



## COVID-19 Weekly Jail Population Report

### ABSTRACT

This report 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.

Valerie Hollier

March 31, 2022

## CONTENTS

Executive Summary .....	2
Average Daily Population .....	4
Jail Bookings.....	5
Jail Bookings Heat Map.....	6
Jail Releases .....	7
Jail Releases Heat Map .....	8
Inmates in Custody Today .....	9
Who is in Jail and Why? .....	10
What is the Purpose of the Standing Orders and 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 County Courts at Law.....	14
Standing Order for District Courts .....	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. Regardless, the jail population has substantially decreased since the COVID-19 pandemic. Please note that this report is in no way, attempting to attribute COVID-19 as the sole reason for the decrease in population. Rather, the purpose of this report is to gather information for stakeholders to make informed decisions. This report summarizes various data points which contribute to the size of the jail population. Contents of this report include average daily population (ADP), bookings and releases, inmates in custody, who is in jail and why and personal bond release rates.

- ADP
  - Month to date (March 1 – 31, 2022)
  - COVID-19 countermeasure to the end of the current reporting period (March 16, 2020 – March 31, 2022)
  - Current reporting period (March 25, 2022 – March 31, 2022)
- Jail bookings and releases
  - Month to date (March 1 - 31, 2022)
  - COVID-19 countermeasure to the end of the current reporting period (March 16, 2020 – March 31, 2022)

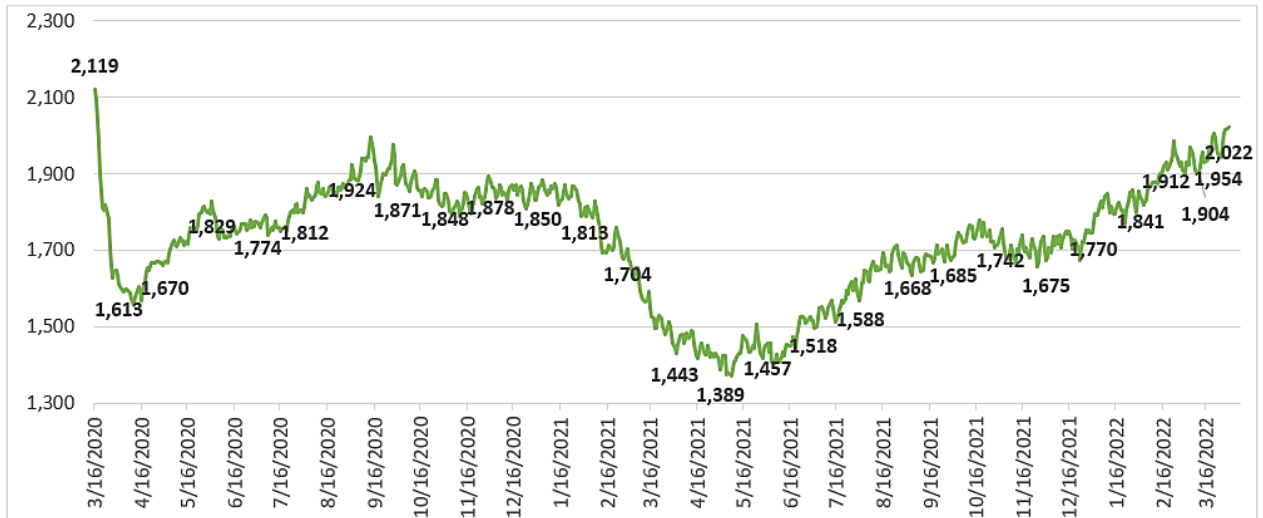
- Current reporting period (March 25, 2022 – March 31, 2022)
- Inmates in custody today (March 31, 2022)
  - Charge level and offense type
  - Excludes inmates waiting for a hospital bed and SWAP participants
- Who is in jail and why (March 31, 2022)
  - Inmates with a hold
  - Inmates serving a sentence
  - 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

**Questions, comments, concerns and/or suggestions may be directed to Valerie Hollier, the Planning Project Manager for Justice Planning.**

Email: [Valerie.hollier@traviscountytexas.gov](mailto:Valerie.hollier@traviscountytexas.gov)

## AVERAGE DAILY POPULATION

Average Daily Population March 16, 2020 – March 31, 2022

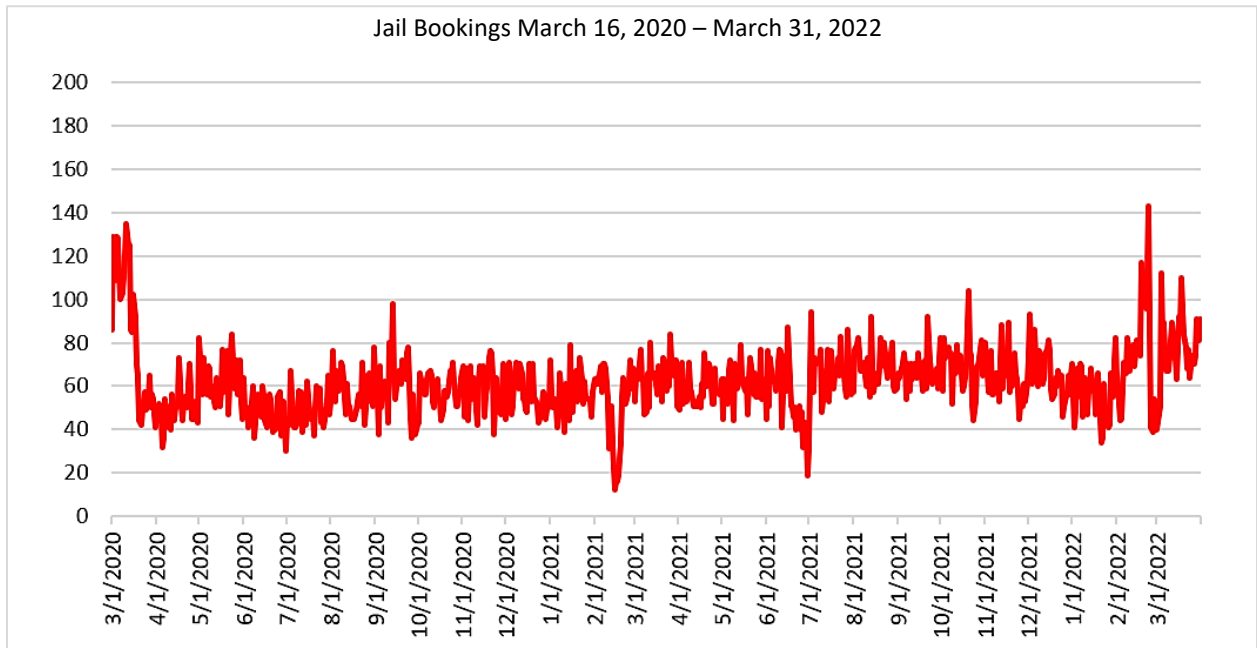


### Summary<sup>1</sup>:

- Month to date, the ADP increased +6% from March 1 (1,912) to March 31, 2022 (2,022).
- Since the COVID-19 order to the end of the current reporting period, the ADP decreased -5% from March 16, 2020 (2,119) to March 31, 2022 (2,022).
- For the current reporting period, the ADP decreased +4% from March 25, 2022 (1,948) to March 31, 2022 (2,022).

<sup>1</sup> Excludes SWAP participants and individuals waiting for a hospital bed. Source: TCSO Custody Report

# JAIL BOOKINGS



## JAIL BOOKINGS HEAT MAP

	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
Mar-20	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
Apr-20	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	
May-20	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	62	
Jun-20	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	
Jul-20	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	49	
Aug-20	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	
Sep-20	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	
Oct-20	43	66	63	58	56	56	63	66	67	65	53	50	58	63	54	53	44	49	58	57	55	57	67	65	71	62	51	51	55	58	64	
Nov-20	69	46	60	68	44	69	54	62	64	49	42	62	69	65	69	46	55	59	73	76	75	65	38	64	52	48	56	47	70	48	59	
Dec-20	45	51	71	62	47	51	62	71	70	59	70	66	54	54	49	48	70	69	53	70	55	53	51	43	45	52	57	56	45	49	51	
Jan-21	72	56	50	54	51	41	46	66	53	53	39	61	50	44	79	49	48	66	67	53	57	73	63	52	62	55	54	54	53	46	57	
Feb-21	63	61	64	61	69	57	70	70	68	54	31	43	51	34	12	16	16	19	34	54	64	57	52	56	62	72	59	68			51	
Mar-21	53	65	66	63	77	63	64	47	48	66	50	50	80	65	64	66	61	56	69	64	53	73	72	58	67	84	72	65	72	72	51	
Apr-21	49	68	71	52	62	53	62	71	59	57	51	53	51	51	55	50	61	55	75	60	61	70	68	52	68	58	58	56	56		59	
May-21	63	45	63	62	52	67	72	59	44	70	69	59	63	79	65	61	58	63	47	63	73	65	56	66	55	55	56	77	54	56	63	
Jun-21	45	76	51	73	62	63	63	58	71	77	76	41	56	74	58	87	75	51	50	46	50	40	46	51	40	48	32	43	37	19	55	
Jul-21	32	94	59	57	73	70	71	71	77	48	58	67	63	77	53	76	69	59	65	66	73	65	83	69	65	59	55	86	73	56	70	
Aug-21	57	77	79	82	75	67	67	71	65	60	73	55	92	70	57	61	66	61	68	82	69	80	75	68	64	67	75	80	60	58	59	
Sep-21	66	64	66	70	75	69	54	70	58	70	63	67	70	64	75	68	71	58	66	72	59	92	72	67	61	62	67	68	59	72	67	
Oct-21	82	58	82	73	74	78	74	75	52	70	66	79	68	71	74	58	60	64	70	104	76	74	52	44	53	69	69	73	81	65	69	
Nov-21	80	74	57	71	76	56	56	66	66	63	53	88	59	67	66	65	89	57	64	60	75	66	63	59	45	58	51	61	53	61	64	
Dec-21	73	93	81	61	86	74	72	60	76	71	61	63	75	77	81	76	59	54	56	64	60	67	63	65	46	50	53	57	65	56	65	
Jan-22	70	41	48	68	55	70	69	46	53	64	47	57	58	68	58	59	47	57	66	45	34	36	61	50	44	41	42	66	55	71	82	
Feb-22	65	60	44	45	59	71	66	82	78	67	74	79	69	75	81	81	74	117	103	107	96	112	143	90	41	39	54	49			76	
Mar-22	40	47	51	112	82	89	67	74	67	73	89	85	73	73	63	92	86	110	96	84	78	68	77	64	74	73	70	74	91	81	91	77

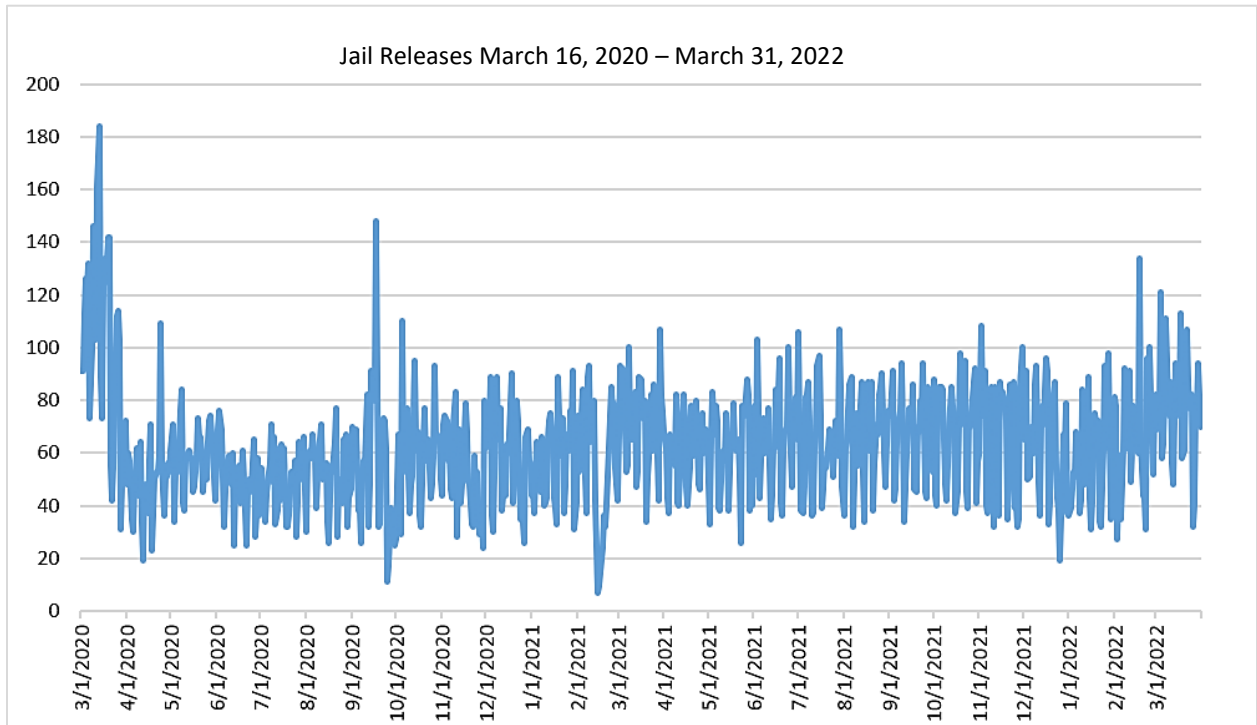
### Bookings<sup>2</sup>:

- Month to date, bookings have increased 128% from March 1 (40) to March 31, 2022 (91).
- Since the COVID-19 order to the end of the current reporting period, jail bookings decreased -11% from March 16, 2020 (102) to March 31, 2022 (91).
- For the current reporting period, jail bookings have decreased -23% from March 25, 2022 (74) to March 31, 2022 (91).

2 Red = above the monthly average

Blue = below the monthly average

# JAIL RELEASES



## JAIL RELEASES HEAT MAP

	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
Mar-20	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
Apr-20	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-20	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
Jun-20	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	
Jul-20	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
Aug-20	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
Sep-20	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	
Oct-20	27	67	50	29	110	53	61	77	52	37	47	51	95	66	61	68	36	32	64	77	57	62	65	43	48	58	93	65	67	64	50	59
Nov-20	44	71	74	72	57	60	46	43	71	83	28	58	69	41	55	67	79	68	49	48	33	32	59	45	53	29	35	35	24	80	54	
Dec-20	62	64	70	89	36	30	71	89	65	66	77	38	49	44	63	60	67	90	41	48	70	80	72	35	35	34	26	66	69	57	56	61
Jan-21	44	46	37	64	60	53	45	66	40	41	43	65	72	75	64	43	39	33	89	59	63	73	37	47	67	61	76	69	91	31	41	56
Feb-21	74	53	68	74	84	51	37	89	93	64	67	80	42	25	7	9	19	24	36	32	40	62	74	85	75	79	54	42			55	
Mar-21	66	93	77	92	69	53	55	100	71	65	65	65	83	47	53	89	88	73	78	80	34	50	66	82	61	67	59	42	107	82	76	71
Apr-21	68	62	43	37	67	61	58	55	82	41	40	51	75	82	73	47	40	54	78	77	59	68	80	48	46	66	75	60	69	65	61	
May-21	49	33	64	83	67	78	72	39	38	60	61	57	75	60	38	67	67	79	63	61	65	51	26	78	77	74	88	82	38	51	40	61
Jun-21	78	52	103	78	43	57	73	60	66	65	77	35	44	61	62	84	69	96	41	36	60	68	70	100	77	60	47	76	81	65	66	
Jul-21	106	74	38	37	47	81	82	87	72	36	37	61	67	93	97	74	39	46	57	54	62	69	64	59	51	72	71	59	107	85	47	66
Aug-21	36	62	64	76	86	86	89	32	49	74	75	55	78	87	53	34	72	87	61	77	87	38	55	71	67	85	90	60	47	63	76	67
Sep-21	74	74	91	42	46	63	71	76	94	69	34	46	59	77	73	71	86	46	45	70	68	80	74	94	45	43	85	78	57	53	66	
Oct-21	88	44	40	72	85	85	84	65	48	42	68	77	85	78	75	37	45	71	98	71	93	95	45	39	73	70	75	87	92	41	56	69
Nov-21	59	108	74	85	91	40	37	76	85	73	32	85	49	36	87	80	83	81	72	35	46	86	72	87	39	40	32	35	85	100	66	
Dec-21	65	72	91	50	51	70	69	60	86	93	49	36	70	78	71	96	91	33	41	72	78	87	54	43	38	19	52	67	61	79	37	63
Jan-22	36	39	46	53	51	68	60	37	42	84	68	48	65	89	43	31	41	75	72	62	72	34	32	61	93	62	90	98	35	38	77	58
Feb-22	81	78	27	59	35	48	61	92	62	74	91	49	61	78	64	74	60	134	64	44	43	31	96	83	100	64	52	75			67	
Mar-22	82	69	74	121	58	63	79	111	80	74	87	56	48	94	82	79	74	113	58	61	83	107	88	77	82	32	40	77	74	94	70	77

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

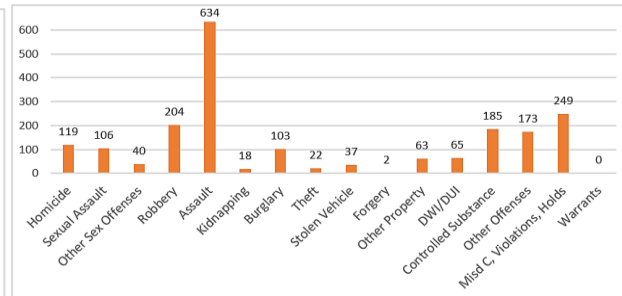
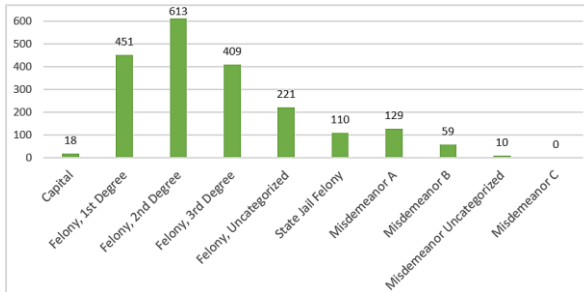
- Month to date, releases have decreased -15% from March 1 (82) to March 31, 2022 (70).
- Since the COVID-19 order to the end of the current reporting period, jail releases decreased -42% from March 16, 2020 (121) to March 31, 2022 (70).
- For the current reporting period, releases decreased -15% from March 25 (82) to March 31, 2022 (70).

### <sup>3</sup> Target:

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

## INMATES IN CUSTODY TODAY

The following inmates are being held in custody on March 31, 2022. For the purposes of highlighting individuals counted toward the ADP, the totals do not include inmates waiting for a hospital bed, or inmates participating in the Sheriff's Weekend Alternative Program (SWAP).



	Capital	Felony, 1st Degree	Felony, 2nd Degree	Felony, 3rd Degree	Felony, Uncategorized	State Jail Felony	Misdemeanor A	Misdemeanor B	Misdemeanor Uncategorized	Misdemeanor C	Total
Homicide	18	98	3	-	-	-	-	-	-	-	119
Sexual Assault	-	75	27	4	-	-	-	-	-	-	106
Other Sex Offenses	-	-	18	10	3	2	-	7	-	-	40
Robbery	-	144	60	-	-	-	-	-	-	-	204
Assault	-	36	336	207	-	1	53	1	-	-	634
Kidnapping	-	16	-	-	-	-	2	-	-	-	18
Burglary	-	15	57	1	-	23	7	-	-	-	103
Theft	-	2	1	4	-	13	2	-	-	-	22
Stolen Vehicle	-	-	-	-	-	37	-	-	-	-	37
Forgery	-	-	-	1	-	1	-	-	-	-	2
Other Property	-	15	18	7	-	9	10	4	-	-	63
DWI/DUI	-	-	-	38	-	-	19	8	-	-	65
Controlled Substance	-	44	72	45	4	18	1	1	-	-	185
Other Offenses	-	3	12	80	4	3	33	38	-	-	173
Misd C, Violations, Holds	-	3	9	12	210	3	2	-	10	-	249
Warrants	-	-	-	-	-	-	-	-	-	-	0
<b>Total</b>	<b>18</b>	<b>451</b>	<b>613</b>	<b>409</b>	<b>221</b>	<b>110</b>	<b>129</b>	<b>59</b>	<b>10</b>	<b>-</b>	<b>2,020</b>

### Summary<sup>4 5</sup>:

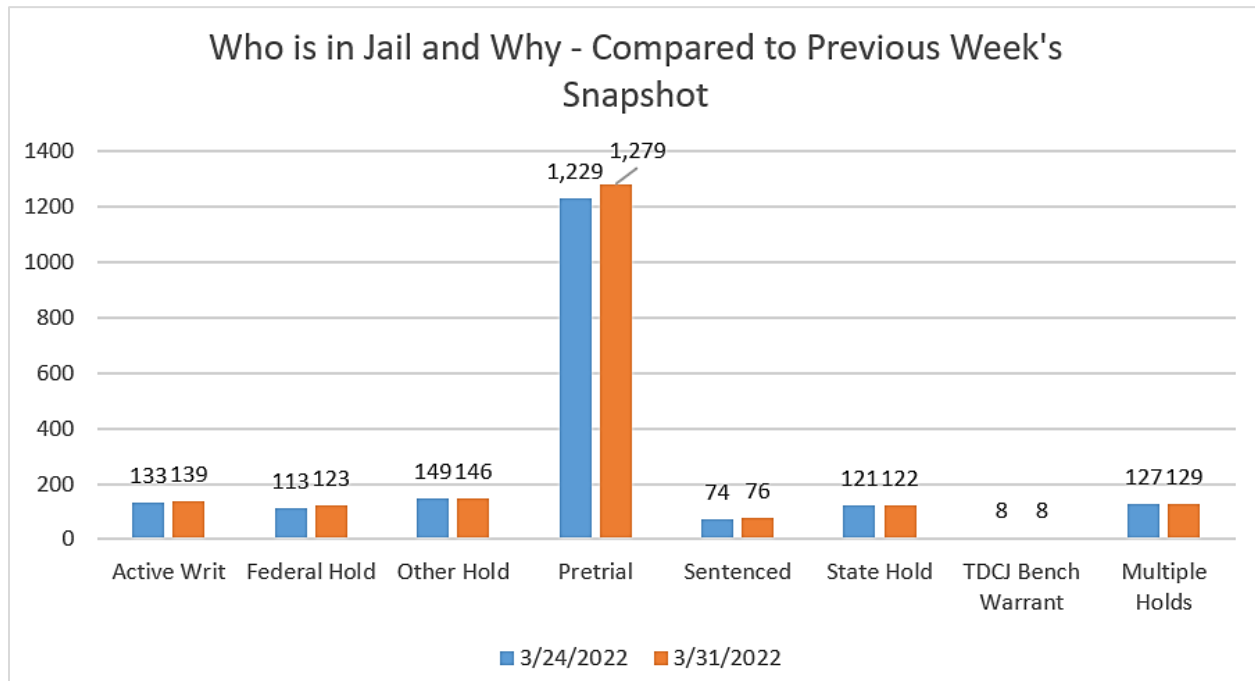
- There are 2,020 inmates in custody on March 31, 2022.
- 90% (1,822) have a felony as their highest charge.
- 10% (198) have a misdemeanor as their highest charge.
- 55% (1,121) have a violent charge as their highest charge.
- 45% (899) have a non-violent charge as their highest charge.

<sup>4</sup> Excludes SWAP participants and individuals waiting for a hospital bed. Pre-Release Parolees are included in this report. Only the highest charge is counted. Source: Tiburon jail booking snapshot

<sup>5</sup> Violent offenses include: Homicide, Sexual Assault, Other Sex Offenses, Robbery, Assault and Kidnapping. Non-Violent offenses include: Unknown, Burglary, Theft, Stolen Vehicle, Forgery, Other Property, DWI/DUI, Controlled Substance, Other Offenses, Misd. C, Violations, Holds and Warrants.

## 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. Justice Planning takes a weekly snapshot of Who is in Jail and Why. For the purposes of highlighting changes in these subpopulations, the following data compares the current snapshot (March 31) to the previous snapshot (March 24). Additionally, the summary further aggregates these populations into felony high charge, misdemeanor high charge, and no Travis County charge<sup>6</sup>.



Summary<sup>7 8</sup>:

Who is in jail and why on March 31, 2022 compared with the previous snapshot from March 24, 2022:

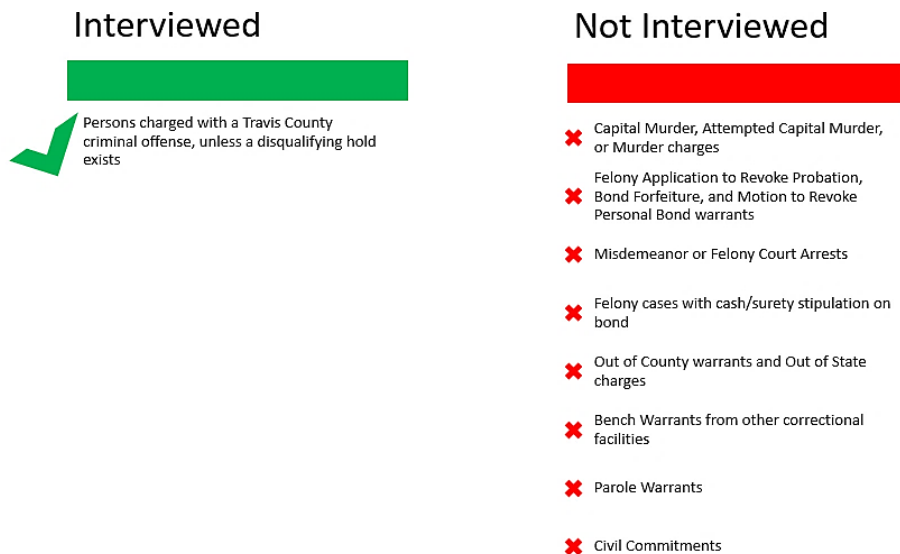
	Felony Higher Charge			Misdemeanor Higher Charge			No Travis County Charge			Total		
	3/24/2022	3/31/2022	% Change	3/24/2022	3/31/2022	% Change	3/24/2022	3/31/2022	% Change	3/24/2022	3/31/2022	% Change
Active Writ	98	100	2%	35	39	11%	0	0	0%	133	139	5%
Federal Hold	103	110	7%	9	11	22%	1	2	100%	113	123	9%
Other Hold	123	129	5%	5	4	-20%	21	13	-38%	149	146	-2%
Pretrial	1,094	1,114	2%	98	110	12%	37	55	49%	1,229	1,279	4%
Sentenced	70	70	0%	4	6	50%	0	0	0%	74	76	3%
State Hold	73	72	-1%	9	6	-33%	39	44	13%	121	122	1%
TDCJ Bench Warrant	8	8	0%	0	0	0%	0	0	0%	8	8	0%
Multiple Holds	108	111	3%	10	10	0%	9	8	-11%	127	129	2%
<b>Total</b>	<b>1,677</b>	<b>1,714</b>	<b>2%</b>	<b>170</b>	<b>186</b>	<b>9%</b>	<b>107</b>	<b>122</b>	<b>14%</b>	<b>1,954</b>	<b>2,022</b>	<b>3%</b>

<sup>6</sup> Individuals that were recently booked have not yet been assigned a Travis County cause number.

<sup>7</sup> Only the highest charge is counted. Source: FACTS

## WHAT IS THE PURPOSE OF THE STANDING ORDERS AND 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 a reimbursement 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 recommendation is 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 local efforts to increase the number of personal bond releases, 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**

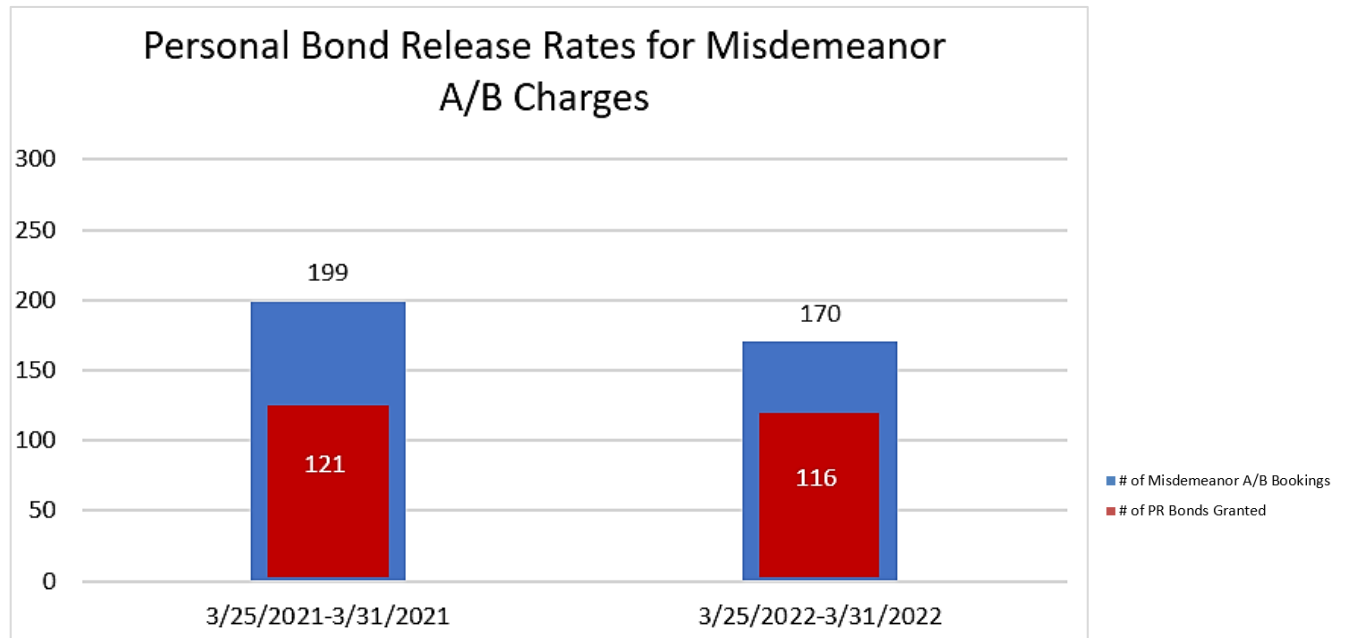
- No good time for individuals previously convicted of a violent crime or threat of physical violence of that is currently serving time for such a crime.

### **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 COUNTY COURTS AT LAW

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>9 10</sup>



### Summary:

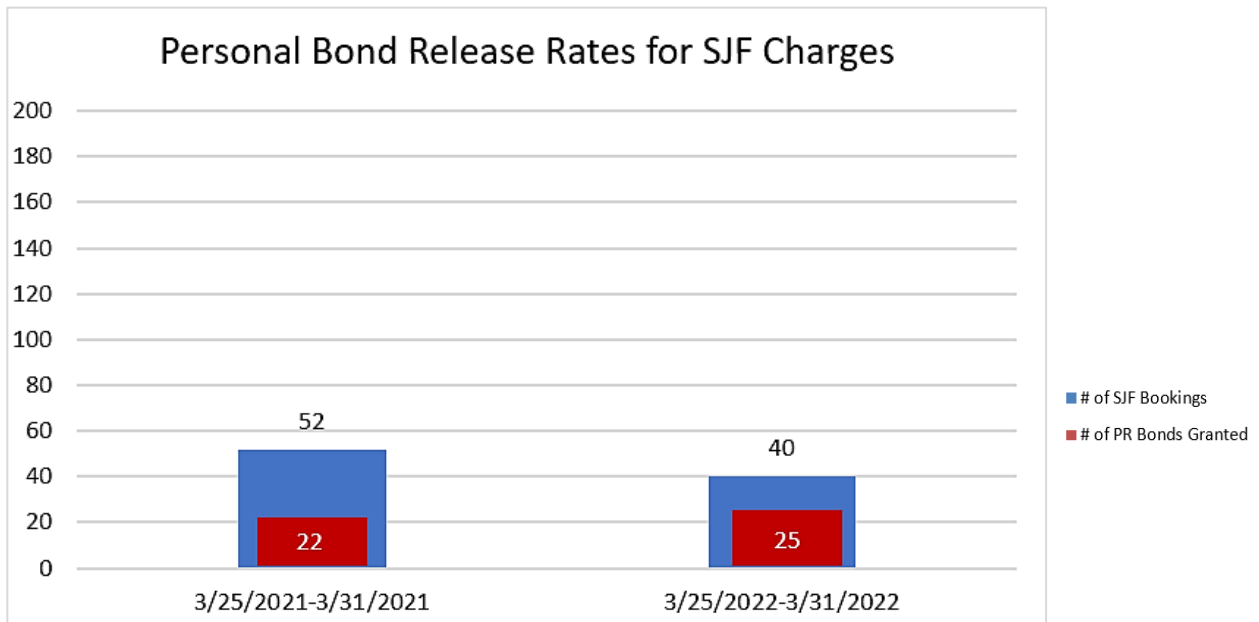
- For the current reporting period (3/25/22 – 3/31/22), 68% of defendants received personal bonds for misdemeanor A/B charges.
  - Within the same time period during 2021, 61% of defendants received personal bonds for misdemeanor A/B charges.

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

<sup>10</sup> Criteria within GA-13 impacts the number of individuals that qualify for release on general order bonds.

## STANDING ORDER FOR DISTRICT COURTS

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 General Order (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 (SJF) releases.<sup>11 12 13</sup>



### SUMMARY:

- For the current reporting period (3/25/22 – 3/31/22), 63% of defendants received personal bonds for State Jail Felony charges.
  - Within the same time period during 2021, 42% of defendants received personal bonds for State Jail Felony charges.

<sup>11</sup> Data represents highest charge and only new charges are counted. Source: Tiburon

<sup>12</sup> The methodology for this analysis is currently under review by Pretrial Services and is subject to further modification.

<sup>13</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

C-1-CR-11-100054

STATE OF TEXAS	) (	IN THE
	) (	
AND	) (	COUNTY COURTS OF LAW
	) (	
COUNTY OF TRAVIS	) (	HANDLING CRIMINAL CASES

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.

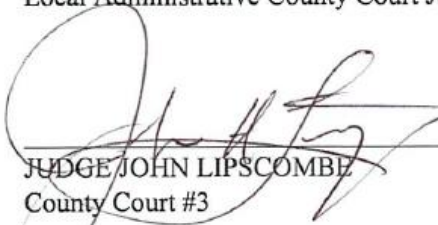
IT IS ORDERED that all persons arrested on misdemeanor crimes meeting the above conditions shall be released on a personal bond approved by the undersigned judges.

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

A

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.

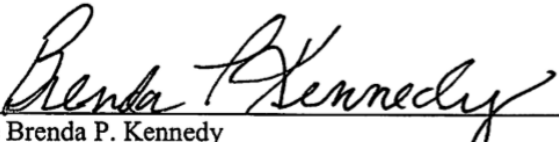
All the requirements and conditions of the bond previously set by the magistrate remain in effect.

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

## Proposed Pretrial Review

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

