PERSON UNDER 18YOA	3	3
Total		-	4

### Criminal Trespass Charges

Criminal Trespass Charge Number	Criminal Trespass Charge Description	Misdemeanor A	Misdemeanor B	Total
57070019	CRIMINAL TRESPASS HABITATION/SHELTER/SUPRFUND/INFASTRUCTURE	3	-	3
57070020	CRIMINAL TRESPASS	--	15	15
57070021	CRIMINAL TRESPASS INSTITUTION OF HIGHER EDUCATION PREVIOUS CONVICTION IAT	1		1
Total		4	15	19

## DWI/DUI Charges

DWI/DUI Charge Number	DUI/DWI Charge Description	Felony, 1st Degree	Felony, 2nd Degree	Felony, 3rd Degree	State Jail Felony	Misdemeanor A	Misdemeanor B	Total
54040028	DRIVING WHILE INTOXICATED W/CHILD UNDER 15 YOA	--	--	--	1	--	--	1
54040010	DRIVING WHILE INTOXICATED W/CHILD UNDER 15 YOA	--	--	--	--	4	--	4
54040014	DRIVING WHILE INTOXICATED W/CHILD UNDER 15 YOA	--	--	--	--	2	--	2
54040009	DRIVING WHILE INTOXICATED W/CHILD UNDER 15 YOA	--	--	--	--	--	4	4
54040035	INTOXICATION ASSAULT CAUSE SERIOUS BODILY INJURY PEACE OFFICER/JUDGE IAT	1	--	--	--	--	--	1
54040032	INTOXICATION ASSAULT W/VEHICLE SERIOUS BODILY INJURY	--	--	6	--	--	--	6
54040033	INTOXICATION MANSLAUGHTER W/VEHICLE	--	5	--	--	--	--	5
54040011	DRIVING WHILE INTOXICATED 3RD OR MORE IAT	--	--	75	--	--	--	75
Total		1	5	81	1	6	4	98

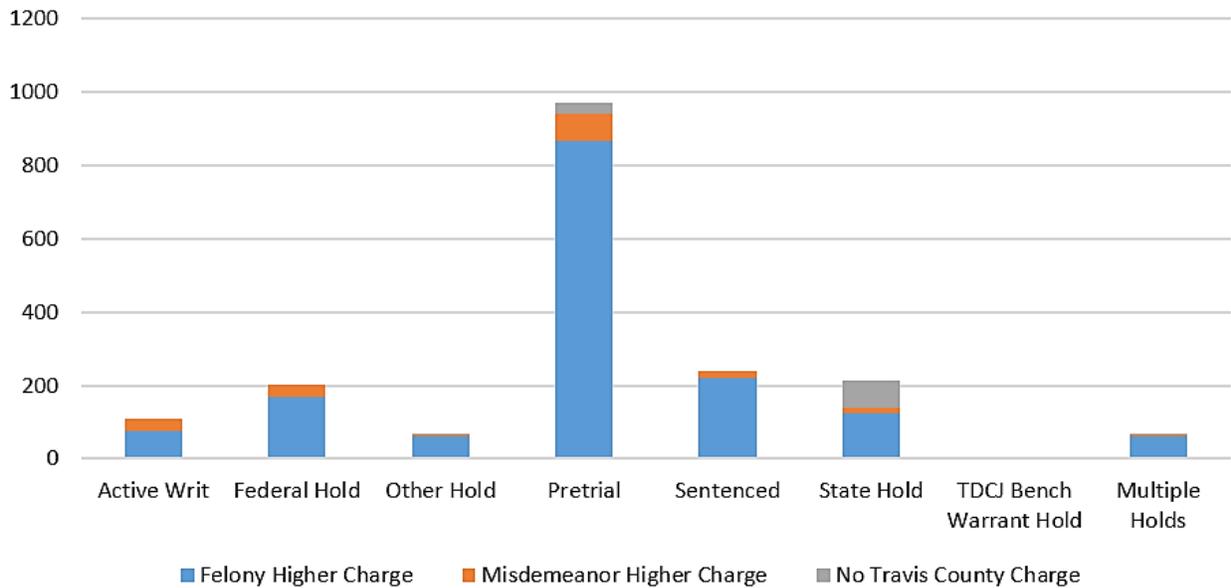
## Controlled Substance Charges

Controlled Substance Charge Number	Controlled Substance Charge Description	Felony, 1st Degree	Felony, 2nd Degree	Felony, 3rd Degree	State Jail Felony	Felony Uncategorized	Misdemeanor A	Total
35990002	MANUFACTURE/DELIVERY CONTROLLED SUBSTANCE PG 1 >=1G	--	4	--	--	--	--	4
35990004	MANUFACTURE/DELIVERY CONTROLLED SUBSTANCE PG 1 >=200G <400G	--	1	--	--	--	--	1
35990005	MANUFACTURE DELIVERY CONTROLLED SUBSTANCE PG 1 >=400G	3	--	--	--	--	--	3
35990005	MANUFACTURE DELIVERY CONTROLLED SUBSTANCE PG 1 >=400G	--	--	--	--	5	--	5
35990003	MANUFACTURE/DELIVERY CONTROLLED SUBSTANCE PG 1 >=4G	39	--	--	--	--	--	39
35990008	MANUFACTURE DELIVERY CONTROLLED SUBSTANCE PG 2 OR 2-A >=4G<400G	3	--	--	--	--	--	3
35990011	MANUFACTURE DELIVERY CONTROLLED SUBSTANCE PG 3/4 >=28G<200G	--	1	--	--	--	--	1
35990014	POSSESSION CONTROLLED SUBSTANCE PG 1 <1G	--	--	--	7	--	--	7
35990015	POSSESSION CONTROLLED SUBSTANCE PG 1 >=1G<4G	--	--	24	--	--	--	24
35990017	POSSESSION CONTROLLED SUBSTANCE PG 1 >=200G<400G	5	--	--	--	--	--	5
35990018	POSSESSION CONTROLLED SUBSTANCE PG 1 >=400G	--	--	--	--	1	--	1
35990016	POSSESSION CONTROLLED SUBSTANCE PG 1 >=4G<200G	--	38	--	--	--	--	38
35990016	POSSESSION CONTROLLED SUBSTANCE PG 1 >=4G<200G	--	--	--	1	--	--	1
35990019	POSSESSION CONTROLLED SUBSTANCE PG 2 < 1G	--	--	--	2	--	--	2
35990020	POSSESSION CONTROLLED SUBSTANCE PG 2 >= 1G<4G	--	--	1	--	--	--	1
35990021	POSSESSION CONTROLLED SUBSTANCE PG 2 >= 4G<400G	--	1	--	--	--	--	1
35990023	POSS CS PG 3 < 28G	--	--	--	--	--	2	2
35990029	POSSESSION CONTROLLED SUBSTANCE PG 4 >=200G<400G	--	1	--	--	--	--	1
35990231	POSSESSION CONTROLLED SUBSTANCE PG1 <1G DFZ	--	--	3	--	--	--	3
Total		50	46	28	10	6	2	142

## Who is in Jail and Why?

There are a variety of reasons why individuals are not released from jail. Individuals with Active Writs are waiting for a hospital bed and will be released from jail once a bed becomes available. Individuals with holds are detained until they are released to the outside agency that placed the hold. The sentenced population are held until the completion of their sentences. As for the pretrial population, Travis County relies heavily on personal bonds for pretrial release, but some individuals are denied personal bonds due to a variety of circumstances. More information is available about personal bonds on page 6.

Reason in Jail



### SUMMARY<sup>5 6</sup>:

Who is in jail and why on October 1, 2020:

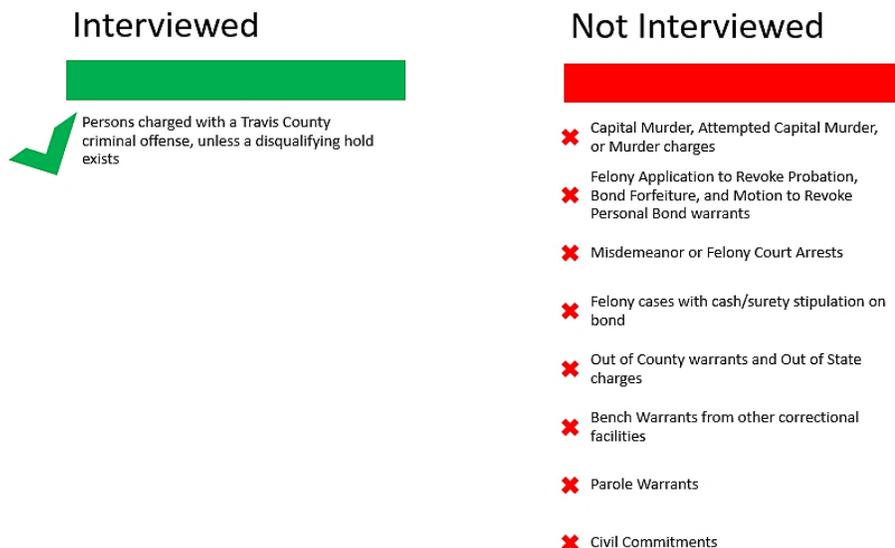
	Felony Higher Charge	% of Felony Total	Misdemeanor Higher Charge	% of Misdemeanor Total	No Travis County Charge	% of No Travis County Charge Total	Grand Total	% of Grand Total
Active Writ	77	5%	32	18%	0	0%	109	6%
Federal Hold	170	11%	31	17%	0	0%	201	11%
Other Hold	59	4%	5	3%	4	4%	68	4%
Pretrial	868	55%	74	41%	30	26%	972	52%
Sentenced	221	14%	18	10%	0	0%	239	13%
State Hold	124	8%	15	8%	75	66%	214	11%
TDCJ Bench Warrant Hold	4	0%	0	0%	0	0%	4	0%
Multiple Holds	59	4%	4	2%	5	4%	68	4%
<b>Grand Total</b>	<b>1,582</b>	<b>--</b>	<b>179</b>	<b>--</b>	<b>114</b>	<b>--</b>	<b>1,875</b>	<b>--</b>

<sup>5</sup> Only the highest charge is counted. Source: FACTS

## What is the Purpose of the Standing Order for Personal Bonds?

### What is a Personal Bond?

A Personal Bond is a sworn agreement by the defendant that they will return to court as ordered and will comply with the conditions placed on his/her release. No money is required at the time of release, but the Defendant is required to pay an administrative fee of \$20, \$40 or 3% of the bond amount to Pretrial Services within 7 days of release. Individual defendants cannot post a personal bond themselves. Only Pretrial Services or an attorney may submit a request for release on personal bond to a judge and only a judge can approve release on a personal bond. Travis County Pretrial Services interviews most defendants booked on Travis County charges and considers them for release on personal bond. The diagram below illustrates interview criteria. Regardless, a Judge may request an interview and bond preparation for any Defendant.



### What is the Process for Personal Bond Recommendation?

#### The personal bond recommendation process considers the following:

- Will this defendant appear in court and not commit any offense if released?
- Does this defendant present a risk to the safety of the community if released?
- The process is modeled after the National Association of Pretrial Services Agencies (NAPSA) Standards on Pretrial Release.

#### The personal bond release recommendations follows a 4 step decision-making process:

- Classification of defendants according to risk using the Ohio Risk Assessment System – Pretrial Assessment Tool (ORAS-PAT), an actuarial risk assessment tool that predicts failure-to-appear and risk of committing a new offense.
- Determination of eligibility based on adherence to policy- based rules.
- Identification of potential risk to self or others for family violence charges.
  - Ontario Domestic Assault Risk Assessment (ODARA) – an assessment used to identify the risk of future assaults against intimate partners.
- Recommendations for or against release, which includes identification of bond conditions necessary to mitigate risk.

#### Denied personal bonds are subject to the following process:

- Senior Pretrial Officers review the denied bond for further investigation and release recommendation consideration.

- Non-Family Violence Misdemeanor cases are set on the Bond Review Docket.
  - Denied personal bonds are made available to the Attorneys and Judge for review and reconsideration.
  - Pretrial Service staff are available to assist with this process.
  - Caseworkers assigned to the Mental Health Jail Diversion program review the denied personal bonds for individuals with mental health issues remaining in custody for program eligibility and release consideration.

### What is the Impetus of the Standing Order for Personal Bonds?

On October 29, 2019, a working group consisting of the District Attorney, County Attorney, Pretrial Services (PTS), Justice Planning, representatives from the judiciary, and Capital Area Private Defenders (CAPDS) presented to the Commissioners Court an explanation of a snapshot of who was in the Travis County jail on a particular day and why they were incarcerated. The working group is known as “Who is in Jail and Why.” In the weeks following the presentation to Commissioners Court, this working group continued to meet to work on the implementation of certain improvements to the current bond-setting and PR bond process followed in Travis County.

First, the working group recommended that PTS conduct a screening of all arrestees to provide to the Magistrates as expeditiously as possible information to fully enable the Magistrates to set bond amounts pursuant to Article 17.15 of the Code of Criminal Procedure.

Additionally, the working group recommended that the judges, both at the misdemeanor and felony level, utilize pre-approved PR bonds, also known as general order bonds, for those arrested, subject to certain exceptions.

Attachment 3 displays the proposed process in a flowchart. Following an arrest, the individual will be taken to central booking and given a pretrial screening as appropriate, which may include a record check, risk assessment, and a financial screening that will inform the Magistrate on their ability to pay. Based on their offense, and the information gleaned from the pretrial screener, the individual will be routed on one of two tracks. If qualifications set out by the judges are met, the person will be taken before the Magistrate to determine appropriate bond amount and conditions. The person would be released pursuant to the standing order.

### What is the Process for Individuals that do not qualify for General Order Bonds?

If the individual does not qualify for a general order bond, they must go through the full PTS process. PTS contacts and verifies references that are provided by the individual. For certain family violence offenses, PTS performs an Ontario Domestic Assault Risk Assessment (ODARA). If applicable, PTS contacts the complaining witness because of their safety. Finally, PTS decides to recommend, or not recommend a PR bond. If PTS recommends a PR bond, they may also recommend PR bond conditions. After the full PTS process, the person will be taken to a Magistrate that will approve or deny their bond and set bond conditions. Depending on the Magistrates bond decision, the individual will either be released, or detained at the Travis County Sheriff’s Office (TCSO). For Misdemeanor cases that were not recommended a PR bond, they will be routed to the bond review docket (BRD). In the future, and as the new procedure evolves, the Committee may recommend eliminating magistrations for misdemeanors on the general order bond track. However, Travis County needs to examine the entire magistrations system to determine gaps in resources before moving forward.

## Impacts of the Governor's Order on Personal Bonds

Despite these local changes, individuals are now subject to the Governor's Executive, signed March 29, 2020. GA-13 relates to detention in county and municipal jails during the COVID-19 disaster and includes suspensions that directly impact individuals that could be eligible for a general order bond.

### **Article 17.03 Suspended**

- PR bond prohibited for individuals previously convicted of a crime that involves physical violence or the threat of physical violence OR individuals currently arrested for such a crime that is supported by probable cause.

### **Article 17.151 Suspended**

- Defendant detained in jail pending trial of an accusation against will not be released either on personal bond or by reducing the amount of bail required, if the state is not ready for trial of the criminal action for which he is being detained within:
  - 90 days from the commencement of his detention if he is accused of a felony;
  - 30 days from the commencement of his detention if he is accused of a misdemeanor punishable by a sentence of imprisonment in jail for more than 180 days;
  - 15 days from the commencement of his detention if he is accused of a misdemeanor punishable by a sentence of imprisonment for 180 days or less; or
  - five days from the commencement of his detention if he is accused of a misdemeanor punishable by a fine only.

#### **Does not apply to a defendant who is:**

- serving a sentence of imprisonment for another offense while the defendant is serving that sentence;
- being detained pending trial of another accusation against the defendant as to which the applicable period has not yet elapsed;
- incompetent to stand trial, during the period of the defendant's incompetence; or
- being detained for a violation of the conditions of a previous release related to the safety of a victim of the alleged offense or to the safety of the community under this article.

### **1. Article 15.21 Suspended**

- If the proper office of the county where the offense is alleged to have been committed does not demand an arrested person described by Article 15.19 and take charge of the arrested person before the 11th day after the date the person is committed to the jail of the county in which the person is arrested, a magistrate in the county where the person was arrested shall not:
  - release the arrested person on personal bond without sureties or other security; and
  - forward the personal bond to:
    - the sheriff of the county where the offense is alleged to have been committed; or
    - the court that issued the warrant of arrest.

### **4. Article 42.032 Suspended**

- No good time for individuals previously convicted of a violent crime or threat of physical violence of that is currently serving time for such a crime.

### **5. Article 42.035 Suspended**

- Release on electronic monitoring is prohibited if the person has previously been convicted of or is currently serving a sentence for a crime that involves physical violence or the threat of physical violence.

## Standing Order for the Misdemeanor Jail Population

The Travis County Criminal County Courts at Law Judges have ordered that all persons arrested for misdemeanor crimes should be expeditiously released on personal bonds, except for limited instances listed in the standing order. The standing order and memorandum are included in Attachment 1 of this report. Pretrial Services went live with the standing order on March 6, 2020. The chart below represents misdemeanor A/B jail releases and the number of personal bonds granted for those charges.<sup>7 8</sup>

	2019	2020	2019	2020	2019	2020
	2/28-3/5		3/6-3/12		9/25-10/1	
# of Bookings	194	267	271	309	213	173
# of PR Bonds Granted	116	165	162	220	121	113
% PR Bonds Granted	60%	62%	60%	71%	57%	65%
Average Length of Stay (In Days)	1.66	2.44	1.86	2.37	5.44	3.24
Median Length of Stay (In Days)	0.65	0.79	0.64	0.89	0.77	0.69

### SUMMARY:

- The week prior (2/28/20 – 3/5/20) to the live date for the standing order, 62% of defendants received personal bonds for misdemeanor A/B charges.
  - Within the same time period during 2019, 60% of defendants received personal bonds for misdemeanor A/B charges.
- The week after (3/6/20 – 3/12/20) the live date for the standing order, 71% of defendants received personal bonds for misdemeanor A/B charges.
  - Within the same time period during 2019, 60% of defendants received personal bonds for misdemeanor A/B charges.
- For the current reporting period (9/25/20 – 10/1/20), 65% of defendants received personal bonds for misdemeanor A/B charges.
  - Within the same time period during 2019, 57% of defendants received personal bonds for misdemeanor A/B charges.

<sup>7</sup> Data represents the highest charge and only new charges are counted. Source: Tiburon

<sup>8</sup> Criteria within GA-13 impacts the number of individuals that qualify for release on general order bonds.

## Standing Order for the Felony Jail Population

The Travis County Criminal District Court Judges have ordered that all persons arrested for felony crimes should be expeditiously released on personal bonds, except for limited instances listed in the standing order. The standing order and memorandum are included in Attachment 2 of this report. These personal bonds are known as Government Ordered (GO) bonds. Pretrial Services went live with the GO bonds on March 29, 2020. The chart below represents the number of State Jail Felony jail releases, compared with the number of personal bonds granted for State Jail Felony releases.<sup>9 10 11</sup>

State Jail Felonies Released on Personal Bonds

	2019		2020		2019		2020	
	3/22-3/28		3/22-3/28		3/29-4/4		3/29-4/4	
	9/25-10/1		9/25-10/1		9/25-10/1		9/25-10/1	
# of Bookings	52	60	54	39	43	35		
# of PR Bonds Granted	28	33	33	21	25	19		
% PR Bonds Granted	54%	55%	61%	54%	58%	54%		
Average Length of Stay (In Days)	7.30	20.17	6.85	22.75	20.05	2.78		
Median Length of Stay (In Days)	1.25	9.60	1.27	2.74	7.50	1.21		

### SUMMARY:

- The week prior (3/22/20 – 3/28/20) to the live date for the standing order, 55% of defendants received personal bonds for State Jail Felony charges.
  - Within the same time period during 2019, 54% of defendants received personal bonds for State Jail Felony charges.
- The week after (3/29/20 – 4/4/20) the live date for the standing order, 54% of defendants received personal bonds for State Jail Felony charges.
  - Within the same time period during 2019, 61% of defendants received personal bonds for State Jail Felony charges.
- For the current reporting period (9/25/20 – 10/1/20), 54% of defendants received personal bonds for State Jail Felony charges.
  - Within the same time period during 2019, 58% of defendants received personal bonds for State Jail Felony charges.

<sup>9</sup> Data represents highest charge and only new charges are counted. Source: Tiburon

<sup>10</sup> The methodology for this analysis is currently under review by Pretrial Services and is subject to further modification.

<sup>11</sup> Criteria within GA-13 impacts the number of individuals that qualify for release on general order bonds.

## Attachment 1: County Court at Law Standing Order

---

### STANDING ORDER FOR PERSONAL BONDS ON MISDEMEANOR CASES IN TRAVIS COUNTY COURT AT LAW

In the interest of justice and fairness for all persons accused of misdemeanor crimes, the Travis County Court at Law Judges, having been notified in writing that the Travis County Attorney does not object to the adoption of this Order, have determined that all persons arrested for misdemeanor crimes should be released on personal bonds except for in the instances listed in this Standing Order. The procedures to be followed are outlined below:

The magistrates who review probable cause affidavits and conduct magistration on misdemeanors in Travis County determine the amount and conditions of bail in accordance with the Texas Code of Criminal Procedure (CCP) and the Texas and United States Constitutions. This Standing Order provides that all persons charged with Class A and Class B misdemeanor cases in Travis County are pre-approved for a personal bond except for in the following instances:

Penal Code Chapter 22 - Assaultive Offenses

Penal Code 25.07- Violation of Protective Order cases

Penal Code 49.09(a)- DWI 2<sup>nd</sup> cases if the prior DWI conviction was within the past five years

Texas Education Code Section 37.125(a)(3)-Threat to Exhibit or Use a Firearm in a School or Bus

Persons who are already out on a bond or are currently on probation or parole

Persons who have had a bond forfeiture warrant or a bond revocation capias issued for this case

Persons who have other holds preventing release

Persons arrested on other charges for which personal bond is not granted pursuant to this Order

Persons that Pretrial Services believe present an imminent danger to the community

This Standing Order does not diminish the statutory authority of any magistrate to grant personal bonds on the excepted cases pursuant to their authority under CCP Chapter 17 with the bond conditions the magistrate believes are required by law or serve the interests of justice.

All the requirements and conditions of the bond previously set by the magistrate remain in effect. Pretrial Services shall recommend to the trial court any additional, appropriate conditions at any time after the arrested person is released pursuant to this Order.

If a law enforcement officer, attorney, or Magistrate has reason to believe that a particular person presents an imminent danger to the community, or that the misdemeanor will be enhanced as a hate crime, or that particular conditions should be attached to a bond, they should notify Pretrial Services.

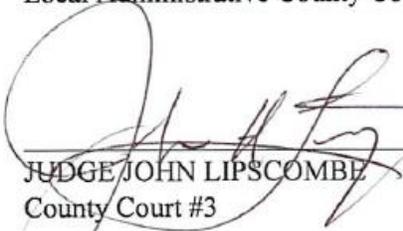
IT IS ORDERED that all persons arrested on misdemeanor crimes meeting the above conditions shall be released on a personal bond approved by the undersigned judges.

A copy of this Standing Order shall be transmitted to Pretrial Services and the Sheriff of Travis County. This Order is effective immediately.

SIGNED AND ORDERED AND ENTERED THE 6<sup>th</sup> day of February, 2020.



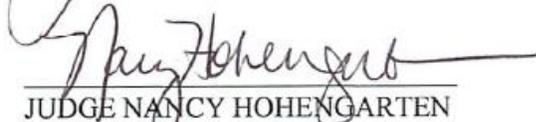
JUDGE ELISABETH EARLE  
Local Administrative County Court Judge/County Court #7



JUDGE JOHN LIPSCOMBE  
County Court #3



JUDGE DIMPLE MALHOTRA  
County Court #4



JUDGE NANCY HOHENGARTEN  
County Court #5



JUDGE BRANDY MUELLER  
County Court #6

## Attachment 2: District Court Standing Order for Personal Bonds

CAUSE NO. GN-61-12012

### **STANDING ORDER FOR PERSONAL BONDS**

#### **ON CERTAIN FELONY CASES IN THE TRAVIS COUNTY DISTRICT COURTS**

Effective MARCH 23, 2020

In the interest of justice and fairness for persons accused of felony crimes, the Travis County District Judges with criminal jurisdiction, having been notified in writing that the Travis County District Attorney does not object to the adoption of this order, have determined that people accused of the following offenses in Travis County should be released on personal bond except for in the instances described in this Standing Order. The procedures to be followed are outlined below:

The magistrates who review probable cause affidavits and conduct magistration for people accused of felony offenses in Travis County determine the amount and conditions of bail in accordance with the Texas Code of Criminal Procedure (CCP) and the Texas and United States Constitutions. After magistration, this Standing Order provides that all people charged in Travis County with a state jail felony (SJF) or third degree (F3) offense listed in Section I below shall be considered eligible to post a personal bond unless one the conditions in Section II below are present:

#### **I. – Offenses for which automatic personal bond is available:**

- a. SJF and F3 Possession of a Controlled Substance (POCS);
- b. SJF Delivery of a Controlled Substance;
- c. SJF and F3 Possession of Marijuana (POM);
- d. Any other SJF drug charge, including Obtaining a Controlled Substance by Fraud;
- e. SJF Credit or Debit Card Abuse;
- f. SJF Criminal Mischief, unless fire or a deadly weapon was used in the commission of the offense;
- g. SJF False Statement to Obtain Property or Credit;
- h. SJF Forgery;
- i. SJF Fraudulent Destruction, Removal or Concealment of Writing;
- j. SJF Graffiti;
- k. SJF Interference with Railroad Property;
- l. SJF Prostitution;
- m. SJF Securing Execution of a Document by Deception;
- n. SJF Tampering with a Governmental Record;
- o. F3 Tampering with Physical Evidence or a SJF Attempt to Tamper with Physical Evidence;
- p. SJF Theft; and
- q. SJF Theft of Service.

**II. – Conditions which constitute an exception to the automatic granting of personal bond:**

- a. The arrested person is being charged with a new offense while on any form of pre-trial release for other charges;
- b. The arrested person currently has a capias or warrant for a failure to appear or bond forfeiture;
- c. The arrested person has failed to appear or had a bond forfeiture in the last 12 months;
- d. The arrested person was on a personal bond in the same case and the Pretrial Services Department motioned off of that bond or the Judge increased the amount of the personal bond;
- e. The arrested person is currently on parole or any type of community supervision for a Class A or Class B misdemeanor, or a felony;
- f. The arrested person currently has a parole revocation warrant;
- g. The arrested person has other holds preventing their release;
- h. The arrested person has other charges for which personal bond is not being granted under this Standing Order or any similar Standing Order relating to misdemeanor offenses;
- i. The arrested person is being charged with an offense that includes a hate crime enhancement;
- j. The Pretrial Services Department or the staff at Travis County Central Booking have observed behavior that indicates the arrested person would pose an imminent danger to themselves or others if released; or
- k. The Magistrate believes, based upon credible evidence, that the automatic granting of a personal bond for the arrested person would constitute an unreasonable threat to the safety or property of any person, including, but not limited to, the accused or the victim or any member of the victim's family or household.

This Standing Order does not diminish the statutory authority of any magistrate to grant a personal bond for an arrested person charged with an offense that is not contained in Section I of this Standing Order, or for any person faced with any of the conditions described in Section II of this Standing Order, pursuant to their authority under CCP Chapter 17, with the bond conditions the magistrate believes are required by law or serve the interests of justice.

All the requirements and conditions of the bond previously set by the magistrate remain in effect.

If a law enforcement officer or attorney for the state has reason to believe that a particular arrested person should not receive a personal bond under this order, or that particular conditions should be added to the bond, that officer or attorney must contact a District Court Judge to make a request or recommendation for an exception to this Standing Order.

IS IT ORDERED that all persons charged with a felony covered by this Standing Order and that meet the conditions described in this Standing Order shall be released on personal bond.

A copy of this Standing Order shall be transmitted to the Sheriff of Travis County.

On behalf of the Criminal District Judges of Travis County, Texas, Signed on the 23<sup>rd</sup> day of MARCH, 2020.

  
\_\_\_\_\_  
Judge Brenda P. Kennedy  
Presiding Judge of the Travis County Criminal Courts

## Attachment 3: Standing Order Flow-Chart

# Proposed Pretrial Review

**Goal:** Information for Magistrates to enable bond to be set based on Offense, Criminal History, and Financial Condition.

