Interim Report

to the 85th Texas Legislature

House Committee on Criminal Jurisprudence

January 2017

HOUSE COMMITTEE ON CRIMINAL JURISPRUDENCE
TEXAS HOUSE OF REPRESENTATIVES
INTERIM REPORT 2016

A REPORT TO THE
HOUSE OF REPRESENTATIVES
85TH TEXAS LEGISLATURE

ABEL HERRERO
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Committee On Criminal
Jurisprudence

January 4, 2017

Abel Herrero
Chairman

P.O. Box 2910
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The Honorable Joe Straus
Speaker, Texas House of Representatives
Members of the Texas House of Representatives
Texas State Capitol, Rm. 2W.13
Austin, Texas 78701

Dear Mr. Speaker and Fellow Members:

The Committee on Criminal Jurisprudence of the Eighty-fourth Legislature hereby submits its interim report including recommendations and drafted legislation for consideration by the Eighty-fifth Legislature.

Respectfully submitted,

Abel Herrero

Joe Moody

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Members: Reps. Terry Canales, Todd Hunter, Jeff Leach, Matt Shaheen, David Simpson

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COMMITTEE ON CRIMINAL JURISPRUDENCE

At the beginning of the 84h Legislature, the Honorable Joe Straus, Speaker of the Texas House of Representatives, appointed nine members to the House Committee on Criminal Jurisprudence.

The Committee membership includes the following appointees:
Abel Herrero, Chair; Joe Moody, Vice-Chair; Terry Canales; Toddy Hunter; Jeff Leach; David Simpson, and Matt Shaheen.

The Committee was given jurisdiction over all matters pertaining to:
(1) criminal law, prohibitions, standards, and penalties;
(2) probation and parole;
(3) criminal procedure in the courts of Texas;
(4) revision or amendment of the Penal Code; and
(5) the following state agencies: the Office of State Prosecuting Attorney and the Texas State Council for Interstate Adult Offender Supervision.

During the interim, Speaker Straus issued six interim charges to the Committee to study and report back with facts, findings, and recommendations. To study the charges, the Committee held four public hearings in Austin on March 21, May 16, May 17 and September 21, 2016 and one public hearing in Corpus Christi on August 24, 2016.

The Committee also accepted written testimony and research from practitioners, researchers and other stakeholders in the course of compiling this report. The Committee appreciates the input of those who participated in the hearings and offered their valuable insight throughout this process.

Interim Charges

Charge 1: Examine the feasibility of utilizing GPS monitoring in protective orders as a tool to help reduce family violence; study programs and identify best practices focused on the intervention and prevention of family violence and consider statutory changes needed to further deter the offense of family violence and domestic abuse.

Charge 2: Review pretrial service and bonding practices throughout the state. Examine factors considered in bail and pre-trial confinement decisions, including the use of risk assessments; assess the effectiveness and efficiency of different systems in terms of cost to local governments and taxpayers, community safety, pretrial absconding rates and rights of the accused. (Joint charge with the House Committee on County Affairs)

Charge 3: Examine the use of asset forfeiture in this state, including data reporting on forfeiture actions and procedures from seizure through forfeiture in both contested and uncontested cases. Make recommendations for improving these systems that balance law enforcement needs, private property rights, and government transparency.

Charge 4: Study the constitutional requirements and local practices for the appointment of counsel to indigent defendants and the operation of innocence projects at the state's six public law schools. Compare different indigent defense plans and the innocence projects across the state and identify best practices for system management, including appointment methods and timing, cost effectiveness, timeliness of case disposition, compensation of counsel, quality of representation, and protection of procedural rights. Consider the effectiveness of each of the programs currently funded and the funding strategy as a whole.

Charge 5: Examine fees and revocations for those on probation and parole; examine effectiveness of fees imposed as a condition of probation and parole; study technical revocations in adult probation to identify drivers of revocations, disparities across the state, and strategies for reducing technical revocations while ensuring program effectiveness and public safety. (Joint charge with the House Committee on Corrections)

Charge 6: Conduct legislative oversight and monitoring of the agencies and programs under the committee's jurisdiction and the implementation of relevant legislation passed by the 84th Legislature. In conducting this oversight, the committee should:
a. consider any reforms to state agencies to make them more responsive to Texas taxpayers and citizens;
b. identify issues regarding the agency or its governance that may be appropriate to investigate, improve, remedy, or eliminate;
c. determine whether an agency is operating in a transparent and efficient manner; and
d. identify opportunities to streamline programs and services while maintaining the mission of the agency and its programs.

Charge 1: Family Violence

Public Hearing

On August 24, 2016, the House Committee on Criminal Jurisprudence held a public hearing to consider testimony from stakeholders and experts regarding Charge 1, relating to GPS monitoring in cases involving family violence along with family violence intervention and prevention programs. The hearing was held in Corpus Christi at the Del Mar College Center for Economic Development.

The following portion of this report is based largely on the oral and written testimony from that hearing, along with other research.

Background

Communities across the state have seen success in supporting survivors through innovative programs. However, because family violence remains a problem that affects thousands of Texans, the issue continues to be at the forefront of legislative priorities. Despite increased awareness and funding for efforts to end domestic violence, incidents of family violence have continued to increase, up by more than 9,000 alone in 2015 compared with the previous year. The number of deaths relating to family violence also increased, up by 26 during the same period.[1] These numbers illustrate that, despite best efforts, more work must still be done to end the cycle of violence.

As lawmakers enter the 85th Legislative Session, we will continue to work with our community to address this crucial issue, building on past efforts to address each challenge in the hopes of ending family violence once and for all.

Federal lawmakers in 1994 passed the Violence Against Women Act (VAWA), recognizing at the federal level the specific need to address violent acts against women. The legislation included services for survivors, like a National Domestic Violence Hotline, and increased punishment for repeat offenders. Through VAWA, local law enforcement officers get annual training on the realities of domestic and sexual violence.[2] There are 24 federal grants authorized by VAWA and related legislation that filter to local jurisdictions. The grants support sexual assault services, domestic violence coalitions, youth education, campus programs, housing grants, and more.[3]

Building on these efforts, at the state level in 2009, the Texas Legislature passed HB 1506, known as Mary's Law, which allowed for a magistrate to require a person charged with a family violence offense to wear a GPS device as a bond condition, with the survivor's consent. Jurisdictions across Texas have increasingly turned to GPS monitoring as a helpful tool in the effort to end family violence. Along with the technology, women's shelters and law enforcement across the state have worked together to enact and promote intervention and prevention programs aimed at curbing family violence before it begins, or stopping it from happening again.

Experts, practitioners and community leaders agree that ending family violence will take a

multifaceted approach. The cycle of violence impacts not only the individuals involved, but can have devastating effects on children who witness violence. As advocates, community leaders and lawmakers work toward change, whether it is changes in statute or programs for survivors and offenders, the question frequently is raised: Why do survivors go back? During the August hearing, a survivor summed up her thinking for committee members, illustrating how complicated and bewildering the issue can be.

"You don't understand the emotional turmoil that one goes through at the time," Shirley Esparza, a survivor of domestic violence and now the Victim Assistance Coordinator for the Nueces County District Attorney's Office, told the panel. "You lose your identity. You lose your ability to think straight. You lose your ability to comprehend that this person will kill you even though he is telling you at the same time that he loves you. And you lose the ability to believe in yourself, almost, and believe in the people who say they are going to help you. Because the person who is telling you he loves you and is not going to do it again is the person you want to believe the most."

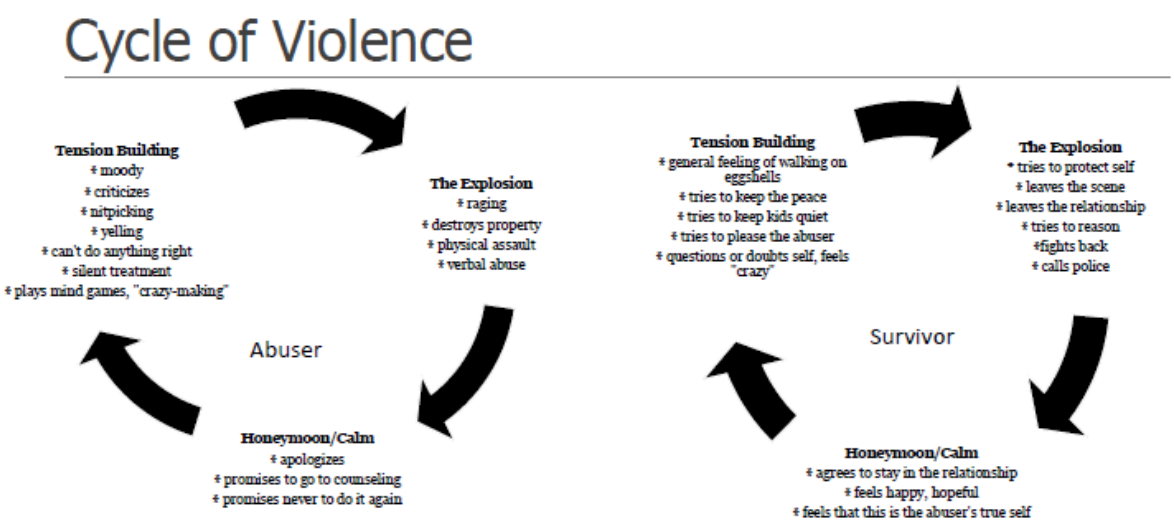
As we move ahead, lawmakers will examine all available tools in reducing family violence, whether it's intervention and prevention programs, working to increase funding for domestic violence services or any other ideas. The following is a look at some of the challenges to ending family violence, as well as some of the advances and efforts that have been made throughout the state to end domestic abuse. Only in understanding the intricacies of the issue, and taking a hard look at what works and what doesn't, can we continue to progress towards definitively ending the cycle of violence.

Discussion

Law Enforcement and Prosecution

Partly due to the intimate nature of family violence, law enforcement and prosecutors say holding people accountable for their actions is at times a challenge. For example, one judge in Nueces County estimated that roughly 80 percent of cases involving family violence are dismissed in the county.[4] Many factors can complicate prosecuting these crimes, most notably the pattern common in many family violence incidents known as the "cycle of violence."[5]

The cycle of violence is typically explained in three stages: tension building, violent episode and honeymoon stage. The following chart provides an explanation of this cycle from the perspective of the abuser and the survivor.[6]



While police may get involved during the "explosion" stage, survivors many times decide not to press charges. They also sometimes become uncooperative, mainly during the "honeymoon stage," for a myriad of reasons, one of which is believing the abuser will not do it again.[7] The cyclical nature of the relationship makes it difficult for survivors to break away from the relationship, possibly leading to future incidents of family violence that could escalate over time.

Prosecutors and advocates also point out that survivors at times choose not to pursue charges for fear of retaliation. Also, prosecuting cases can be hampered in that many of the incidents occur with only the abuser and survivor as witnesses, making it difficult to prove what happened.[8]

After a person is arrested or taken into custody following an incident, police need to speak to survivors to determine if the district attorney will be able to file charges in court. Survivors who leave abusive situations can be difficult to locate at times, slowing down the investigative process.[9] In some cases, prosecutors decide to pursue a case without the victim's involvement, using whatever resources at hand, which could include video from the incident, initial statements, or other witnesses. But law enforcement and prosecutors struggle with the reality that many survivors will eventually return to their abusers.[10]

Because of these complications, law enforcement stresses the importance of interrupting the cycle of violence, or working to ensure it doesn't happen in the first place. Prosecutors point out that by the time a case gets to them, it might be too late in the process to help, since violence or a homicide has already likely occurred.[11]

GPS monitoring

While not a solution to stopping family violence, jurisdictions that utilize GPS monitoring in cases involving family violence say that the tool has proven useful as a deterrent.[12] However, practitioners point out that GPS monitoring comes with challenges in using the technology, including cost and effectiveness of the monitoring itself. Addressing these challenges will improve its effectiveness, enhancing the tool.

When GPS monitoring is ordered, the defendant wears the GPS device, often on the ankle, and data is collected based on his/her movements. If the defendant enters an area known as an exclusion zone, the information is sent to probation officers and sometimes to the survivor.[13] Exclusion zones are areas created by the GPS provider in conjunction with information from the survivor where the defendant is prohibited from entering; generally around the survivor's home, the survivor's workplace, a child's school, or other frequently used areas. Each jurisdiction that utilizes GPS monitoring can determine its own policy for setting the number of exclusion zones a survivor can request.

The devices run on an active or passive system. An active system means that if the defendant crosses into an exclusion zone, the county, often the probation department, and the survivor are notified. Notifications for the survivor are typically through a text message or email. A passive system records trespasses, but would not notify the county or survivor in real time. In Nueces County, for example, if a defendant enters an exclusion zone, the probation department is notified. Recovery Healthcare, a vendor for GPS devices, has said that active systems are primarily preferred in family violence cases because of the need for survivor notification and possibility of imminent harm.[14]

Numerous vendors offer the technology, and the cost of the monitoring depends on the level of monitoring and data collection a jurisdiction believes will satisfy their needs. Active monitoring is generally more expensive than passive monitoring because of the level of data collection and reporting.[15] As such, each vendor may have different prices for GPS monitoring, or the price may vary based on the system type, number of expected devices in use at any time, or other factors. [16]

Practitioners have identified the cost of the device as a major challenge when it comes to GPS technology in family violence cases, with many indigent defendants unable to pay for the devices and counties strained to help foot the bill.[17] For example, in Nueces County, which uses an active system, the cost to the defendant is $9 per day, plus a $75 charge for initial setup, with the defendant paying the vendor directly.[18] As of August, 2016, 69 of the 95 individuals ordered to wear GPS, for cases involving family violence, were declared indigent, with the county paying for their devices. The county has generally depended on grant money to help pay for these individuals. For some counties, the potential cost deters them from considering or continuing a GPS monitoring program, or pushes them to move from an active system to a passive system.[19]

GPS monitoring also requires the cooperation of survivors. Survivors must share certain information with the GPS vendor in order to create exclusion zones and also must keep their contact information up to date, make sure their phones (or contact device) are charged at all times, and have a plan in place in the event of a zone violation.[20] Survivors also must consider that if they travel into an area with no cell phone coverage, they will not be notified if a violation occurs. Advocates, and vendors point to these caveats in order to make survivors aware of GPS monitoring limitations.

Despite these challenges, an increasing number of jurisdictions have added GPS monitoring to their larger approach in addressing family violence. Officials have expressed the desire to address these issues in order to improve how the technology is used, improve its affordability

and possibly expand its use.

Protective orders and GPS monitoring

The question has been raised as to whether GPS monitoring in family violence cases, currently only allowed as a pretrial condition of bond, should be expanded to be used as part of a protective order.

While law enforcement and activists stress that they prefer all available options to help stop domestic violence, they point out numerous considerations that should be addressed if GPS monitoring were expanded to protective orders. For example, a protective order can last a lifetime in some cases, so before lawmakers decide to allow it, consideration should be taken as to possible time limitations on their use.[21]

In addition, when a protective order is issued, the person who receives the order is not on any sort of supervision and violating the order is generally a civil violation. So advocates and law enforcement suggest considering who would supervise those ordered to wear the GPS device, and what type of penalty would be involved for a violation.[22]

Intervention programs

After an incident occurs, law enforcement and advocates will try to provide help for the survivor whenever possible. This includes providing programming for batterers to help ensure that abuse is put to a halt, and the cycle violence is interrupted.

Women's shelters throughout the state provide advocacy services and work with victims of domestic violence, offering counseling and other services, which include temporary housing. Staff also help survivors find ways to become independent of their abusers. During the 84th Legislative Session, lawmakers allocated $56.9 million for domestic violence programs for the next biennium, a $3 million increase from the last biennium. Advocates point out that while the increase helps, the funds are not enough to support a strained system where 39% of domestic violence survivors seeking shelter are denied due to lack of space.[23]

In order to disrupt the cycle of violence, intervention programs help both survivors and perpetrators. One program used in many counties is BIPP - Battering Intervention and Prevention Program, which is a court ordered program and generally a condition of probation or parole in cases involving family violence. BIPP is an intensive program over a number of weeks that requires the offender to take accountability and responsibility for his actions.[24] Nueces County has also added another program earlier in the intervention process called "YIELD" that is a 12-hour course to educate people on domestic violence. The program has been part of pretrial conditions and does not require the defendant to acknowledge any responsibility, but is focused on education and helping people understand harmful behaviors.[25]

In addition, law enforcement works to interrupt the cycle of violence by trying to get survivors help as soon as possible. For example, in February, the Corpus Christi Police Department began a Lethality Assessment Program, where officers at the scene of a case involving family violence

ask survivors questions from a questionnaire meant to measure risk of further escalation of violence. After individuals at greater risk are identified, a protocol is initiated that includes initiating immediate communication with the women's shelter to make a safety plan, as well as connecting the survivor to advocates and counselors.[26] As of August, 2016, the Women's Shelter of South Texas had received nearly 450 referrals from the program since it began in February, 2016.

Prevention Programs

On the prevention side, programs encouraging healthy relationships, teaching about dating violence, and teaching students how to identify signs of domestic violence have been instituted in some schools across the state. The goal is to make sure that family violence becomes a thing of the past, teaching children what a healthy relationship looks like.

In Texas, the state does not mandate prevention programming, so organizations have partnered with schools at district and local levels to provide the education. Children in elementary school can benefit from learning about healthy relationships, with the conversation advancing as the students mature.[27] Children see the relationships at home in their families, but may not know whether a behavior is healthy or not. Often a couple will have a fight in front of their children, but make up elsewhere, leaving children without a clear vision of how to handle conflict. [28]

Stakeholders agree that family violence is a learned behavior, and teaching students about healthy behaviors in relationships from a young age can help them identify possibly dangerous behavior.[29] However, advocates say that talking to students once about healthy relationships is not enough to see positive results, and instead suggest that schools adopt curriculum that teaches healthy relationships. Doing so might add to the cost of public education, though, and results will not likely be apparent until years down the road.[30]

Recommendations

• **Recommend active GPS monitoring in jurisdictions across the state.**
While state statute allows for the use of GPS monitoring as a bond condition in cases involving family violence, it does not specify which form of monitoring to utilize, whether it's active or passive. Stakeholders stress that active monitoring is a much more effective tool, partly because providing location information immediately to authorities and survivors could help prevent a dangerous situation. For these reasons, the committee encourages jurisdictions to utilize active monitoring, as opposed to passive monitoring.

• **Recommend the development of a curriculum that focuses on healthy relationships.**
Advocates argue that family violence is a learned behavior, and if people are taught at an early age about how to be in a healthy relationship, domestic violence would be greatly reduced. Advocates argue that going into schools and talking to students might help, but what would really make an impact would be a class dedicated to healthy relationships. The state should endorse the development of this class, which would have the potential to reduce family violence in the future.

• **Fully fund domestic violence programs.**
While the state increased funding for domestic violence programs last session, women's shelters across the state report they are still forced to turn away people in need because of lack of space. If the state were to increase funding to keep on pace with need, it would be a positive step toward helping halt the cycle of violence in a critical stage, after a survivor seeks help.

Charge 2: Pretrial Services and Bonding Practices

Public Hearing

On September 21, 2016, the House Committee on Criminal Jurisprudence held a public hearing jointly with the House Committee on County Affairs to consider testimony from stakeholders and experts regarding Charge 2, relating to bonding practice and pretrial series throughout the state. The hearing was held at the Texas Capitol, Room JHR 140.

The following portion of this report is based largely on the oral and written testimony from that hearing, along with other research.

Background

The right to bail is guaranteed in both the Texas Constitution and the Texas Code of Criminal Procedure, except in capital cases,[31] [32] as a way to prevent those who have been accused of a crime, but not yet convicted, from languishing in jail until their trial.[33] Elsewhere in Texas statute, lawmakers laid out the rules for determining bail, which specify that bail must be high enough to be taken seriously by a defendant, must not be used to oppress the defendant, that the nature of and circumstances surrounding the offense must be considered, as well as the ability to make bail and the safety of the victim and community.[34]

Despite these guarantees and instructions, the number of people held in Texas jails pre-trial has steadily increased in the last 25 years, from roughly 32 percent of the jailed population in 1994 to nearly 75 percent of those in jail now, excluding individuals who violated parole and federal contract inmates.[35]

The purpose of bail is for the accused to provide a sort of guarantee to the court that they will show up to a court hearing to answer for the charge against them.[36] The bail amount is provided in exchange for release from custody pending a trial or other disposition of a case.[37]

There are three types of bail:[38]

• **Bail bond:** Known as a surety bond, the defendant pays a surety company a percentage of the bail. The company pays the full amount of bail to the court if the defendant fails to show up for court.

• **Cash bond:** The defendant pays full amount of bond. The funds are returned to the defendant if the defendant complies with conditions of the bond.

• **Personal bond:** The defendant is released on their own recognizance, with a promise to show up to court. Each person released on personal bond is required to pay either $20, or three percent of the amount of the bail fixed for the accused, whichever is greater.[39]

Bail amounts are set by magistrates, who can be any type of judge,[40] and must be set no later

than 48 hours after an arrest.[41] Bail can only be withheld in certain circumstances, including, but not limited to, a capital offense or if the accused has two previous felony convictions.[42]

Typically, a magistrate only knows the charge for the arrested offense and the name of the defendant when making a pretrial decision. [43] Depending on the jurisdiction, however, magistrates might have additional information, such as criminal history of the defendant, risk assessment information, employment information, or previous failure to appear information.[44] In some jurisdictions, magistrates utilize pre-set bail schedules to make bail decisions, using a one-size-fits-all approach that takes into account no other information than the charge. After the magistrate sets a bail amount, if the defendant cannot pay that amount, or the portion necessary to secure a surety bond, the defendant stays in jail until trial. [45]

Those arguing for reforming the bail and pretrial system say that unnecessary pretrial detention can damage an individual's ability to maintain employment, hurt their ability to support dependent children, and increase the likelihood of recidivism. In fact, research has shown that when low-risk defendants are held for just 2 to 3 days, they are 40% more likely to commit a new crime before trial than those held no more than 24 hours.[46]

The increasing number of individuals behind bars pre-trial also has placed a financial strain on county jails, where housing these individuals costs an average of $60.12 per person per day.[47] In comparison, it costs roughly $3.25 per person per day to supervise someone released pretrial.[48] Research has also shown that defendants who remain in jail because they cannot afford to post bond tend to receive more severe sentences and are offered less attractive plea deals.[49] Also, in misdemeanor cases, pretrial detention may push a defendant to plead guilty merely for a chance to go home, even though that person might be innocent.[50]

The following is a look at some of the landscape of the state's bail and pretrial system, as well as a discussion on how it might be improved.

Discussion

Pretrial Services

In jurisdictions where magistrates have additional information – such as risk assessment information and previous failure to appear information – to make a pretrial decision, that information is typically provided by local pretrial services.[51] Because Texas' community supervision system is county based, rules vary by jurisdiction and there is little uniformity throughout the 254 counties when it comes to pretrial services. As written, Texas statutes provide little framework for pretrial services, so counties develop their own programs with the number and scope of these programs varying by jurisdiction.[52]

Texas law allows for counties, or multi-county district courts, to establish personal bond offices[53] to help monitor compliance with non-monetary conditions of bond, such as interlock devices and GPS monitoring, as well as reminding defendants of court dates. Since personal bond offices are funded solely by counties, requiring approval by counties to be established in the first place, few of these offices exist throughout Texas.[54] Instead, most pretrial services are handled through

county probation offices.[55]

Whether working for a personal bond office or a county probation office, pretrial officials generally gather information about the accused that might have a bearing on whether they are more or less likely to comply with conditions of a personal bond and report these findings to the court.[56] The information, however, is not used consistently throughout every jurisdiction.[57]

Funding for pretrial services varies throughout jurisdictions, as well. Some are funded by the county, while others are self-sustaining and dependent on supervision fees to operate.[58] In 2011, the Texas Department of Criminal Justice Community Justice Assistance Division, which oversees community supervision and correction departments across the state, limited local community supervision departments' ability to use state funds for pretrial services to 10% of one full-time employee. This limitation applies equally to all jurisdictions, regardless of size.[59] Community supervision department directors have said this limits their ability to properly serve individuals released on bond.[60]

Pretrial officials have also said that their work can be limited by local rules, which differ depending on jurisdiction and may exclude certain individuals from qualifying for a personal bond because of specific criminal history. That means that someone with a similar background who might be released with no money bail in one jurisdiction might not have the same outcome for the same offense in a different jurisdiction, depending on local practices.[61]

Proponents of reforming the bail system argue that strengthening and providing more funding for pretrial services would help reduce jail overcrowding by helping to ensure that these individuals attend programs, satisfy bond requirements, and are reminded to show up to court.[62]

Risk Assessments

Research has shown that most low-risk defendants held pretrial would likely show up to a court appearance if released and do not pose a significant risk to public safety.[63] On the other hand, some with financial means are released despite possible flight risk or threat to public safety.[64] Advocates say this is the result of a system that generally fails to provide magistrates with enough information to make informed bail decisions, resulting in the release of defendants who may pose a risk to the community merely because they have the means to post bond.[65]

To help ensure a more just system, some pretrial service departments utilize risk assessments to help make informed bail amount recommendations to courts. These assessments are empirically-derived tools that have been shown through research to predict the likelihood of appearing in court. The tools are used to help make decisions on release or detention pretrial and assignment of appropriate release conditions.[66]

Over decades of use and evaluation, pretrial assessments have identified a number of common factors among defendants who show up for court appearances or whether they are a danger to the community, making these tools a useful part of the bail decision making process. These common factors include current charges, outstanding warrants, history of criminal convictions, history of failure to appear, history of violence, employment stability, community ties and history of

substance abuse.[67] As they are used, the tools are evaluated to ensure they are a true predictor of risk, and also help identify any bias that would require adjustments.[68]

These risk assessments have been shown to identify low risk individuals and also are able to predict who will show up to court. A handful of jurisdictions already use validated risk assessments to assist in bail decisions, including Bexar and Travis counties.[69] Both Bexar and Travis counties have reported that of those released on pretrial after being evaluated, 90% made their court appearances.[70] Despite these examples of high appearance rates, most counties do not currently use a pretrial risk assessments in determining bail.[71]

Cost to Local Governments and Taxpayers

On average, it costs the county approximately $60.12 per day per inmate to hold an individual while incarcerated.[72] This cost does not account for additional medical and prescription costs the jail may incur based on the individual's needs. In 1973, the U.S. Supreme Court in *Estelle vs. Gamble* ruled that inadequate medical care provided to offenders constitutes a violation of the 8th Amendment of the U.S. Constitution, deeming the lack of care cruel and unusual punishment.[73]

In order to uphold their constitutional duty, jails provide medical and mental health services to those in custody. As of June 1, 2016, there were approximately 41,470 individuals incarcerated in county jails across Texas.[74] At the minimum cost per day, local governments incur $2,479,529 per year. Assuming the pretrial population in county jails remains the same, it is estimated that local Texas governments will incur more than $905 million in costs annually, with the potential of being higher due to costly medical needs.[75] Additionally, the likelihood that someone will re-offend increases when a person is unable to post bail, further increasing the potential cost incurred by local governments.

Community Safety

Advocates argue that the bail system currently in place fails to prevent many dangerous, often violent, individuals from being detained. Those with the ability to raise the funds to bond out, regardless of the offense charge, can do so. Furthermore, those charged with relatively minor offenses, who may pose no threat to community safety at large, often remain in jail due to their inability to post bond.

The Texas A&M Public Policy Research Institute (PPRI) found indigent individuals remained in jail longer and received jail sentences nearly two times lengthier than individuals with the financial resources to bond out.[76] PPRI conducted a study in Wichita County, comparing outcomes for offenders who received pretrial diversion to statistically similar offenders who remained in jail awaiting trial. Outcomes from the study indicate offenders released pretrial had a[77]:

- 333% better chance of receiving deferred adjudication;
- 30% better chance of having the charges against them dismissed;

- 24% less chance of being found guilty; and
- 54% fewer jail days sentenced.

Moreover, multiple studies indicate pretrial incarceration of low-level offenders can actually increase the risk of re-offending in the future. For example, a Laura and John Arnold Foundation study of offenders in Kentucky, comparing individuals released pretrial to individuals incarcerated awaiting trial, found low-risk individuals who remained jailed awaiting trial were 40% more likely to commit additional crimes before their trial date than those released pretrial. Additionally, the study found a direct correlation between the length of time in the jail and the likelihood the offender would commit new crimes:

- Two to three days of pretrial detention increases the risk of recidivism by a low-risk person by 17%, as compared to a low-risk defendant who is released on bail within 24 hours.
- Four to seven days of pretrial detention increases risk of recidivism by 35%.
- Eight to fourteen days of pretrial detention increases risk of recidivism by 51%.[78]

Experts say this increased recidivism could be attributed to the disruption of life due to the initial arrest and jail time. Increased time spent incarcerated increases the possibility of job loss, inability to pay bills, family disruption, and various obstacles encountered due to trickle down effects of incarceration.[79]

Decisions regarding release of an offender, without consideration of a risk assessment or their ability to post bond can pose a significant threat to public safety. Studies show 50 percent of offenders deemed "high risk" will be released under a money bond system.[80]

Bail Bondsmen Perspective

Bail bondsmen point out that they perform many of the same functions as pretrial services, trying to keep defendants on track and making sure they show up to court. In doing so, bondsmen argue that they have become an integral part of the criminal justice system.

For each individual who posts bail through the private sector, that bondsman pays a $15 fee to the state, which is deposited into a fund to pay supplemental salaries to assistant district attorneys and assistant county attorneys across the state. If a bondsman is unable to get the offender back, the bondsman pays the amount of bail in full which is deposited to the general fund in the county. In the event the offender is arrested in a different county, bondsmen reimburse the county for costs incurred for transporting the offender back to the original county in which the failure to appear occurred.[81]

According to the bondsmen, it is common for offenders released on commercial bond to need consistent reminders about court dates and other conditions of release. Bondsmen, because of the monetary investment, have an incentive to provide this service. County pretrial programs are limited in statutory authority to provide this service beyond reminding defendants of their scheduled court date. Therefore, bondsmen consider their service more successful when it comes to lower absconding rates than pretrial services.

Bondsmen who testified during a September hearing also pointed out that bail schedules were originally created to allow for the release of individuals on nights and weekends when a magistrate or judge may be unavailable. However, the original intent of bail and bond schedules, to ensure individuals were not detained unnecessarily, is no longer being upheld today. [82]

In general, the commercial bondsmen in Texas argue that the current system of bail is sufficient. The use of professional bondsmen, in their opinion, increases the likelihood that offenders will show up for court due to bondsmen's ability to seek out individuals who fail to appear for court, as well as the fact the offender has money invested with the bondsmen.

Recommendations

• Eliminate bond schedules in pretrial decisions.
Stakeholders point out that the use of bond schedules in bail decisions results in a one-size-fits all approach that does not take into account a person's danger to the community or likelihood of showing up to court. Eliminating the use of bond schedules could help to ensure that each bail decision is made on an case by case basis.

• Consider requiring the use validated risk assessments in bail decisions if the state provides extra funding.
The use of validated risk assessments for defendants arrested for jailable offenses would help to ensure magistrates have all available information when making bail decisions. Stakeholders also argue that using risk assessments would help make certain that bail decisions are based more on a comprehensive risk analysis of the defendant, while still ensuring the safety of our communities. Since a bail decision can have a substantial effect on a person's ability to keep a job or care for their children, the state should help to ensure that magistrates have access to risk analyses for defendants to form the fullest possible picture.

• Increase funding for pretrial services.
Pretrial officers have stressed that their work is limited by funding limitations, especially considering that departments cannot use more than 10% of one full time employee for pretrial services. Given that pretrial officers provide a service that not only helps to ensure that defendants make it to court hearings, but also help them get the help they need to leave the criminal justice system, the state should provide necessary funding.

Charge 3: Asset Forfeiture

Public Hearing

On May 16, 2016, the House Committee on Criminal Jurisprudence held a public hearing to consider testimony from stakeholders and experts regarding Charge 3, relating to the use of asset forfeiture in the state of Texas. The hearing was held at the Capitol, Room E2.030.

The following portion of this report is based largely on the oral and written testimony from the hearing, as well as other research.

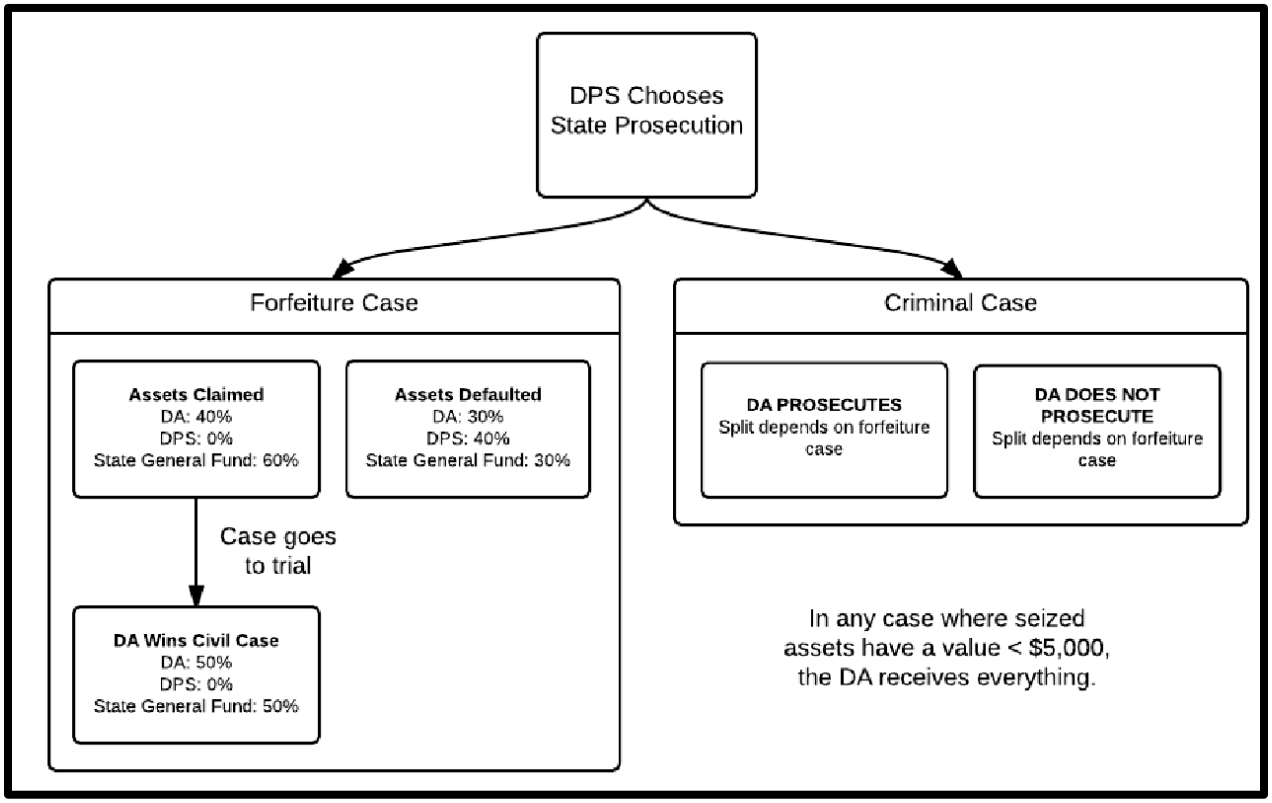
Background

During the late 1970s and early 1980s, asset forfeiture was expanded at the federal level to help law enforcement combat the illegal drug trade. Now, every state has some asset forfeiture law in place. There are three forms of asset forfeiture: criminal, civil, and administrative. Criminal forfeiture links the property and a person in a crime and requires a criminal charge against the person. Civil forfeiture is a case against the property and does not require a criminal charge against the presumed owner. Administrative forfeiture, used by some federal agencies, allows for the "forfeit of property without judicial involvement" in certain cases.[83] States typically have statutes, which vary from state to state, that allow for criminal or civil asset forfeiture.

Code of Criminal Procedure, Chapter 59

Texas' asset forfeiture statute is contained in the Texas Code of Criminal Procedure, Chapter 59. The chapter was created in 1989 as a way to pull forfeiture policy into one section of the code.[84] The bill also expanded the use of asset forfeiture in the state. The statute allows for property to be seized by law enforcement if there is probable cause that the property was used in committing a crime or is revenue resulting from criminal activity.[85] Once the property is seized, the state must show the connection to the crime by a preponderance of evidence before it is forfeited to the state. The presumed owner of the property is notified of the forfeiture proceedings and can choose whether to contest the case. If the case is contested, the burden is on the owner to prove that the property was not used in a crime, was used without the owner's knowledge, or was stolen.

If the owner is not successful or if the case is uncontested, the property is awarded to the state and distributed among law enforcement agencies involved in the forfeiture. Generally, each jurisdiction has an agreement in place outlining the asset distribution depending on the case. If no local agreement is in place, Texas statute lays out the default distribution.[86] The Department of Public Safety (DPS) is frequently involved in asset forfeiture cases and has developed memoranda of understanding (MOU) with most local jurisdictions. The image below shows the typical outcome for DPS resulting from forfeiture cases*:



*This chart does not include other law enforcement agencies that might be involved in a case, which would result in a different distribution of assets across the agencies.

Attempts at Reform

In the 84th Legislative Session, both Democrat and Republican elected officials filed asset forfeiture-related bills. The House Committee on Criminal Jurisprudence heard testimony for bills calling for reform on reporting, use of proceeds, burden of proof, and payment of case-related fees. The proposed legislation highlighted concerns by Representatives that asset forfeiture does not only target property used for unlawful purposes but also that both the forfeiture process and the use of proceeds is not transparent. HB 530, by Rep. Ana Hernandez, was the only asset forfeiture bill to pass in 2015. A portion of HB 530 requires state attorneys and law enforcement agencies to report forfeited funds annually to the Attorney General, and for the Attorney General to publish the information where it can be viewed publicly.[87] This report was published on April 1, 2016, and provided aggregate data for the 2015 calendar year on amounts forfeited, interest earned, and proceeds from sale of property for law enforcement and attorneys representing the state. The image below shows the information the Attorney General published on its website:

Law Enforcement Agencies

1. Amounts forfeited to and received by agencies: $32,942,865
2. Interest earned on forfeited funds: $156,773
3. Proceeds from the sale of forfeited property: $3,436,304

Total for Law Enforcement Agencies: $36,535,942

Attorneys Representing the State

1. Amounts forfeited to and received by agencies: $14,359,107
2. Interest earned on forfeited funds: $139,031
3. Proceeds from the sale of forfeited property: $2,121,155

Total for Attorneys Representing the State: $16,619,293

All Agencies Total

Total for All Agencies: $53,155,235

Discussion

In 2008, a lawsuit was filed in Tenaha, Texas alleging illegal stop, search, and seizure practices in the town. Attention from the case brought to light the problems with the practice: the lack of oversight and misuse of a tool supposed to be directed at those involved in the drug trade. As a result, the Texas Legislature made reforms to restrict the use of forfeiture funds and banned roadside waivers, which had allowed police to have people sign over their property on the spot.[88] Despite these changes, incidents of asset forfeiture abuse still concern legislators, in part because of the lack of transparency in the practice.

Defining Law Enforcement Agencies

Chapter 59 defines "law enforcement agency" as "an agency of the state or an agency of a political subdivision of the state authorized by law to employ peace officers."[89] This includes agencies that would first come to mind like police departments, sheriff's departments, and DPS. This definition also includes fire departments authorized to employ arson investigators, university police, and water districts.[90] There are more than 900 agencies that have the ability to take part in asset forfeiture across the state. However, according to data collected by the Attorney General's office, more than half of reporting agencies have no records of asset forfeiture – neither taking part in forfeitures, nor receiving any revenue as a result.[91]

Forfeiture Process

Law enforcement agencies are able to seize property if they determine it to be "contraband." By Texas statute, "contraband" is defined as property used in one of the following ways: used in the commission of a crime, intended to be used in the commission of specific crimes, the proceeds of a crime, or acquired with the proceeds of a crime.[92] Following seizure, the district attorney's office has 30 days to file a petition of forfeiture and begin proceedings against the property.[93] Otherwise, the property must be returned or law enforcement can request more time.[94] The forfeiture hearing moves through the civil court and the district attorney's office must prove "by a preponderance of the evidence that [the] property is subject to forfeiture."[95] The district attorney is to notify the owner or any interest holders of the property subject to civil case procedures. If the owner does not answer or appear following the notice and a public posting at the courthouse (for at least 30 days), the court can enter a default judgment, awarding the forfeiture to the state.[96] If the court makes a decision in favor of the forfeiture, the property is awarded to the law enforcement agencies involved with the seizure.

Revenue

Recipients of asset forfeiture funds cannot use those funds to offset salaries, expenses, or allowances that the agency or the district attorney receives from the county commissioners court or governing body of the municipality.[97] In practice, this means that forfeiture funds should not be considered when law enforcement agencies and state attorneys are creating their annual budgets. Furthermore, any spending of forfeiture funds is supposed to be included in a separate budget to be approved by the commissioners court or governing body.

Proceeds from forfeiture cases can be used for "law enforcement purposes" or "official purposes of the attorney's office."[98] At times, a district attorney's priorities do not mirror those of the county commissioners.[99] If commissioners determine they don't want to include certain things in a yearly regular budget, law enforcement can use the revenue from asset forfeiture cases to cover those items outside of the budget. This can include certain prevention or treatment programs, investigative costs, facility utilities, training materials, or body cameras.

Reporting and Oversight

Each law enforcement agency and district attorney's office is required to perform and submit an audit annually based on the county or municipality's fiscal year for law enforcement and the state fiscal year for attorneys. The form is available online through the Attorney General's office and submitted to the Attorney General once approved by commissioners court. The report requires agencies to list the amount forfeited, property forfeited by item (computers, motor vehicles, firearms, real property), property received from other agencies, loaned to other agencies, and expenditures from forfeiture funds (such as salaries, overtime, equipment, travel). The forms do not include information about the cases associated with the property, leaving a reader unsure of, for example, if the 17 computers forfeited to the San Antonio Police Department in FY2012 are from 1, 10, or 17 cases.[100] Until 2016, the Attorney General's office was not required to do anything with the reports it collected annually. Starting in 2016, the office must publish an annual report of asset forfeiture across the state. The report shows aggregate

data, with no county, agency, item or expenditure specific information.

Section 59.061 of the Code of Criminal Procedure outlines audits and investigations of forfeiture or expenditure of forfeiture funds. In particular, the section gives responsibility to the state auditor to investigate any law enforcement agencies or state attorneys. The section does not specify how the state auditor should determine when to investigate a case, if the state auditor, or another outside agency, should perform regular audits, or what should trigger an investigation. The Attorney General is also able to initiate an investigation at any point, but the office is not listed as a specific investigative agency. At the public hearing, a representative for the Texas Attorney General noted that the state auditor could request that the Attorney General get involved in an investigation, but that had never happened.[101] Also, the Attorney General's office has received requests in the past from district attorneys to step in if the district attorney or law enforcement has knowingly violated a section of the code. [102] The ability to provide injunctive relief is included in Article 59.062 of the code, but it originates from the law enforcement agency or district attorney. Furthermore, Chapter 59 does not have a provision in place requiring the Attorney General to do any additional oversight or provide any checks to prevent violations "relating to the disposition of proceeds or property."[103]

This does not prevent individual agencies and districts from implementing their own reporting and oversight mechanisms. DPS has an internal committee that approves each expenditure request coming out of their asset forfeiture fund and bases those decisions on needs of the agency.[104] DPS keeps case files on each seizure so the agency is able to connect the suspected criminal activity to the property forfeited. Forfeiture code requires a budget be submitted to the commissioners court and includes a non-exhaustive list of what is considered acceptable and unacceptable spending to guide that budget.[105] Any additional oversight mechanisms are the prerogative of law enforcement agency or district attorneys.

Impact on the Private Citizen

Asset forfeiture cases go through civil courts, where the state is not required to provide counsel for indigent defendants. For those who cannot afford counsel, not contesting the case can be the easiest option. For those who can afford counsel, the cost of hiring a lawyer may exceed the cost of the property seized and the property owner must decide if he/she wants to move forward with the case.[106] Additionally, if the property owner claims to be innocent of any knowledge that the property was used as contraband, the burden of proof is with the property owner. The property owner must prove to the court that he/she did not know and "should not reasonably have known" that the property was being used illegally.[107]

Reform in Other States

Asset forfeiture has gained national attention in the past few years and many states have considered legislation to reform the practice. The media has picked up stories across the country of abuses of asset forfeiture collection and funds. With the spotlight on these problems, some advocates, citizens, and elected officials have pushed for reform.

The first major change in recent years came in 2015 in New Mexico, when state lawmakers passed a bill that specified proceeds from forfeited assets would go to a general state fund instead of directly to law enforcement agencies. The state also limits law enforcement's ability to forfeit property. A person must be arrested for an applicable offense, convicted of that offense, and the state must present "clear and convincing evidence" that the assets are subject to forfeiture. Also in 2015, Michigan passed a series of reforms that require agencies to report on all seizure and forfeiture activity to the Department of State Police and increase the standard of evidence from a "preponderance of evidence" to "clear and convincing evidence."

Similarly, Florida in 2016 passed legislation that requires an arrest in most seizure cases, but not for cash seizures.[108] Florida now requires law enforcement agencies collecting over $15,000, annually, in forfeiture funds to contribute 25% or more to education, drug treatment, or crime prevention programs and requires any law enforcement agencies participating in asset forfeiture to complete annual reports on assets forfeited and expenditures from forfeiture funds.[109]

Asset forfeiture reform continues to gain momentum as multiple states consider proposed bills seeking to change the use of asset forfeiture statewide and federally.

Recommendations

• Require more detailed and public reporting.

Requiring more public reporting would help the public understand the use of asset forfeiture in the state. While reporting improved after last legislative session, the state should provide more detailed information on asset forfeiture, including aggregate information by county or reporting agency, or the number of forfeiture cases at the state or county level.

• Require a criminal conviction in forfeiture cases.

By requiring a criminal conviction, the state can be sure that assets forfeited are related to specific criminal activity of which a person has been found guilty. This would address some of the major concerns of advocates, citizens, and officials who fear that asset forfeiture is often done on the premise of a crime, but without that crime being proven.

• Increase the standard of evidence required to seize and forfeit property.

Standards of evidence can be hard to define, but the burden on the state increases if the statute were to require "clear and convincing evidence" or "beyond a reasonable doubt." By increasing the standard of evidence, the state would move a step toward ensuring there is cause to seize a person's property. An increased burden on the state is a step below requiring a criminal conviction and allows civil forfeiture to continue, but requires the state, which is seeking to divest a person of property, to prove to a judge that the property is connected to a crime.

• Increase protections for third party or innocent property owners.

By adding language to the code to protect innocent property owners, the state can ensure a presumption of innocence until the state can prove that the owner of the property knew or was involved in the criminal act.

Charge 4: Indigent Defense and Innocence Projects

Public Hearing

On March 21, 2016, the House Committee on Criminal Jurisprudence held a public hearing to consider testimony from stakeholders and experts regarding Charge 4, relating to indigent defense and innocence projects. The hearing was held at the Texas Capitol, Room E2.030.

The following portion of this report is based largely on the oral and written testimony from that hearing, along with other research.

Background: Indigent Defense

The Sixth Amendment of the U.S. Constitution guarantees defendants the right to legal counsel in criminal proceedings. Over 50 years ago, in 1963, the U.S. Supreme Court ruled in *Gideon v. Wainwright* that the state must provide representation for criminal defendants unable to afford a lawyer. Prior to this decision, judges in Texas appointed counsel to indigent defendants with no state oversight.[110] After *Gideon v. Wainwright*, judges were required to establish procedures for appointing counsel for indigent defendants.[111]

Fair Defense Act

In 2001, the Texas Legislature passed the Fair Defense Act to improve indigent defense and create statewide indigent defense standards.[112] The Act required each county to create formal procedures for providing counsel for indigent defendants and established a task force to oversee these services and disperse state funding. The task force, now the Texas Indigent Defense Commission (TIDC), uses a combination of formula and discretionary grants to provide funding for services across counties. Prior to the Fair Defense Act, funding came entirely from the counties, without support from the state. Through TIDC grants, the state has increased its support of county services, but it is still a small percentage in comparison to what counties spend on indigent services.

Defining Indigence

The Texas Code of Criminal Procedure defines indigency as "a person who is not financially able to employ counsel."[113] The code is not specific so that determination can vary by county. When establishing formal procedures for indigent defense, counties also include specific standards for determining indigency.[114] In 2015, the TIDC reviewed 370 indigent defense plans and found that primarily three standards were used to determine indigence: federal poverty guidelines, eligibility for public benefits, and living in a correctional or mental health institution. Of the plans reviewed, 144 used 125% of the federal poverty level as the standard, but many use multiple standards to determine indigence.

Discussion

Indigent Defense Plans

The Fair Defense Act gave counties the ability to develop indigent defense plans that work best for their jurisdiction. The four plans – Assigned Counsel, Managed Assigned Counsel, Public Defender's Office, and Contract Defender – are laid out in the Code of Criminal Procedure and Administrative Code.[115] Assigned Counsel is the most widely used program and is used in the majority of counties; Managed Assigned Counsel is the newest program and is in very few counties. The chart below details the four types of plans, their use across the state, as well as advantages and disadvantages of each. In choosing which plan works best, counties consider advantages, risks as well as weighing their needs and resources to determine which program is the best fit.[116]

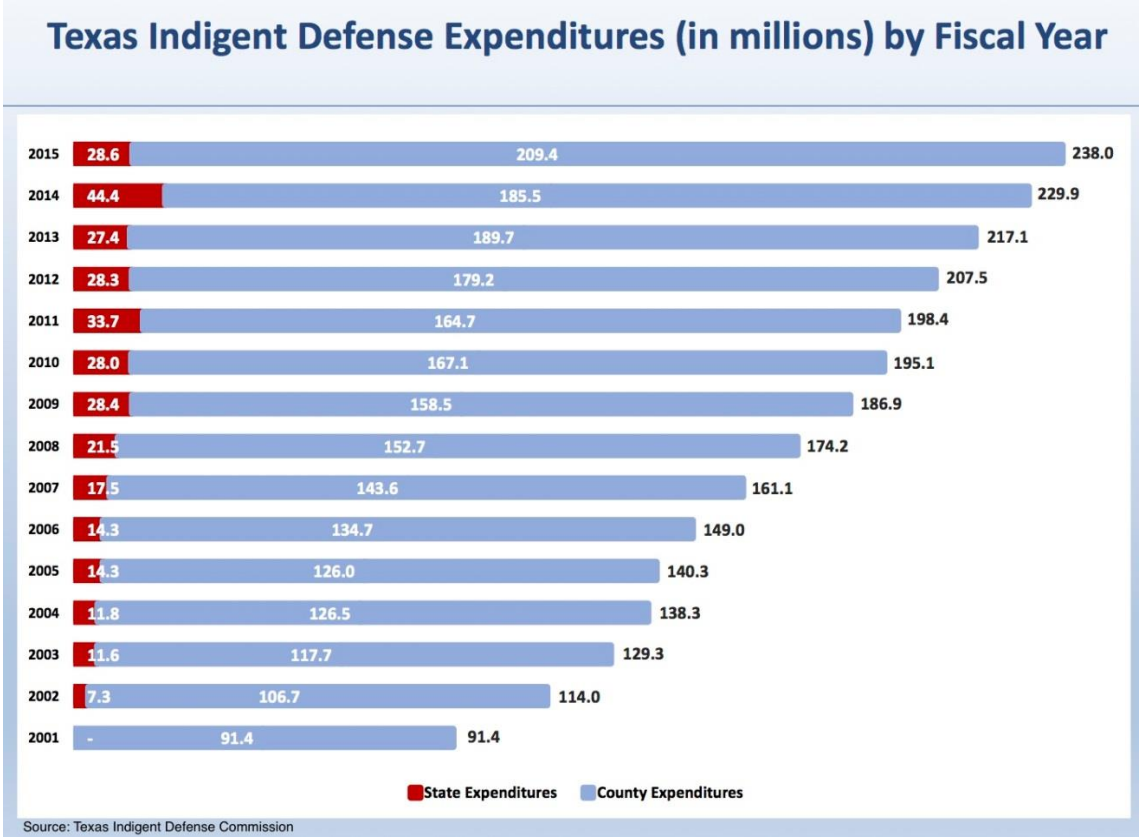
Type	Description	Use	Advantages	Challenges
Assigned Counsel	A judge appoints a private attorney to represent an indigent defendant from a list of qualified attorneys on rotation.	This is the most common method, used in roughly 90 % of Texas counties. Handle about 74% of all cases.	Uses existing pool of attorneys; can attract top quality attorneys; allows attorneys to combine public and private practice.	No systematic supervision; no systematic monitoring of attorney performance or caseload; lacks independence from judiciary if wheel not strictly followed.
Public Defenders Office	A county department or outside organization with full-time staff representing indigent defendants.	In 2015, 19 programs exist, including Harris County, Dallas County and Bexar County. Some serve multiple counties.	Systematic attorney training and monitoring; caseload management; predictable costs.	High start-up costs; high caseloads in some departments can be overwhelming, leading to reduced quality of representation and high attorney turnover.
Managed Assigned Counsel	A county department or non-governmental organization appoints a private attorney (with the court's approval) to allow for more specialized representation, like indigent defendants with mental illness.	Available by statute since 2011, in 2015, three counties used this method, including Travis, Collin and Lubbock Counties.	Systematic monitoring of caseloads, training, and performance; uses existing pool of qualified attorneys.	Start-up and administration costs.
Contract Defender	A private attorney or law firm is contracted to provide legal counsel to indigent defendants through the courts.	In 2015, 24 programs used this model. They serve 30 counties.	Uses existing pool of attorneys; low administrative costs; attorneys likely defense specialists; attorneys may be full-time indigent defense.	Creates and economic incentive to dispose of cases quickly; economic disincentive to investigate cases, try cases and utilize experts; can encourage a low-bid approach leading to high caseloads.

Source: Texas Indigent Defense Commission

Funding

Funding comes from two sources: the county and the state. State funding comes from a combination of court costs (76%), surety bond fees (6.2%), and the state bar fee (7.2%). The funds then go into a dedicated account for Fair Defense in the General Revenue Fund, after which they are distributed to counties through grants. The grants are dispersed using formula and discretionary methods, with the majority of counties receiving formula grants and fewer receiving competitive discretionary grants. In 2015, $23.9 million was awarded to 253 counties in formula grants and $6.9 million was awarded to 18 counties in discretionary grants.[117] Discretionary grants were awarded for specialized purposes including mental health programs, specialized public defender programs, and technology improvement.[118]

The remaining, and majority, of funding is directly provided by the counties and comes primarily from property taxes. Property values and taxes vary across the state and can be limiting for many rural and smaller counties who do not collect large amounts in property taxes. With limits on the amount counties can spend, it can be difficult to provide indigent defense services.[119] If counties do not accurately project the number of cases they will have in the following year, they may struggle to find sufficient funds to provide services. In 2015, counties contributed $209.4 million to indigent defense services. This number has more than doubled since the Fair Defense Act passed in 2001 ($91.4 million) and increased by $50 million since 2009 ($158.5 million). The following chart illustrates the split between state and county resources for indigent defense funding:



Caseloads and Attorney Standards

To provide quality representation, attorneys are discouraged from having too large a caseload. In 2015, the TIDC published a weighted caseload study which recommended no more than 128 felony or 226 misdemeanor cases per year.[120] On average, a felony case should take 16.2 hours and a misdemeanor case should take 9.1 hours.[121] In reality, misdemeanor cases take 50% more time and felony cases take 19% more time in Texas.[122] Furthermore, though case filings have generally decreased in recent years, particularly for misdemeanor cases, appointment rates have increased for both felony and misdemeanor cases.[123] An attorney taking on more than the recommended caseload or spending more hours on cases might not be able to provide quality representation, no matter how skilled the attorney.[124] Attorneys with too many cases or not spending enough hours on each case may reduce the likelihood of a positive outcome for indigent defendants, such as dismissal, charge reduction, or acquittal.[125]

The TIDC provides baseline attorney standards to qualify as counsel for indigent defendants, but individual counties have the ability to increase those standards and require other trainings for counsel. If an attorney is sanctioned, the county may have a policy in place to determine if that person is still able to provide indigent defense.

Oversight and Accountability

The TIDC is responsible for monitoring each county receiving a grant and enforcing compliance with grant requirements and conditions.[126] In their oversight capabilities, the TIDC conducts policy and fiscal monitoring to ensure county compliance. Policy monitoring includes investigations into wait time before seeing a magistrate, if the county plan is in compliance with state law, whether counsel is appointed when required, attorney caseloads, and use of additional services. This information is collected and can lead to additional investigation if a county receives a poor risk assessment score or if requested by an elected official. Counties also submit financial information to the TIDC. Annual expenditure reports include the number of disposed indigent cases and associated expenses. Expenditure reports are used to calculate formula grant amounts for counties in the following year. The TIDC also has the ability to review fiscal compliance on-site to ensure funding is being used in accordance with the law and grant policies.[127]

If a county is found to be out of compliance with the law, the TIDC has numerous enforcement capabilities. Initially, the TIDC will work with the county to attempt to correct any non-compliance and ensure the county is adhering to the law. If the county does not cooperate or does not become compliant after some time, the TIDC will stop the distribution of formula grant funds, increasing the responsibility for the county to pay these costs. If a county continues to be noncompliant, the TIDC can pursue a case against the county.

Background: Innocence Projects

In 2005, the 79th Texas Legislature included a rider in the General Appropriations Act to set aside funding to support innocence projects in Texas' public law schools.[128] The $400,000 in

annual funding was divided evenly between the law programs in four schools ($100,000 each): University of Houston, University of Texas, Texas Tech University, and Texas Southern University. The rider does not specify how the funding should be used or how innocence projects should be structured. However, the TIDC has created specific directives for the law schools' innocence projects through biennial contracts for schools to get the funding. For example, the TIDC's contract with the University of Texas at Austin includes a list of acceptable uses for the funding, services the innocence project should provide, and reporting requirements throughout the contract term.[129]

Innocence programs in Texas

Though guided through contracts with the TIDC, each innocence project operates differently.[130] Each project is led by a law professor, but also may have access to other staff. The University of Houston has an administrative assistant; Thurgood Marshall has a summer paralegal; Texas Tech has access to chief counsel and a litigator through a contract with the Innocence Project. In addition, the number of students in each innocence project varies, but is generally between 8-10; no clinic averages more than 11 students. The projects also focus on different case types. All clinics take actual innocence cases; the other cases they take are expanded in the chart below.

Project Name	Case Types
Thurgood Marshall School of Law Innocence Project (TMSLIP)	• Actual innocence • Wrongful misdemeanor convictions
Texas Tech Law/Innocence Project of Texas (IPTX)	• Actual innocence • Felony convictions • DNA • "Junk science"
University of Houston School of Law Innocence Project (UHIP)	• Actual innocence • DNA • guilty/nolo contendere plea cases • No probation/parole cases
University of Texas School of Law Actual Innocence Clinic (UTAIC)	• Actual innocence • Felony convictions • DNA • Post-conviction only

Discussion

New Innocence Projects

Since funding began in 2006, more public schools in Texas have added law schools, and some are also interested in offering innocence clinics for students. In 2013, Texas A&M University

acquired Texas Wesleyan University's Law School in Fort Worth, and the next year the Innocence Project of Texas collaborated with the school to begin an innocence clinic.[131] The University of North Texas Dallas School of Law began an innocence clinic in 2016 in honor of Joyce Ann Brown, a Texas exoneree who passed away in 2015.[132] Neither of these programs receives funding through the general appropriations rider. The programs depend on funding from their respective universities and Texas A&M has access to resources as part of their partnership with IPTX. With six schools offering innocence clinics, more students will get exposure to the appeals and exoneration process. There will also be increased opportunities for inmates to have their cases reviewed.

Case Flow

For the four established innocence projects, they have developed similar processes to handle case flow. First, projects generally receive requests for assistance (RFA) in a letter. If cases do not come through general intake, they can come through referrals, which move more quickly through the process.[133] After the letter, the projects will select some that seem promising based on their professional experience and send the inmate a questionnaire if the project feels there is early evidence to support an innocence claim, and if the case meets the project's criteria. Upon return of the questionnaire, the pool of cases is narrowed further to determine which cases will be investigated further. The investigation stage can take one to two years, or more depending on resources. Students work on gathering information, such as trial transcripts, and may have to travel to county clerk offices to get documents.[134] In addition, the investigation may require the project to consult with experts on DNA or forensic science cases before beginning litigation. These experts are costly and may delay the investigation period further.[135] Upon completion of the investigation, the project will decide if they want to pursue a legal remedy and bring the case to court. The chart below shows the number of cases going through the innocence projects over three years, fiscal years 2012-2014.

Case Flow: Fiscal years 2012 -2014

		TMSLIP	IPTX	UHIP	UTAIC
Case flow: Four phases (FY 2012 - 2014)	1) Letter request for assistance (RFA)	1,404 received, student reviewed	3,064 received, director reviewed	1,935 received, professor reviewed	2,129 received, professor reviewed
	2) Questionnaire Review	482 received, student reviewed	1,248 received, director reviewed	1,315 received, student reviewed	864 received, professor reviewed
	3) Investigation	65 open	91 open	346 open	267 open
	4) Pursuit of Legal Remedies (outcomes)	3 initiated, 1 denied	15 initiated, 7 denied, 5 granted, 3 exonerated	2 initiated, 1 denied	3 initiated, 2 exonerated
Total Exonerations (FY 2005-2015)		***0***	***10***	***0***	***3***

Successful Exonerations

From 2006-2015, the work of the four innocence projects has led to 13 exonerations. Of those, 10 exonerations came from the work of IPTX and Texas Tech; three exonerations came from the University of Texas. Texas Southern University and University of Houston have not had any exonerations, but they have not initiated as many cases as the other two projects. The Innocence Project, based in New York, has partnered with the University of Houston in some cases that

have resulted in successful exonerations. Successful exonerations positively impact more than the person wrongfully punished for the crime, they can also identify the actual perpetrator of the crime and can lead to policy changes upon identifying flaws in the system. In 2007, the Innocence Project worked with the University of Houston to prove the innocence of Ronald Gene Taylor. Taylor was in prison for a 1993 rape and with the use of DNA testing it was shown that another man was responsible for the crime. Taylor was released in 2007 and officially exonerated in 2008.[136] In 2010, IPTX and Texas Tech successfully fought for the posthumous exoneration of Timothy Cole. Cole was convicted of sexual assault in 1986 and died in prison in 1999. His case also centered on DNA evidence that again identified a different man, more than 20 years later.

Challenges

The innocence projects face a number of challenges around funding, the ability to litigate, intake processes, and the constant rotation of students. Aside from the $100,000 from the legislature, additional funds for university-based clinics come primarily from the university. The majority of funding goes to personnel costs and is not enough to cover the additional expenses associated with taking on cases. IPTX is the only innocence group that actively fundraises. As a non-profit, IPTX can apply for local and national grants and retains the services of a fundraising firm to help with additional donations.[137]

Litigating cases is closely connected with funding and is a challenge for the innocence projects, as well. With limited funding, the university-based projects only have one attorney who litigates the cases. The cases are lengthy and difficult and can take upwards of five years to complete the process.[138] As such, attorneys take one case at a time.[139] IPTX has more than one attorney, but depends on pro-bono work and board members to take on cases. Still, many of the attorneys volunteering their time do not have background in these types of cases, meaning they need guidance and supervision to ensure they are doing the work properly.[140]

The students in the clinics are a critical part of the process, but the constant rotation of students prolongs the process. Students participating in clinics gain significant experience and skills, so stakeholders say it is important to keep students involved.[141] However, most of the clinics only last one semester, so each semester law professors must teach a new group of students how the process works, the current cases they are working on, and make sure they closely track the work of the students. Students may have the opportunity to develop close relationships with defendants, but each semester the clinic has to re-establish those relationships as the students change.[142]

A significant amount of work in the process is administrative. The clinics have to manage case letters, develop an intake process, collect court records, and any other paperwork associated with the cases. Potential cases can come in letters directly from inmates or referrals from other attorneys. After going through the initial letters, the innocence projects send questionnaires for the defendants to fill out. This information must be tracked to make sure no cases fall through the cracks. Defendants may send letters to all innocence projects and fill out questionnaires for all in hopes that one will take the case. The clinics operate independently of each other, so it's possible that more than one may initially begin looking into a case before one clinic takes on the case. Once looking into a case, the clinics face additional roadblocks while trying to collect court

records. Inmates don't necessarily have documents from their cases, meaning that students or clinic staff have to track down materials. Court transcripts are not always easy to get and generally cost $1 per page, which can be cost prohibitive over time.[143] Electronic records are easier to get, but older cases and some jurisdictions don't have electronic records. Furthermore, older cases are not always at the courthouse and are instead in the possession of the court reporter or the court of appeals, meaning the cost for a copy of the transcript may be different than the standard $1 per page.[144] The multiple hurdles in preparing cases for litigation make the exoneration process more challenging for innocence projects.

Recommendations

Indigent Defense

•**Adopt statewide caseload standards for attorneys providing indigent defense.**
Adopting a statewide caseload standard for attorneys who provide indigent defense would help to ensure defendants receive the attention they need for adequate representation. The standard could be based on best practices as established by the TIDC, and counties could choose to make that number smaller if they have fewer cases or their cases tend to be more time consuming, but not higher than the state maximum.

• **Provide Additional State Funding for indigent defense**.
Increasing state funding for indigent defense services would reduce the burden on counties, which currently carry most of the funding load. The additional funds can be used to help rural counties provide indigent defense for defendants, satisfying their constitutional obligation. As caseloads of defendants who are indigent increase, the state should assume more responsibility and narrow the funding gap.

Innocence Projects

• **Establish a central intake and tracking database for innocence project cases.**
A central intake process will help innocence projects avoid duplicate work, encourage them to work together and streamline the process for inmates seeking help. Currently, inmates may send letters to one or all innocence projects, and who reviews those letters varies by project. A central intake process would help track these requests for help, and ensure resources are spent most efficiently.

• **Modify the appropriation to include legislative direction and increase funding.**
Adding direction in the legislative appropriation would ensure that the money provided to innocence projects is spent most effectively, and clarify how the legislature expects these funds to be used. Also, the amount given to each project, $100,000 annually, has not been changed since the appropriation was added in 2006, and each project has expressed financial challenges in moving cases forward, such as high administrative fees for court documents or consulting with experts.

Charge 5: Fees and Revocations

Public Hearing

On May 17, 2016, the House Committee on Criminal Jurisprudence held a public hearing jointly with the House Committee on Corrections to consider testimony from stakeholders and experts regarding Charge 5, relating to fees and revocations for those on probation and parole. The hearing was held at the Texas Capitol, Room JHR 140.

The following portion of this report is based largely on the oral and written testimony from that hearing, along with other research.

Background

Fees and revocations for probation and parole operate in two separate systems. Local county community supervision and corrections departments supervise those on probation. Parole officers who work for the state supervise those on parole. The conditions for probation are determined and imposed at the local level by judges and prosecutors. The State Board of Pardons and Paroles determine conditions for those on parole.

Fees

Those on probation pay a standard monthly supervision fee of between $25-60, set by local jurisdictions, for supervision on top of costs for associated mandatory programs as a part of probation conditions. Roughly 67% of courts in Texas assess a $60 supervision fee, 15% assess a $50 fee, 7% assess a $40 fee, and a handful of jurisdictions assess a fee below $40.[145] The state collects roughly $136 million per fiscal year in probation fees. The fees generally comprise roughly 33% of local probation department budgets.[146] Probation offices also collect program participation fees, for drug treatment or education programs, and the amount collected depends on the treatment ordered by a judge and varies case by case. [147] Counties pay for facilities, utilities and equipment, and the rest of probation department funding comes from the state, which is roughly a total of $310 million per year for the state's 122 probation departments. [148]

Supervision is handled locally, funded by a combination of state funding and fee collection. Judges have discretion on awarding probation and are able to waive fees if a person on probation is unable to pay. Parole boards have a list of eligible offenders and make determinations to release people under supervision and any other parole conditions using a risk assessment instrument. Individuals on parole pay a $10 monthly supervision fee, which goes to the state's general fund, and an $8 monthly administrative fee, which goes to the victims of crime fund.

Revocations

Each time an offender is placed on community supervision, whether it's probation or parole, that individual must meet certain conditions to satisfy the terms of probation or parole. If they don't

meet these conditions – such as GPS monitoring, substance abuse classes, or using an interlock monitoring device – their probation or parole can be revoked. Generally, revoking probation or parole in such cases, where there is no new arrest or criminal charge, is referred to as a "technical revocation," even though no definition for technical revocations exists in state statute. A technical revocation can be anything from failure to report to not attending a treatment program.[149]

In the last ten years, the Texas Department of Criminal Justice has reported a 9% decrease in technical revocations.[150] Typically, about 50% of all TDCJ revocations are technical, and about 42% of those technical violations are for absconding, meaning that person failed to report to a probation officer.[151] Generally, judges use a progressive sanction model before revoking probation, so when someone's probation is revoked on a technical violation, it's typically not because of one technical violation, but instead that person usually has numerous violations. [152]

Similarly, the state's parole board utilizes a general sanctions approach to revocations. Instead of revocations, the board also has the option of placing someone in an intermediate sanctions facility for a period of 60 to 180 days. On average, a person sent to an intermediate sanctions facility stays there for roughly 90 days.[153]

The following is a look at how fees impact those on probation or parole, and the driving factors that go into a revocation for a technical violation.

Discussion

Impact on those on probation and parole

Advocates argue that the number of fees and conditions placed on individuals on probation and parole make it difficult for them to succeed. While counties have a range to set supervision fees, they often set it at the higher end of $60. Offenders must pay this fee to meet supervision requirements, unless the fee is waived, in addition to paying for other conditions of supervision, such as classes or an interlock device.

The supervision fee does not vary based on ability to pay, but judges can, if they choose, reduce or waive the fee.[154] Advocates point out that the population expected to pay these fees are already at a disadvantage in that their criminal record could prevent them from finding employment.[155]

Advocates and probation officers alike point out that on top of the supervision fee, offenders must contend with court fees and sometimes program fees.[156] Even if some of the fees are waived, advocates say, offenders will still be expected to pay to some degree for treatment, and, in some cases, for drug screening and urine analysis that can cost between $10 and $25 a week.

The pressure to pay these fees, or the knowledge they will have to pay these fees, if they agree to probation can push a defendant to choose jail time instead of supervision. Often times, a jail sentence might be less time than a person would spend on supervision, so the choice might seem

wise for the defendant at the time.[157]

Impact on Probation Office and Parole Offices

Community supervision chiefs across the state stress that, within the current system, fees are essential to running their office. The state pays only a portion of a department's budget, and the rest consists of the fees collected, whether it's supervision fees or program participation fees. The amount each department receives from the state varies by jurisdiction.

However, not every offender can pay the fees they are required to pay, leading to varying collection rates across the state. Also, in some cases judges waive fees if offenders cannot pay. Jurisdictions with high poverty levels typically collect less money for their offices than jurisdictions with more affluent residents.[158] For example, in Hidalgo County, where fees make up 41% of the probation department's operating budget, offenders paid $3.5 million in probation fees last fiscal year. During the same time period, $2.4 million in supervision fees were waived.[159] Similarly, in Nueces County, where supervision fees make up 40% of the community supervision department budget, officers collected $1.8 million in fees in fiscal year 2015, which is a 45% collection rate. The inability to plan for who will pay the fees they're asked to pay makes it difficult for these departments to budget for the future.[160]

In some jurisdictions, this disparity can limit the departments in how much they can pay staff, how many staff members they can hire and the caseload level handed to each probation officer. In turn, the diminished ability to collect fees can lead to reduced supervision in parts of the state where help is needed the most.[161]

A person who is on probation must sometimes decide which fees to pay for, and which they can skip, and still manage to meet the requirements of supervision. Probation chiefs say they allow offenders to run a tab on their supervision fee. But since the offenders pay for each mandated class individually to the organization offering the class itself, they can't take the class without making a payment. So to meet the requirements of probation, individuals must also be able to pay for the classes necessary, or they risk having their supervision revoked.

Revocations

Revocations can occur for a number of reasons, but technical revocations occur when a person violates the conditions of his/her parole or probation and does not commit a new crime. These revocations can happen for a number of reasons, including failure to report, not attending drug treatments, or failure to register a change in address.[162]

While the state can revoke probation for failing to pay fees, probation officials say it rarely happens in practice. Instead, failure to pay fees is typically listed on a laundry list of other technical violations presented before a judge, who ultimately decides whether to revoke probation.[163] In order for a judge to revoke probation based on failure to pay fees, the state must prove that the offender can pay them, which is a fairly high standard that is typically difficult to meet. [164] In addition, probation officers say they try to help offenders form a budget and a life plan to help deal with these fees.[165]

Across the state, technical revocations have gone down for those on probation by about three percent between 2010 and 2015.[166] On the parole side, revocations have gone down from 10,000 offenders in 2006 to 5,500 offenders in 2015.[167]

Officials with probation and parole say that a change in approach has led to the reduction in revocations, in that they understand offenders will have bumps along the way. Probation chiefs say, for instance, that offenders generally do not have their probation revoked for the first time they don't show up to a meeting, or fail a drug test. A person typically has their probation revoked after they have failed on a number of fronts, and probation officers provide prosecutors with a list of technical violations. On the parole side, the department uses Substance Abuse Felony Punishment Facilities (SAFPF) or Intermediate Sanction Facilities (ISF) to provide an alternative to revocation. In 2015, roughly 9,000 offenders were sent to an ISF or SAFPF in lieu of revocation.[168]

Probation officials say they do what they can to avoid revoking an offender's probation because of technical violations, including working with the offender to identify solutions to why they went off track. For example, if an offender tests positive for a drug, instead of filing a violation report, probation officers will discuss the case with a supervisor and maybe send the offender to out-patient treatment and more frequent urine analysis.[169] Some departments also utilize informal reviews with a judge and offender to address non-compliance and to inform the judge of the offender's progress or lack of progress. [170]

Recommendations

• Re-examine the state's funding system for probation offices.
Probation offices across the state reported their dependence on fees to fund much of their work leads to difficulty guaranteeing quality services across jurisdictions. The collection of these fees partly depends on the affluence of the residents in their jurisdictions, creating a situation where funding is difficult to come by in counties that need it the most. The state should consider increasing its share of funding to probation departments to help ensure quality supervision across the state.

• Consider reducing fees of individuals on supervision.
While judges have the ability to waive fees if good cause is shown, whether those fees are waived depends on the judge. If the fees are not waived, individuals under supervision must come up with funds to not only pay for their supervision, but also pay for court fees and fines associated with their offense. Advocates argue that the level of fees levied against offenders can keep them from moving away from the criminal justice system as they struggle to come up with the money. The state should consider reducing some of these fees in statute.

• Consider defining "technical revocation" in statute.
While it is generally understood that a technical revocation can mean anything that is not a new offense, officials have pointed out that it is not clearly defined in statute. Clearly defining technical revocations might help probation departments form a more uniform approach to addressing violations. Typically, probation officers approach technical violations on a case by

case basis, and revocations usually occur when an offender collects a laundry list of these violations. This depends on jurisdiction and a judge's approach, making outcomes different depending where a person lives.

Charge 6: Oversight and Monitoring

Public Hearing

The House Committee on Criminal Jurisprudence held no public hearings regarding Charge 6, oversight and monitoring of agencies and programs.

The Committee continues to monitor agencies under its jurisdiction, the Office of State Prosecuting Attorney and the Texas State Council for Interstate Adult Offender Supervision, to ensure the agencies are using taxpayer money effectively and efficiently.

Recommendations

The House Committee on Criminal Jurisprudence at this time makes no recommendations regarding Charge 6, relating to oversight and monitoring of agencies and programs under its jurisdiction.

APPENDICES

Appendix A: Letter from Vice Chair Moody

TEXAS HOUSE *of* REPRESENTATIVES

Joe Moody
STATE REPRESENTATIVE
DISTRICT 78 • EL PASO COUNTY

January 27, 2017

The Honorable Abel Herrero
Texas Capitol, Rm. 4S.6
Austin, Texas 78768

re: 84th Legislature Criminal Jurisprudence Committee Interim Report

Dear Mr. Chairman:

I've reviewed our committee's interim report and applaud the work that you and your staff have done. I've submitted my signature in support of the report.

I do write to note—with the utmost respect for you and the rest of the committee—that my signature doesn't mean I fully agree with all of the report's recommendations. We're a diverse committee with lots of different ideas about how best to approach criminal justice issues in Texas, and that's a strength. Despite some disagreements on how to get there, I know we're all pointed towards the same destination: making Texas as fair, safe, and just as any place in the world.

Thanks for sharing that commitment with me. I look forward to working with you on criminal justice reform this session.

Respectfully,

JOE MOODY
District 78 | El Paso County

cc: The Honorable Todd Hunter
The Honorable Jeff Leach
The Honorable Terry Canales
The Honorable Matt Shaheen

P.O. BOX 2910 • AUSTIN, TEXAS 78768-2910 • *phone* (512) 463-0728 • *fax* (512) 463-0397 • JOE.MOODY@HOUSE.STATE.TX.US

Appendix B: Letter from Rep. Leach

TEXAS HOUSE OF REPRESENTATIVES
JEFF LEACH
DISTRICT 67

January 26, 2017

Chairman Abel Herrero
House Committee on Criminal Jurisprudence
Texas House of Representatives
P.O. Box 2910
Austin, TX 78768

Dear Chairman Herrero,

It was an honor to serve under your leadership on the House Committee on Criminal Jurisprudence during the 84th Legislature. I have carefully reviewed our Committee's Interim Report and recommendations to the 85th Legislature. While I have agreed to sign the report, my signature should not be construed to signify agreement or endorsement of each policy recommendation. That said, I am committed to working diligently with you towards a more fair, just and strong criminal justice system for all Texans.

All My Best,

Jeff Leach

cc:
Representative Joe Moody
Representative Todd Hunter
Representative Terry Canales
Representative Matt Shaheen

CAPITOL OFFICE: P.O. BOX 2910 · AUSTIN, TEXAS 78768-2910 · 512-463-0544 · 512-463-9974 (FAX)
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Appendix C: Letter from Rep. Simpson

DAVID SIMPSON
STATE REPRESENTATIVE
DISTRICT SEVEN

January 30, 2017

The Honorable Joe Straus
Speaker
Texas House of Representatives
P.O. Box 2910
Austin, TX 78768-2910

Speaker Straus,

As a member of the House Committee Criminal Jurisprudence it has been a pleasure to serve with my fellow committee members and Chairman Herrero. It has been a humbling experience to serve on this committee, to learn about our criminal justice system, and the ways we can improve it.

In addressing the needs of our criminal justice system I wish to voice my concern with one aspect of this committee report. Numerous recommendations on the charges call for an increase in funds for various programs. I am always hesitant to support the continued increase of government programs, yet I firmly believe the justice system is one of the core functions of state government that we must adequately fund. We must be cautious not use state funds for services that the private sector has been providing and should evaluate our current programs to ensure they are being used effectively and efficiently.

The financial needs of these programs does underscore the need for our government to remain limited and only focus on those things which is it constitutionally charged with doing to ensure funds are used appropriately and wisely.

I again want to reiterate my thanks and appreciate to Chairman Herrero. His passion and knowledge of the criminal justice system is obvious and expansive. It has truly been an honor to serve with him on this committee and to discuss these important issues.

For Texas and Liberty,

David Simpson

Appendix D: Family Violence and GPS Monitoring Witness List

The following individuals testified on the issue:

Aaron Setliff, Policy Director, Texas Council on Family Violence
Susan Trevino, Chief Operating Officer, Women's Shelter of South Texas
Rellie Addison, Women's Shelter of South Texas
Jason Brady, Captain, Corpus Christi Police Department
Abel Alonzo, Self, Nueces County I Believe In Me Foundation
Mark Skurka, District Attorney, Nueces County District Attorney's Office
Sarah DelaFuente, Women's Association of Religious Professionals
Laura Walters, Women's Association of Religious Professionals of Texas
Shirley Esparza, Self, Domestic Violence Survivor
David Stith, Judge, 319th District Court
William Shull, Director, Nueces County Community Supervision and Corrections Department
Terry Fain, Chief Operating Officer, Recovery Healthcare Corporation
Jeff Temple, Associate Professor, University of Texas Medical Branch Galveston
Carlos Garcia, District Attorney, 79th Judicial District
Yvonne Toureilles, Assistant District Attorney, 79th Judicial District
Gary Green, Self, Her Story Foundation

Appendix E: Pretrial Services Witness List

The following individuals testified on the issue:

Nathan Hecht, Chief Justice, Supreme Court of Texas, Chair, Texas Judicial Council
David Slayton, Administrative Director, Office of Court Administration, Executive Director, Texas Judicial Council
Leon Evans, Chief Executive Officer, Bexar County Mental Health Authority Center for Health Care Services
Gerald Rodriguez, President, Texas Association of Pretrial Services
Mike Lozito, Director Judicial Services, Bexar County Pretrial Services
Irma Guerrero, Division Director, Travis County Pretrial Services
William Shull, Director, Nueces County Community Supervision and Corrections Department
Susan Pamerleau, Sheriff, Bexar County
Micah Harmon, Sheriff, Lavaca County, Sheriffs Association of Texas
Sandra Thompson, Self, University of Houston Law Center
Jessica Rio, County Executive, Travis County Planning and Budget Office
Bill Gravell, Judge Precinct 3, Justices of the Peace and Constables Association of Texas
Carlos Lopez, President, Justices of the Peace and Constables Association of Texas
John Brieden, Judge, Washington County
Matthew Alsdorf, Vice President of Criminal Justice, Laura and John Arnold Foundation
Tara Blair, Executive Officer, Kentucky Administrative Office of the Courts, Department of Pretrial Services
Jeff Clayton, Executive Director, American Bail Coalition
Ken Good, Self, Professional Bondsmen of Texas
John McCluskey, Director, Professional Bondsmen of Texas
John Burns, Self
Nathan Fennell, Policy Analyst, Texas Fair Defense Project
Lindsey Linder, Policy Attorney, Texas Criminal Justice Coalition

Appendix F: Asset Forfeiture Witness List

The following individuals testified on the issue:

Kent Richardson, Assistant Attorney General, Office of the Attorney General
Phillip Ayala, Texas Department of Public Safety
Tom Ruocco, Assistant Director Criminal Investigations Division, Texas Department of Public Safety
Wiley "Sonny" McAfee, District Attorney, 33rd/424th Judicial Districts
Karen Morris, Assistant District Attorney, Harris County
Maxey Cerliano, Sheriffs' Association of Texas
AJ Louderback, Sheriffs' Association of Texas
Larry Smith, Sheriff's Association of Texas
James Smith, San Antonio Police Department
Michael Stiernberg, Risk Assessment Manager, Texas State Auditor's Office
Greg Glod, Policy Analyst, Texas Public Policy Foundation
Arif Panju, Attorney, Institute for Justice
Gabriella McDonald, Pro Bono and New Projects Director, Texas Appleseed
Kathy Mitchell, Grassroots Sentencing Campaign Coordinator, Texas Criminal Justice Coalition
Matt Simpson, Senior Policy Strategist, ACLU of Texas
Arthur Mayer, Self

Appendix G: Indigent Defense and Innocence Projects Witness List

The following individuals testified on the issue:

Jim Bethke, Executive Director, Texas Indigent Defense Commission
Jim Allison, General Counsel, County Judges and Commissioners Association of Texas
Rebecca Bernhardt, Executive Director, Texas Fair Defense Project
Alex Bunin, Chief Public Defender, Harris County Public Defender's Office
Marc Levin, Center for Effective Justice Director, Texas Public Policy Foundation
Sarah Guidry, Executive Director, Thurgood Marshall School of Law Innocence Project
Cassandra Jeu, Legal Clinic Supervisor, University of Houston Innocence Project
Mike Ware, Executive Director, Innocence Project of Texas
Jack Stoffregen, Chief Public Defender, Texas Regional Public Defender for Capital Cases

Appendix H: Fees and Revocations Witness List

The following individuals testified on the issue:

Carey Welebob, Director, Texas Department of Criminal Justice Community Justice Assistance Division
Stuart Jenkins, Director, Texas Department of Criminal Justice Parole Division
Federico Rangel, Huntsville Member, Texas Board of Pardons and Paroles
Laurie Molina, Criminal Justice Data Manager, Legislative Budget Board
Angela Isaack, Public Safety and Criminal Justice Manager, Legislative Budget Board
George Purcell, Analyst, Legislative Budget Board
Douglas Smith, Policy Analyst, Texas Criminal Justice Coalition
Leighton Iles, Director, Tarrant County Community Supervision and Corrections Department
Arnold Patrick, Director, Hidalgo County Community Supervision and Corrections Department
William Shull, Director, Nueces County Community Supervision and Corrections Department
Roxane Marek, Director, Matagorda County Community Supervision and Corrections Department, Texas Probation Association
Javed Syed, Director, Dallas County Community Supervision and Corrections Department
Rick Magnis, District Court Judge, Dallas County
Tina Yoo, County Criminal Court Judge, Dallas County
Buddy Mills, Sheriff's Association of Texas
Marc Levin, Center for Effective Justice Director, Texas Public Policy Foundation
Rebecca Bernhardt, Executive Director, Texas Fair Defense Project
Lori Lovins, Self
Lauren Johnson, Self
Kevin Buckler, Self
Krista Gehrig, Self

ENDNOTES

[1] Texas Council on Family Violence. Honoring Texas Victims 2014, page 2.
[2] Factsheet: The Violence Against Women Act.
https://www.whitehouse.gov/sites/default/files/docs/vawa_factsheet.pdf (accessed November 30, 2016).
[3] Grant Programs, Office of Violence Against Women. The United States Department of Justice.
https://www.justice.gov/ovw/grant-programs. (accessed August 10, 2016).
[4] Oral testimony of David Stith, District Court Judge. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Corpus Christi, Texas, Aug. 24, 2016.
[5] Oral testimony of Mark Skurka, Nueces County District Attorney. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Corpus Christi, Texas, Aug. 24, 2016.
[6]"SAFE: Stop Abuse For Everyone." Presentation from SAFE Alliance Austin, August, 2016.
[7] Oral testimony of Mark Skurka, Nueces County District Attorney. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Corpus Christi, Texas, Aug. 24, 2016.
[8] Oral testimony of Aaron Setliff, Policy Director for the Texas Council on Family Violence. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Corpus Christi, Texas, Aug. 24, 2016.
[9] Oral testimony of Mark Skurka, Nueces County District Attorney. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Corpus Christi, Texas, Aug. 24, 2016.
[10] Oral testimony of Aaron Setliff, Policy Director for the Texas Council on Family Violence. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Corpus Christi, Texas, Aug. 24, 2016.
[11] Oral testimony of Mark Skurka, Nueces County District Attorney. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Corpus Christi, Texas, Aug. 24, 2016.
[12] Oral testimony of David Stith, District Court Judge. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Corpus Christi, Texas, Aug. 24, 2016.
[13] Oral testimony of Terry Fain, Chief Operating Officer for Recovery Healthcare Corporation. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Corpus Christi, Texas, Aug. 24, 2016.
[14] Oral testimony of Terry Fain, Chief Operating Officer for Recovery Healthcare Corporation. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Corpus Christi, Texas, Aug. 24, 2016.
[15] Oral testimony of Terry Fain, Chief Operating Officer for Recovery Healthcare Corporation. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Corpus Christi, Texas, Aug. 24, 2016.
[16] Oral testimony of Terry Fain, Chief Operating Officer for Recovery Healthcare Corporation. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Corpus Christi, Texas, Aug. 24, 2016.
[17] Oral testimony of William Shull, Nueces County CSCD Director. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Corpus Christi, Texas, Aug. 24, 2016.
[18] Email communication with Nueces County CSCD Director William Shull. June 16, 2016.
[19] Oral testimony of Terry Fain, Chief Operating Officer for Recovery Healthcare Corporation. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Corpus Christi, Texas, Aug. 24, 2016.
[20] Interview with Susan Trevino, Women's Shelter of South Texas. August 2016.
[21] Oral testimony of Aaron Setliff, Policy Director for the Texas Council on Family Violence. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Corpus Christi, Texas, Aug. 24, 2016.
[22] Oral testimony of William Shull, Nueces County CSCD Director, Public Hearing. Texas House of Representatives Committee on Criminal Jurisprudence. Corpus Christi, Texas, Aug. 24, 2016.
[23] Oral testimony of Aaron Setliff, Policy Director for the Texas Council on Family Violence. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Corpus Christi, Texas, Aug. 24, 2016.
[24] Interview with Susan Trevino, Women's Shelter of South Texas. August 2016.
[25] Interview with Susan Trevino, Women's Shelter of South Texas. August 2016.
[26] Oral testimony of Captain Jason Brady, Corpus Christi Police Department, Public Hearing. Texas House of Representatives Committee on Criminal Jurisprudence. Corpus Christi, Texas, Aug. 24, 2016.
[27] Oral testimony of Jeff Temple, the University of Texas Medical Branch. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Corpus Christi, Texas, Aug. 24, 2016.
[28] Oral testimony of Jeff Temple, the University of Texas Medical Branch. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Corpus Christi, Texas, Aug. 24, 2016.
[29] Oral testimony of Jeff Temple, the University of Texas Medical Branch. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Corpus Christi, Texas, Aug. 24, 2016.
[30] Oral testimony of Jeff Temple, the University of Texas Medical Branch, and Susan Treviño, Chief Operations

Officer for the Women's Shelter of South Texas. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Corpus Christi, Texas, Aug. 24, 2016.
[31] Texas Constitution, Art. I, §11.
[32] Texas Code of Criminal Procedure, Art. 1.07.
[33] Oral Testimony of Chief Judge Nathan L. Hecht, Public Hearing. Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, Sept. 24, 2016.
[34] Texas Code of Criminal Procedure, Art. 17.15.
[35] Oral Testimony of David Slayton, Office of Court Administration Administrative Director. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, Sept. 21, 2016.
[36] Oral Testimony of David Slayton, Office of Court Administration Administrative Director. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, Sept. 21, 2016.
[37] Oral Testimony of David Slayton, Office of Court Administration Administrative Director. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, Sept. 21, 2016.
[38] Oral Testimony of David Slayton, Office of Court Administration Administrative Director. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, Sept. 21, 2016.
[39] Texas Code of Criminal Procedure, Art. 17.42.
[40] Texas Code of Criminal Procedure, Art. 2.09.
[41] Texas Code of Criminal Procedure, Art. 15.17
[42] Oral Testimony of David Slayton, Office of Court Administration Administrative Director. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, Sept. 21, 2016.
[43] Oral Testimony of David Slayton, Office of Court Administration Administrative Director. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, Sept. 21, 2016.
[44] Oral Testimony of David Slayton, Office of Court Administration Administrative Director. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, Sept. 21, 2016.
[45] Oral Testimony of Chief Judge Nathan L. Hecht, Public Hearing. Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, Sept. 24, 2016.
[46] Oral Testimony of David Slayton, Office of Court Administration Administrative Director. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, Sept. 21, 2016.
[47] Texas Judicial Council. Criminal Justice Committee Report & Recommendations, Oct. 2016.
[48] Oral Testimony of Mike Lozito, Director of Judicial Services for Bexar County Pretrial Services. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, Sept. 21, 2016.
[49] Pepin, Arthur W., 2012-2013 Policy Paper Evidence-Based Pretrial Release. Conference of State Court Administrators, 2013.
[50] Heaton, Paul; Mayson, Sandra; Stevenson, Megan, The Downstream Consequences of Misdemeanor Pretrial Detention, University of Pennsylvania Law School, July 2016.
[51] Oral Testimony of David Slayton, Office of Court Administration Administrative Director. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, Sept. 21, 2016.
[52] Leete, Travis, Overview of Pretrial Services and Bail in Texas. Texas Criminal Justice Coalition, 2012.
[53] Texas Code of Criminal Procedure, Art. 17.42.
[54] Oral Testimony of David Slayton, Office of Court Administration Administrative Director. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, Sept. 21, 2016.
[55] Oral Testimony of David Slayton, Office of Court Administration Administrative Director. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, Sept. 21, 2016.
[56] Texas Code of Criminal Procedure, Art. 17.42.
[57] Oral Testimony of Gerald Rodriguez, Texas Association of Pretrial Services. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, Sept. 21, 2016.
[58] Oral Testimony of Gerald Rodriguez, Texas Association of Pretrial Services. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, Sept. 21, 2016.
[59] Texas Judicial Council. Criminal Justice Committee Report & Recommendations. Oct. 2016.
[60] Oral Testimony of William Shull, Nueces County CSCD director. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, Sept. 21, 2016.
[61] Oral Testimony of Mike Lozito, Director of Judicial Services for Bexar County Pretrial Services, and Gerald Rodriguez, Texas Association of Pretrial Services. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, Sept. 21, 2016.

[62] Oral Testimony of Mike Lozito, Director of Judicial Services for Bexar County Pretrial Services. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, Sept. 21, 2016.
[63] Pepin, Arthur W. 2012-2013 Policy Paper Evidence-Based Pretrial Release. Conference of State Court Administrators. 2013.
[64] Pepin, Arthur W. 2012-2013 Policy Paper Evidence-Based Pretrial Release. Conference of State Court Administrators. 2013.
[65] Texas Judicial Council. Criminal Justice Committee Report & Recommendations. Oct. 2016.
[66] Oral Testimony of David Slayton, Office of Court Administration Administrative Director. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, Sept. 21, 2016.
[67] Pepin, Arthur W. 2012-2013 Policy Paper Evidence-Based Pretrial Release. Conference of State Court Administrators. 2013.
[68] Oral Testimony of David Slayton, Office of Court Administration Administrative Director. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, Sept. 21, 2016.
[69] Texas Judicial Council. Criminal Justice Committee Report & Recommendations. Oct. 2016.
[70] Oral Testimony of Mike Lozito, Director of Judicial Services for Bexar County Pretrial Services, and Irma Guerrero, Pretrial Services Division Director for Travis County. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, Sept. 21, 2016.
[71] Oral Testimony of David Slayton, Office of Court Administration Administrative Director. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, Sept. 21, 2016.
[72] Oral Testimony of David Slayton, Office of Court Administration Administrative Director. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, Sept. 21, 2016.
[73] Estelle v. Gamble (No. 75-929). https://www.law.cornell.edu/supremecourt/text/429/97 (accessed November 30, 2016)
[74] Oral Testimony of David Slayton, Office of Court Administration Administrative Director. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, Sept. 21, 2016.
[75] Texas Judicial Council. Criminal Justice Committee Report & Recommendations, Oct. 2016.
[76] Texas A&M Public Policy Research Institute Public Policy Research Institute. Wichita County Public Defender Office: An Evaluation of Case Processing, Client Outcomes and Costs 54-59, 2012.
[77] Texas A&M Public Policy Research Institute Public Policy Research Institute. Wichita County Public Defender Office: An Evaluation of Case Processing, Client Outcomes and Costs 54-59, 2012.
[78] Laura and John Arnold Foundation, Pretrial Criminal Justice Research. https://www.pretrial.org/download/featured/Pretrial%20Criminal%20Justice%20Research%20Brief%20-%20LJAF%202013.pdf. (accessed November 30, 2016).
[79] Written testimony of Mary Mergler, Texas Appleseed. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, Sept. 21, 2016.
[80] Thomas Cohen & Brian Reaves, Bureau of Justice Statistics. *Pretrial Release of Felony Defendants in State Courts* (2007). http://www.bjs.gov/content/pub/pdf/prfdsc.pdf (accessed November 30, 2016)
[81] Oral testimony of Ken Good, Professional Bondsmen of Texas. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, Sept. 21, 2016.
[82] Oral testimony of Jeff Clayton, American Bail Coalition. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, Sept. 21, 2016.
[83] Types of Federal Forfeiture. The United States Department of Justice. https://www.justice.gov/afp/types-federal-forfeiture. (accessed November 30, 2016).
[84] HB 65, 71(1), 1989.
[85] Texas Legislative Budget Board. Seized and Forfeited Assets. Legislative Primer Report, page 1. http://www.lbb.state.tx.us/Documents/Publications/Primer/3267_Seized_Forfeited_Assets.pdf (accessed November 30, 2016)
[86] Texas Code of Criminal Procedure, Chapter 59.06.
[87] HB 530, 84(R), 2015.
[88] Stillman, Sarah. Taken. The New Yorker. August 12, 2013. http://www.newyorker.com/magazine/2013/08/12/taken (accessed November 30, 2016)
[89] Tex. Code Crim. Proc. art. 59.01.
[90] Oral testimony of Kent Richardson, Texas Attorney General. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, May 16, 2016.

[91] Texas Attorney General. Fiscal Year 2015 Law Enforcement Agency Annual Report and Fiscal Year 2015 Zero Form Annual Report.
[92] Tex. Code Crim. Proc. art. 59.01.2B, 2E, 2F.
[93] Tex. Code Crim. Proc. art. 59.04(a).
[94] Oral testimony of Karen Morris, Harris County Assistant District Attorney. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, May 16, 2016.
[95] Tex. Code Crim. Proc. art. 59.05(a),(b).
[96] Tex. Code Crim. Proc. art. 59.04 (b),(c).
[97] Tex. Code Crim. Proc. art. 59.06(d).
[98] Tex. Code Crim. Proc. art. 59.06 (c-3).
[99] Oral testimony of WB Sonny McAffee, District Attorney. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, May 16, 2016.
[100] San Antonio Police Department. FY 2012 Asset Forfeiture Report.
[101] Oral testimony of Kent Richardson, Assistant Attorney General, Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence, Austin, Texas, May 16, 2016.
[102] Oral testimony of Kent Richardson, Assistant Attorney General, Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence, Austin, Texas, May 16, 2016.
[103] Tex. Code Crim. Proc. art. 59.062 (b).
[104] Oral testimony of Tom Ruocco. Texas Department of Public Safety Assistant Director of Criminal Investigations Division. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, May 16, 2016.
[105] Tex. Code Crim. Proc. art. 59.06 (d), (d-1 - d-4).
[106] Oral testimony of Kathy Mitchell, Texas Criminal Justice Coalition. Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, May 16, 2016.
[107] Tex. Code Crim. Proc. art. 59.02(c).
[108] SB 1044. Florida State Legislature. enrolled version lines 191-195. 2016. https://www.flsenate.gov/Session/Bill/2016/1044/BillText/er/PDF (accessed November 30, 2016).
[109] Huffington Post "Florida Just Made it harder for police to take people's stuff" 4/1/16 Nick Wing http://www.huffingtonpost.com/entry/florida-civil-asset-forfeiture_us_56fe9d7ce4b0a06d5805896d
[110] Judge Sharon Keller and Jim Bethke, Justice for All, Texas Bar Journal, March 2013.
[111] Andrea Marsh and Susanne Pringle, The Way Forward, Texas Fair Defense Project, 2013; House Research Organization Bill Analysis, 05/16/2001, SB 7, 77R.
[112] SB 7, 77R, Sen. Rodney Ellis
[113] Code of Criminal Procedure, Article 1.051(b).
[114] Code of Criminal Procedure, Article 26.04(l).
[115] Code of Criminal Procedure, Article 26.04, 26.044, 26.047; Administrative Code, Title 1, Part 8, Chapter 174, Subchapter B.
[116] Oral testimony of Jim Bethke, Texas Indigent Defense Commission, Public Hearing. Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, March 21, 2016.
[117] Texas Indigent Defense Commission Annual and Expenditure Report, Fiscal Year 2015.
[118] Texas Indigent Defense Commission Annual and Expenditure Report, Fiscal Year 2015.
[119] Oral testimony of Jim Allison, County Judges and Commissioners Association of Texas, General Counsel, Public Hearing. Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, March 21, 2016.
[120] TIDC Guidelines for Indigent Defense Caseloads, 2015.
[121] Oral testimony of Jim Bethke, Texas Indigent Defense Commission, Public Hearing. Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, March 21, 2016.
[122] Oral testimony of Jim Bethke, Texas Indigent Defense Commission, Public Hearing. Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, March 21, 2016.
[123] Oral testimony of Jim Bethke, Texas Indigent Defense Commission, Public Hearing. Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, March 21, 2016.
[124] Oral testimony of Rebecca Bernhardt, Texas Fair Defense Project, Public Hearing. Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, March 21, 2016.
[125] Tony Fabelo, Improving Indigent Defense: Evaluation of Harris County Public Defender, Sept. 30, 2013.
[126] Texas Government Code, Section 79.037(a)(3).

[127] TIDC Annual and Expenditure Report, Fiscal Year 2015.
[128] 79th Legislature, General Appropriations Act, Senate Bill No. 1, 2005, The Judiciary, Office of Court Administration, Texas Judicial Council, IV-26.
[129] Interagency Cooperation Contract with the University of Texas Law School.
[130] Carmichael, Dottie and Heather Caspers. *Report: An Evaluation of the Texas Innocence Projects.* May 2015.
[131] "Texas Wesleyan School of Law Transitions to Texas A&M" Texas Wesleyan University. https://txwes.edu/news-and-events/all-news/texas-sized-reputation/texas-wesleyan-school-of-law-transitions-to-texas-am/#.WCDHseErKRs
[132] "Joyce Ann Brown Innocence Clinic Informational Session" UNT Department of Political Science. https://politicalscience.unt.edu/events/october-2015/joyce-ann-brown-innocence-clinic-informational-session
[133] Oral testimony of Cassandra Jeu, University of Houston Law Center, Public Hearing. Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, March 21, 2016.
[134] Interview with Tiffany Dowling, UT School of Law Actual Innocence, Clinic Professor. March 2016.
[135] Carmichael, Dottie and Heather Caspers. *Report: An Evaluation of the Texas Innocence Projects.* May 2015.
[136] "Program Impact: Exonerations of Texas Innocence Project Clients" TIDC, http://www.tidc.texas.gov/innocence/innocence-program-overview/program-impact.aspx and "Ronald Gene Taylor" Innocence Project http://www.innocenceproject.org/cases/ronald-gene-taylor/
[137] Carmichael, Dottie and Heather Caspers. *Report: An Evaluation of the Texas Innocence Projects.* May 2015.
[138] Oral testimony of Mike Ware, Innocence Project of Texas, Public Hearing. Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, March 21, 2016.
[139] Oral testimony of Cassandra Jeu, University of Houston Law Center, Public Hearing. Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, March 21, 2016.
[140] Oral testimony of Mike Ware, Innocence Project of Texas, Public Hearing. Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, March 21, 2016.
[141] Oral testimony of Jim Bethke, Texas Indigent Defense Commission, executive director, Public Hearing. Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, March 21, 2016.
[142] Oral testimony of Cassandra Jeu, University of Houston Law Center, Public Hearing. Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, March 21, 2016.
[143] Oral testimony of Cassandra Jeu, University of Houston Law Center, Public Hearing. Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, March 21, 2016.
[144] Oral testimony of Cassandra Jeu, University of Houston Law Center, Public Hearing. Texas House of Representatives Committee on Criminal Jurisprudence. Austin, Texas, March 21, 2016.
[145] Oral testimony of Carey Welebob, Director of the Texas Department of Criminal Justice Community Justice Assistance Division, Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence, Austin, Texas, May 17, 2016.
[146] Oral testimony of Carey Welebob, Director of the Texas Department of Criminal Justice Community Justice Assistance Division, Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence, Austin, Texas, May 17, 2016.
[147] Oral testimony of Carey Welebob, Director of the Texas Department of Criminal Justice Community Justice Assistance Division, Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence, Austin, Texas, May 17, 2016.
[148] Oral testimony of Carey Welebob, Director of the Texas Department of Criminal Justice Community Justice Assistance Division, Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence, Austin, Texas, May 17, 2016.
[149] Oral testimony of Carey Welebob, Director of the Texas Department of Criminal Justice Community Justice Assistance Division, Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence, Austin, Texas, May 17, 2016.
[150] Oral testimony of Carey Welebob, Director of the Texas Department of Criminal Justice Community Justice Assistance Division, Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence, Austin, Texas, May 17, 2016.
[151] Oral testimony of Carey Welebob, Director of the Texas Department of Criminal Justice Community Justice Assistance Division, Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence, Austin, Texas, May 17, 2016.
[152] Oral testimony of Carey Welebob, Director of the Texas Department of Criminal Justice Community Justice

Assistance Division, Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence, Austin, Texas, May 17, 2016.
[153] Oral testimony of Federico Rangel, Huntsville member of the Texas Board of Pardons and Paroles, Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence, Austin, Texas, May 17, 2016.
[154] Oral testimony of Doug Smith, Texas Criminal Justice Coalition, Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence, Austin, Texas, May 17, 2016.
[155] Oral testimony of Doug Smith, Texas Criminal Justice Coalition, Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence, Austin, Texas, May 17, 2016.
[156] Oral testimony of Doug Smith, Texas Criminal Justice Coalition, Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence, Austin, Texas, May 17, 2016.
[157] Oral testimony of Doug Smith, Texas Criminal Justice Coalition, Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence, Austin, Texas, May 17, 2016.
[158] Oral testimony of William Shull, Director of the Nueces County Community Supervision and Corrections Department, Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence, Austin, Texas, May 17, 2016.
[159] Oral testimony of Arnold Patrick, Director of the Hidalgo County Community Supervision and Corrections Department, Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence, Austin, Texas, May 17, 2016.
[160] Oral testimony of William Shull, Director of the Nueces County Community Supervision and Corrections Department, Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence, Austin, Texas, May 17, 2016.
[161] Oral testimony of William Shull, Director of the Nueces County Community Supervision and Corrections Department, Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence, Austin, Texas, May 17, 2016.
[162] Oral testimony of David Gutierrez, Chair of the Texas Boards of Pardons and Paroles, Public Hearing, Texas House of Representatives Committee on Corrections, Austin, Texas, Feb. 10, 2016.
[163] Oral testimony of Arnold Patrick, Director of the Hidalgo County Community Supervision and Corrections Department, Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence, Austin, Texas, May 17, 2016.
[164] Oral testimony of Carey Welebob, Director of the Texas Department of Criminal Justice Community Justice Assistance Division, Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence, Austin, Texas, May 17, 2016.
[165] Oral testimony of William Shull, Director of the Nueces County Community Supervision and Corrections Department, Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence, Austin, Texas, May 17, 2016.
[166] Oral testimony of Carey Welebob, Director, Director of the Texas Department of Criminal Justice Community Justice Assistance Division, Public Hearing, Texas House of Representatives Committee on Corrections, Austin, Texas, Feb. 9, 2016.
[167] Oral testimony of David Gutierrez, Chair of the Texas Boards of Pardons and Paroles, Public Hearing, Texas House of Representatives Committee on Corrections, Austin, Texas, Feb. 10, 2016.
[168] Oral testimony of David Gutierrez, Chair of the Texas Boards of Pardons and Paroles, Public Hearing, Texas House of Representatives Committee on Corrections, Austin, Texas, Feb. 10, 2016.
[169] Oral testimony of William Shull, Director of the Nueces County Community Supervision and Corrections Department, Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence, Austin, Texas, May 17, 2016.
[170] Oral testimony of William Shull, Director of the Nueces County Community Supervision and Corrections Department, Public Hearing, Texas House of Representatives Committee on Criminal Jurisprudence, Austin, Texas, May 17, 2016.