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

July 16, 2020

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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 (July 1-16, 2020)
  - COVID-19 countermeasure to the end of the current reporting period (March 16-July 16, 2020)
  - Current reporting period (July 10-July 16, 2020)
- Jail bookings and releases
  - Month to date (July 1-16, 2020)
  - COVID-19 countermeasure to the end of the current reporting period (March 16-July 16, 2020)
  - Current reporting period (July 10-July 16, 2020)
- Inmates in custody today (July 16, 2020)
  - Charge level and offense type
  - Excludes inmates waiting for a hospital bed and SWAP participants
- Who is in jail and why (July 16, 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-July 16, 2020

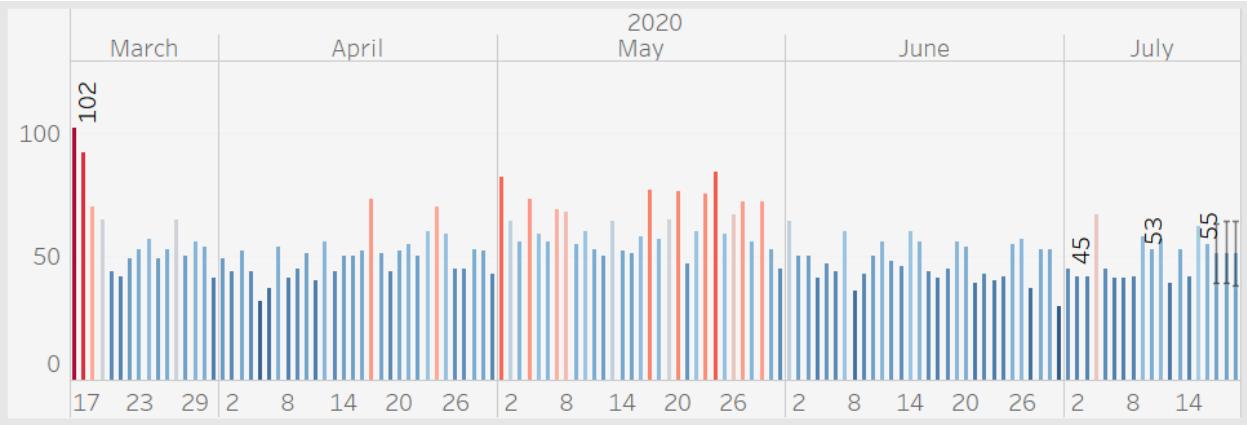
SUMMARY[1]:

- Month to date, the Average Daily Population (ADP) for has decreased 1% from July 1 (1,774) to July 16 (1,750).
- Since the COVID-19 order to the end of the current reporting period, the ADP decreased 19% from March 16 (2,164) to July 16 (1,750).
- For the current reporting period, the ADP decreased 1% from July 10 (1,761) to July 16 (1,750).

[1] Excludes SWAP participants and individuals waiting for a hospital bed. Pre-Release Parolees are included in this report 7/16/2020: PRP (9). Source: Tiburon

Bookings and Releases

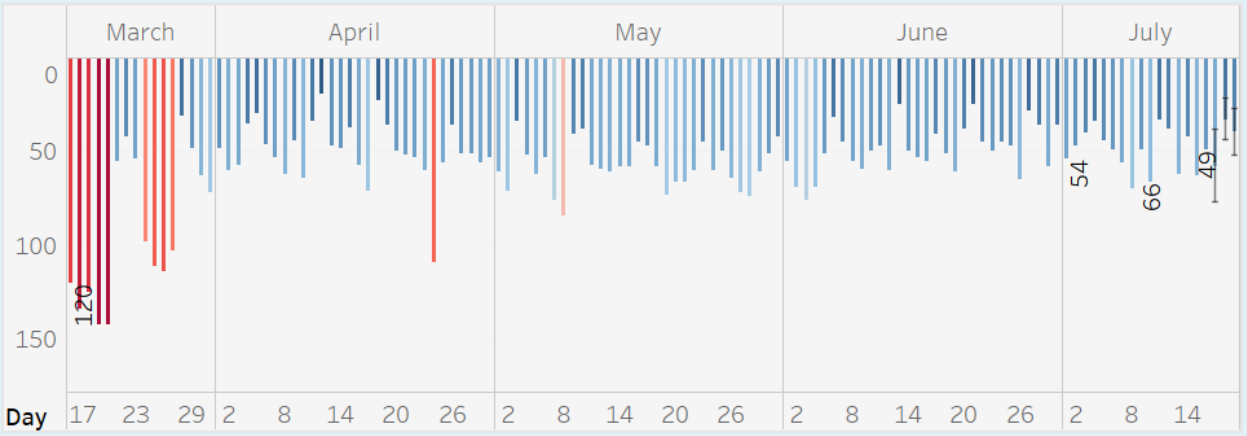
Jail Bookings March 16-July 16, 2020



SUMMARY:

- Month to date, jail bookings increased 22% from July 1 (45) to July 16 (55).
- Since the COVID-19 order to the end of the current reporting period, jail bookings decreased 46% from March 16 (102) to July 16 (55).
- For the current reporting period, jail bookings increased 4% from July 10 (53) to July 16 (55).

Jail Releases March 16-July 16, 2020



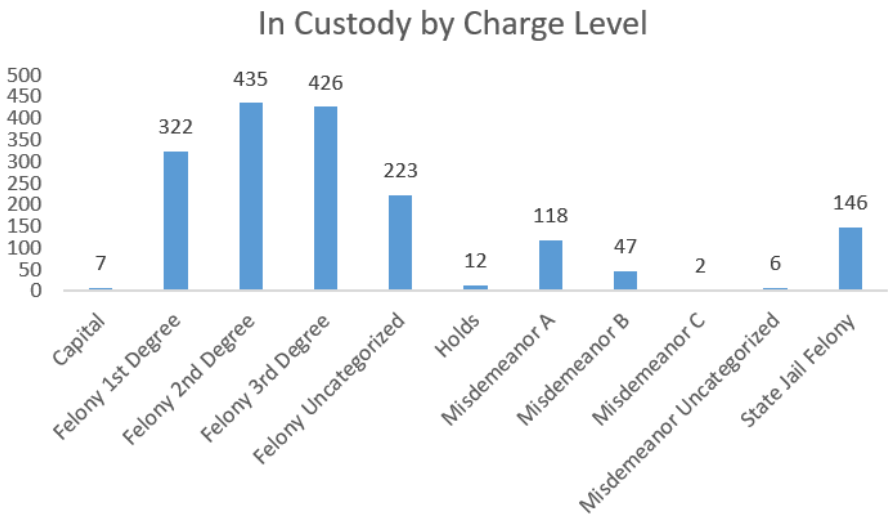
SUMMARY[2]:

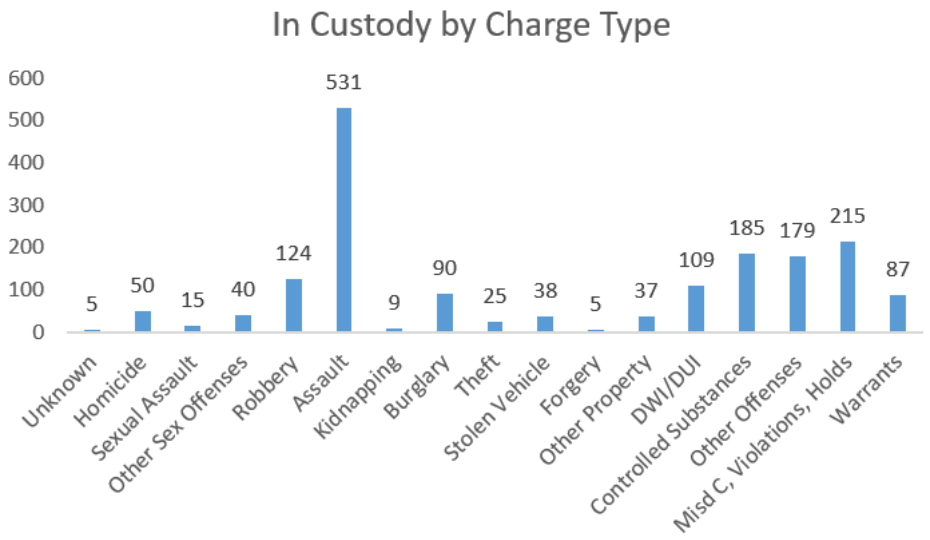
- Month to date, jail releases decreased 9% from July 1 (54) to July 16 (49).
- Since the COVID-19 order to the end of the current reporting period, jail releases decreased 52% from March 16 (120) to July 16 (49).
- For the current reporting period, releases decreased 26% from July 10 (66) to July 16 (49).

[2] Excludes SWAP participants and individuals waiting for hospital bed. Source: Tiburon

Inmates in Custody Today

The following inmates are being held in custody today, July 16, 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.





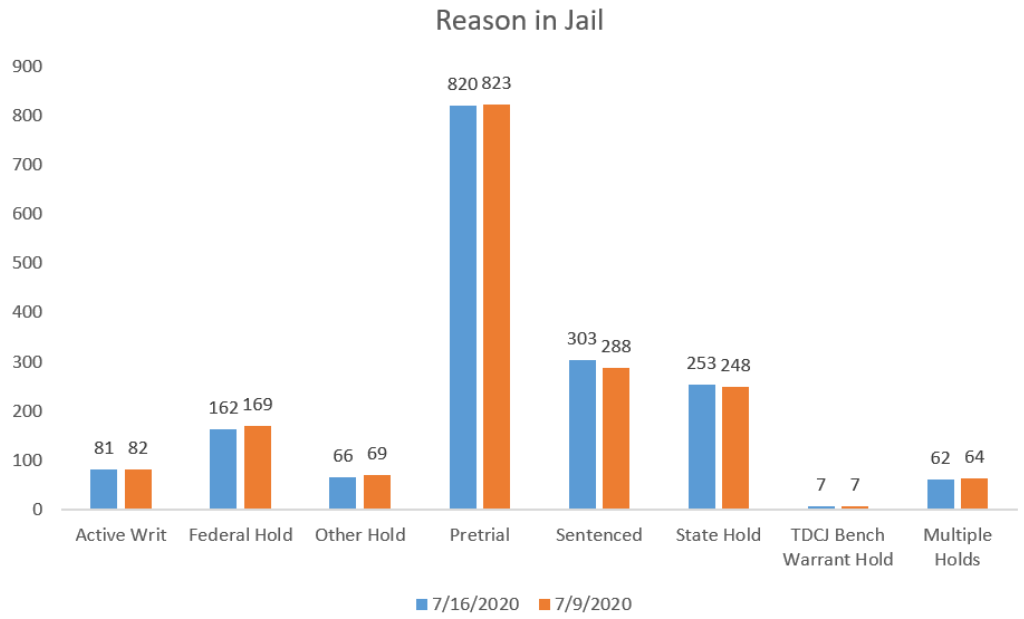
Summary[3]:

- There are 1,744 inmates in custody today, July 16, 2020.
- 90% (1,571) have a felony as their highest charge.
- 10% (173) have a misdemeanor as their highest charge.
- 44% (769) have a violent charge as their highest charge.
- 56% (975) have a non-violent charge as their highest charge.

[3] Excludes SWAP participants and individuals waiting for a hospital bed. Pre-Release Parolees are included in this report 7/16/2020: PRP (9). Source: Tiburon

Who is in Jail and Why?

There are a variety of reasons why individuals are not released from jail. The following inmates are being held in custody of the Travis County Sheriff's Office. The reasons for being held in custody are included below.



SUMMARY[4]:

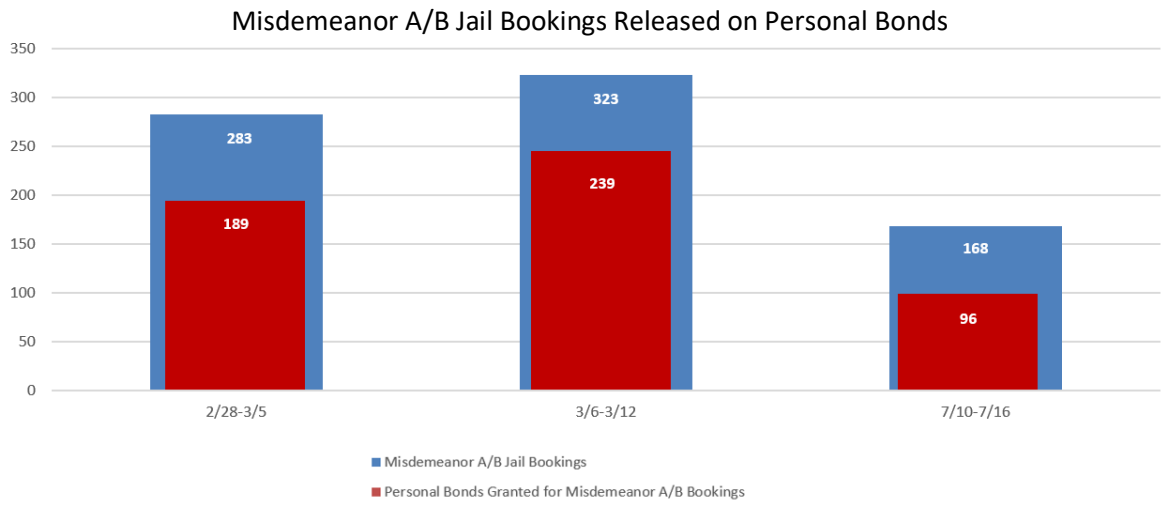
1,750 inmates were being held in custody by the Travis County Sheriff's Office July 9, 2020. Today, July 16, 2020, 1,754 inmates are being held in custody. This represents a .23% percentage change increase.

- Last week, 5% (82) of inmates were being held for an Active Writ. This week, 5% (81) of inmates are being held on an Active Writ. This represents a 1% percentage change decrease for this category.
- Last week, 4% (69) of inmates had a hold classified as "other", such as an out of county felony, or misdemeanor hold. This week, 4% (66) of inmates have an "other" hold. This represents a 4% percentage change decrease for this category.
- Last week, 4% (64) had multiple holds. This week, 4% (62) of inmates have multiple holds. This represents a 3% percentage change decrease for this category.
- Last week, 14% (248) of inmates had a state hold, such as a parole violation. This week, 14% (253) of inmates have a state hold. This represents a 2% percentage change increase for this category.
- Last week, 0% (7) of inmates are being held on a TDCJ bench warrant. This week, 0% (7) of inmates are being held on a TDCJ bench warrant. There is no change in this category.
- Last week, 47% (823) of inmates were being held pretrial. This week, 47% (820) of inmates are being held pretrial. This represents a .36 percentage change decrease for this category.
- Last week, 10% (169) had a federal hold. This week, 9% (162) have a federal hold. This represents a 4% percentage change decrease in this category.
- Last week, 16% (288) were serving a sentence. This week, 17% (303) of inmates are serving a sentence. This represents a 5% percentage change increase for this category.

[4] Only the highest charge is counted. Source: FACTS

New 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 bookings and the number of personal bonds granted for those charges.[5][6]



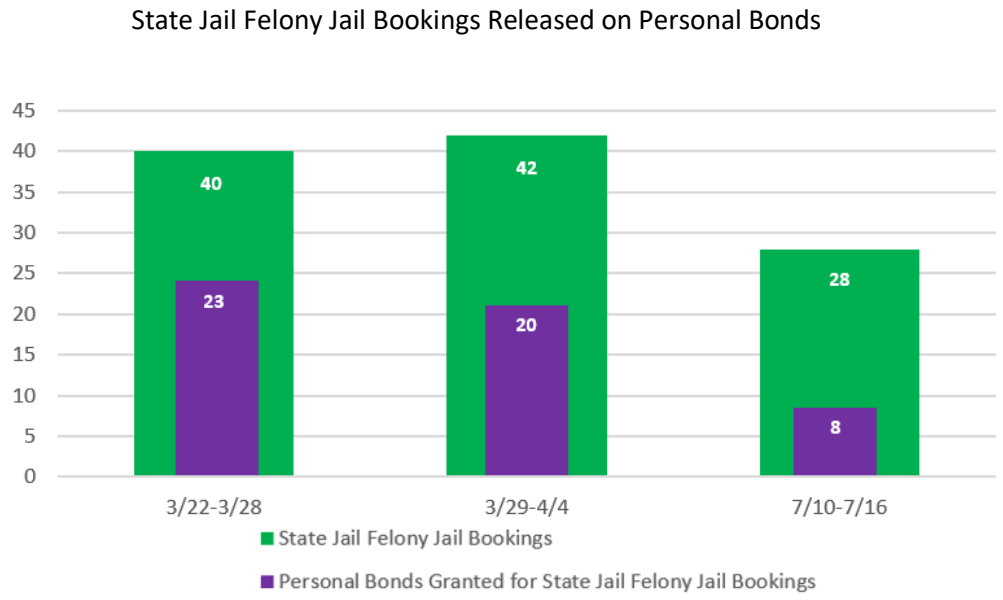
- The week prior (2/28/20 – 3/5/20) to the live date for the standing order, 67% of defendants received personal bonds for misdemeanor A/B charges.
- The week after (3/6/20 – 3/12/20) the live date for the standing order, 74% of defendants received personal bonds for misdemeanor A/B charges.
- For the current reporting period (7/10/20 – 7/16/20), 57% of defendants received personal bonds for misdemeanor A/B charges.

[5] Data represents the highest charge. Source: Tiburon

[6] Individuals that get their PR bonds after a week or two will show up on the first two sample dates but not the most recent. If the same sample were analyzed a month from now, the percentage getting PR bonds for the current reporting period would be higher.

New 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 bookings, compared with the number of State Jail Felony bookings released on personal bonds.[7] [8] [9]



- The week prior (3/22/20 – 3/28/20) to the live date for the standing order, 58% of defendants received personal bonds for State Jail Felony charges.
- The week after (3/6/20 – 3/12/20) the live date for the standing order, 48% of defendants received personal bonds for State Jail Felony charges.
- For the current reporting period (7/10/20 – 7/16/20), 29% of defendants received personal bonds for State Jail Felony charges.

[7] Data represents highest charge. Source: Tiburon

[8] Individuals that get their PR bonds after a week or two will show up on the first two sample dates but not the most recent. If the same sample were analyzed a month from now, the percentage getting PR bonds for the current reporting period would be higher.

[9] The methodology for this analysis is currently under review by Pretrial Services, and is subject to further modification.

Attachment 1: County Court at Law Standing Order

STANDING ORDER FOR PERSONAL BONDS
ON MISDEMEANOR CASES INTRAVIS 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 2nd 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 6th **day of** February **20**20**.**

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 23rd day of MARCH, 2020.

Brenda P. Kennedy

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