

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARANDA LYNN O'DONNELL, et al.

Plaintiffs,

v.

HARRIS COUNTY, TEXAS, et al.

Defendants.

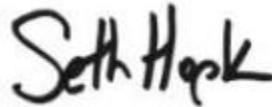
CIVIL ACTION NO. 4:16-CV-1414

HARRIS COUNTY, TEXAS NONAPPEARANCE PLAN

PRESENTED TO THE *ODONNELL* MONITOR IN ACCORDANCE WITH
SECTION 55(a) OF THE CONSENT DECREE

APPROVED NOVEMBER 14, 2023 BY COMMISSIONERS COURT

Respectfully submitted,



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I.
INTRODUCTION AND BACKGROUND

On November 21, 2019, Harris County, Texas entered into a Consent Decree in *ODonnell, et al. v. Harris County, et al.*, No. 4:16-cv-01414, in the Southern District of Texas (Doc. 708). Section 52 of the Consent Decree required Harris County to hire researchers to “(1) study the primary causes of nonappearance in the CCCL [County Criminal Courts at Law]; and (2) based on the results of the study, recommend cost-effective policy solutions and programmatic interventions to mitigate the causes of nonappearance.”

Harris County hired Ideas42 to conduct the Section 52 Nonappearance Study. Ideas42 is a non-profit organization that applies behavioral science to real world problems. On July 29, 2022, four of its researchers—Shannon McAuliffe, Samantha Hammer, Alissa Fishbane, and Andrea Wilk—completed the Study, which is attached as Exhibit 1.

Section 55 of the Consent Decree requires that, within 180 days of receiving the published results of the study, the County must “work in consultation with the researchers that conduct the study to develop a written plan for mitigating the causes of nonappearance in the County, as determined by the results of the study, including a reasonable timeline for implementing the plan.” Section 54 of the Consent Decree requires that Commissioners Court allocate \$850,000 per year for seven years to implement this plan. Harris County consulted with Ideas42, and this document is the Written Plan required by Section 55.

II.
SECTION 52 NONAPPEARANCE STUDY

A. Background and methodology.

In 2021, Harris County courts handled 49,780 misdemeanor cases involving 41,613 defendants.¹ Most misdemeanor arrestees are released from jail without paying any cash bond. In 2021, 41 percent were released under a general order bond without being brought to a magistrate,² 36 percent were released on unsecured personal bond set by a magistrate, and 23 percent were required to pay cash or surety bonds.³ Soon after being released, misdemeanor arrestees (defendants) are required to return to court for a first appearance.

A defendant’s first appearance is an important hearing, because he or she is typically arraigned and (if qualified) appointed an attorney.⁴ Before a defendant leaves jail, he or she is

¹ Exhibit 1 at 14.

² Exhibit 1 at 18.

³ Exhibit 1 at 19.

⁴ Exhibit 1 at 19-20 & 91.

provided a document explaining when and where to appear for the first appearance.⁵ This document has been “behaviorally designed to ensure the court date, consequences for not appearing, and where to call for questions are clear and salient to the reader.”⁶ In 2021, 98 percent of first appearances were scheduled to occur within eight days of a defendant’s release from jail.⁷

However, of the 43 misdemeanor defendants interviewed in the Nonappearance Study, 45 percent missed their first appearance and 65 percent missed at least one appearance.⁸ Only 19 percent of the 43 individuals reported never missing an appearance or being late for court.⁹ To identify the causes of nonappearance and recommend mitigation strategies, the researchers’ three goals were to:

- (1) Identify barriers to court appearance for those facing misdemeanor charges in Harris County, focusing on barriers that most impact court users experiencing financial hardship.
- (2) Illustrate why and how these barriers contribute to nonappearance and develop recommendations for policy and practice changes that can effectively address these barriers.
- (3) Identify additional person-level factors that play a role in court appearance, so Harris County can provide additional services and supports to those most likely to struggle to appear.¹⁰

The Study gathered data in the following ways:

- (1) Researchers conducted in-depth interviews of 43 people who had one or more present or past misdemeanor cases in Harris County. The interviews occurred between July 2021 and January 2022 and were designed to learn which barriers were most prevalent, how and why these barriers impeded court appearance, and what kinds of changes to the local post-arrest system and what types of supports or services would be most helpful for court users facing the barriers.¹¹

⁵ In 2021, Harris County misdemeanor courts scheduled 128,066 hearings. Exhibit 1 at 35. However, after the first appearance, defendants may not be required to attend all hearings. For example, hearings involving discovery matters might only require that an attorney attend. Exhibit 1 at 19-20.

⁶ Exhibit 1 at 19 & 91. There is also an option for defendants to receive text message reminders by the court, their lawyer, and/or their bond agency. Exhibit 1 at 91.

⁷ Exhibit 1 at 16.

⁸ Exhibit 1 at 34.

⁹ Exhibit 1 at 34. Much of the data in the Study came from researchers’ interviews with 43 court users, as discussed below. Because of variations in the way court personnel recorded appearances, the researchers did not use court appearance data. Exhibit 1 at 13-17.

¹⁰ Exhibit 1 at 8.

¹¹ Exhibit 1 at 9-11.

- (2) Researchers analyzed anonymized notes by the Public Defender’s Office attorneys as they interviewed 3,893 clients who had missed court dates related to misdemeanor charges and were awaiting a bail revocation hearing. These notes were from client interviews that occurred between May 7, 2021 and January 7, 2022.¹²
- (3) Researchers conducted an eight-question survey of 60 people with active misdemeanor cases in Harris County.¹³
- (4) Researchers interviewed 83 people representing 29 court agencies and programs, community service providers, and advocacy organizations.¹⁴
- (5) Researchers attempted to navigate court websites and phone numbers as court users would to determine how effectively information was disseminated.¹⁵
- (6) Researchers reviewed 40 policy and program documents, such as release requirements in the Consent Decree, the draft report of the National Association of Public Defenders, and reports on the Harris County Community Assistance Referral program.¹⁶

B. Causes of nonappearance and recommendations.

The study made 11 findings and 39 recommendations for Harris County to consider in its Written Plan.¹⁷ These findings and recommendations are summarized below.

¹² Exhibit 1 at 11-12.

¹³ Exhibit 1 at 9, 12, & 34.

¹⁴ Exhibit 1 at 12.

¹⁵ Exhibit 1 at 13

¹⁶ Exhibit 1 at 13.

¹⁷ The Study identified the following reasons for nonappearance: (1) transportation, (2) illness/COVID-19, (3) work conflicts, (4) deportation/immigration concerns, (5) family emergencies, (6) confusion regarding the court appearance dates and times, (7) poor communication with defense attorneys, (8) losing cell phones and being unable to contact the court or retrieve court information saved in their cell phones, (9) inability to pay case fees, (10) confusion about court dates that were reset, (11) forgetting the court date and losing court paperwork, (12) issues related to homelessness, (13) issues with Zoom appearances, (14) detention in other jurisdictions, and (15) mental health and substance abuse problems. Exhibit 1 at 36-39.

1. Defendants fear going to court because they do not understand the process.
Seventy-seven percent of interviewees feared being jailed if they went to a first appearance.

The Study found that defendants fear going to court because they do not understand what will happen at court.¹⁸ When defendants are released from jail, they are provided a court date, but no legal counsel or other information explaining what an arraignment is, or how the process works. Seventy-seven percent of the 43 interviewees feared being jailed during their first appearance.¹⁹ They may also believe their trial will occur at this hearing and that they must come prepared with evidence or could be sentenced on that date.²⁰

The Study suggested four ways to mitigate fear: (1) assign public counsel to eligible court users before they leave the Joint Processing Center, (2) develop a video to educate court users about what to expect at court, (3) provide peer mentors for court users with high needs, and (4) create a court user program to assist with appearance challenges.²¹

2. Defendants expect the process will be unfair.

The Study found that “[a] sizable portion” of defendants believe they will go to jail regardless of whether they attend a court hearing, and that the system is inherently unfair.²² Defendants do not understand “the rules of the system” and do not trust that “court actors would follow the rules or act in good faith.”²³ Forty-nine percent of the 43 interviewees believed their attorneys worked against them, or did not fight for them. Only 14 percent of the interviewees trusted their attorneys.²⁴ Finally, 30 percent reported being unexpectedly arrested in the past.²⁵ This sense of unfairness is exacerbated by case delays, delays in appointing public counsel,²⁶ or difficulties getting information from court clerks and Pretrial Services.²⁷

The Study found a lack of information and trust to be a central theme driving the expectation of unfairness. “Interviewees were very clear that court-appointed attorneys in general were not to be

¹⁸ Exhibit 1 at 43-53.

¹⁹ Exhibit 1 at 43.

²⁰ Exhibit 1 at 43-46. Interviewees also expressed fear for their physical safety at the courthouse, fear by non-citizens of being deported, and fear of going to jail due to clerical errors. One interviewee reported being arrested and held 12 hours because of a warrant issued in error. Exhibit 1 at 45.

²¹ Exhibit 1 at 47-53.

²² Exhibit 1 at 54.

²³ Exhibit 1 at 55.

²⁴ Exhibit 1 at 57.

²⁵ Exhibit 1 at 54-55.

²⁶ Because attorneys are typically appointed at a first appearance, these appointments are further delayed when a defendant misses his or her first appearance.

²⁷ Exhibit 1 at 54.

trusted because they are part of the court system.”²⁸ Interviewees also believed that jail staff was discourteous, and they expressed great concern that they did not know whether a warrant had been issued for their arrest.²⁹ Thirty-percent of interviewees would not take any action following a nonappearance because they assume they would be jailed. Some interviewees would not go to Open Hours court “because it would likely be a setup.”³⁰

The Study suggested six ways to address these concerns: (1) reduce prosecutions and increase deferred adjudications for crimes such as disturbing the peace, drug possession, trespassing, and driving without a license, (2) reduce the conditions of release, such as eliminating alcohol and drug screening, (3) treat court users with dignity and respect by having customer service guidelines, (4) having more warrant-clearing events with a no-arrest guarantee, such as the District Attorney’s Make It Right program, (5) provide better attorney contact information and a hotline for people to complain about their attorneys and get new counsel appointed, and (6) incorporate feedback from court staff and users to develop new practices.³¹

3. Defendants miss court because of problems related to scarcity.

The Study found 55 percent of the 43 interviewed court users dealt with “multiple, serious challenges rising to the level of living in conditions of scarcity during the pendency of their court case.”³² These included medical problems,³³ trauma from being victims of crime,³⁴ housing insecurity, addiction, mental illness,³⁵ lost cell phones,³⁶ and difficulties with transportation or childcare.³⁷

The Study suggested 11 ways to address these concerns: (1) Reduce the number of required appearances, (2) increase diversion options for unhoused people, (3) provide priority housing services to defendants, (4) expand the Justice Navigator program to address scarcity-related barriers, (5) improve coordination between community service providers and defense attorneys, (6) better lawyer training and communication with clients, (7) flexible scheduling of hearings, (8) decriminalization of drugs and other crimes, (9) improved screening and follow-up for scarcity-related needs, (10) evaluate existing programs to find targeted improvement opportunities, and (11) end late-night and early-morning releases for those who may have mental illness.³⁸

²⁸ Exhibit 1 at 57.

²⁹ Exhibit 1 at 59.

³⁰ Exhibit 1 at 59.

³¹ Exhibit 1 at 59-68.

³² Exhibit 1 at 69.

³³ Exhibit 1 at 70.

³⁴ Exhibit 1 at 71.

³⁵ Exhibit 1 at 71-72.

³⁶ Exhibit 1 at 72.

³⁷ Exhibit 1 at 72-73.

³⁸ Exhibit 1 at 73-89.

4. Forty percent of defendants had trouble getting to court because they receive confusing and conflicting information about when, why, and how they should appear in court.

Many defendants miss court because they do not know where and when to go. Forty percent of survey respondents received confusing and conflicting information about their hearings,³⁹ and 33 percent of them ended up missing court because of it.⁴⁰

Defendants learn about their first appearance while being released from the Joint Processing Center, and they may also receive text message reminders.⁴¹ However, many leave jail with paperwork missing crucial information like the setting time, court number, or floor. Three interviewees reported they were not given a date for their first appearance and told the information would be mailed to them. All three missed their first appearance because they never received notice. One had to ask a bail bond company and police officer to look up his hearing information.⁴²

Defendants report that their attorneys give them inaccurate information in three ways. First, attorneys incorrectly tell clients that their appearance is waived, which results in a missed appearance. Second, attorneys fail to provide their clients information about reset court dates. Third, attorneys fail to respond to clients' requests for information about court dates.⁴³ In one example, a person's attorney said not to go to a first appearance, which resulted in a missed hearing. The defendant texted his attorney for an explanation, but the attorney never responded.⁴⁴

Defendants also miss court dates because court staff make human errors in completing paperwork for hearings after the first appearance. In several examples, defendants were told by the judge to appear on a certain date, but court staff provided paperwork with a different date. In one case, the hearing was set earlier than the paperwork showed, a warrant was issued for the person's arrest, and the person was arrested. In another case, the person recognized the discrepancy and was able to identify the error in the paperwork before leaving the courthouse.⁴⁵

The study suggested two ways to address these concerns: (1) require attorneys to maintain minimum communication standards with their clients and (2) expand access to information for people with limited English proficiency.⁴⁶

5. Defendants would benefit from more reminders.

Harris County has adopted text message and telephone-based reminder systems to eligible

³⁹ Exhibit 1 at 91.

⁴⁰ Exhibit 1 at 92.

⁴¹ Exhibit 1 at 91.

⁴² Exhibit 1 at 93.

⁴³ Exhibit 1 at 93.

⁴⁴ Exhibit 1 at 93.

⁴⁵ Exhibit 1 at 94.

⁴⁶ Exhibit 1 at 100-104.

misdemeanor arrestees who opt-in to the program. These messages were designed by the researchers to be “behaviorally informed reminders in the forms of texts, emails, and voicemails for upcoming court dates, new court dates, courtroom and date changes, missed appearances, etc.”⁴⁷ The system sends reminders in whatever form the defendant wants. In one 30-day period, the system sent 15,451 texts, 1,173 emails, and 27 voice messages. However, many users opt-out of court reminders, or provide bad emails or cell phone numbers. Thus, Harris County does not know how many reminders were actually received.⁴⁸

Court notifications are important, because many lawyers “do not believe it is their job to remind their clients” of hearings.⁴⁹ Further, caseworkers often do not have access to clients’ upcoming court dates.⁵⁰ While defendants released on surety bonds reported that the bail bond companies effectively reminded them of their court dates, misdemeanor defendants released on unsecured bonds or General Order Bonds did not receive similar support.⁵¹

The Study recommends two things to improve on this program: (1) improving the court reminder process and (2) requiring defense attorneys and pretrial service officers to consistently communicate appearance information to clients.⁵²

6. Defendants have difficulty communicating with attorneys and court staff.

The Study found that judges and other members of the criminal justice community make two false assumptions: (1) that defendants will receive all the information they need to show up for court from the paperwork they receive in jail and (2) that they can easily access information through their attorneys.⁵³

As discussed, defendants do not always receive accurate paperwork at the jail. Even when they do receive accurate paperwork, 37 percent of them lose that paperwork before their first appearance and do not know who to contact to find out when and where to appear.⁵⁴ “The current system requires court users to spend time and energy trying to communicate through multiple channels to obtain answers to relatively simple questions.”⁵⁵

As explained, most defendants do not have attorneys before their first appearance, and even when they do, they cannot rely on them for hearing information. Many attorneys assume clients

⁴⁷ Exhibit 1 at 106.

⁴⁸ Exhibit 1 at 107. After the Study was published, the Monitor raised additional concerns about the reminder program. For example, clerical or human errors may have prevented some people from requesting or receiving text or email reminders.

⁴⁹ Exhibit 1 at 106-107.

⁵⁰ Exhibit 1 at 106-107.

⁵¹ Exhibit 1 at 107.

⁵² Exhibit 1 at 107-110.

⁵³ Exhibit 1 at 111.

⁵⁴ Exhibit 1 at 111-112.

⁵⁵ Exhibit 1 at 112.

have notice of their hearings and do not consider it their responsibility to tell them. Further, 65 percent of interviewees reported their attorneys were slow to respond, disrespectful, or unhelpful.⁵⁶

Interviewees report that they have no idea who to contact with questions about their court appearances. According to call data from Pretrial Services, when people tried to contact the court by telephone, the average wait was 38 minutes, and 82 percent of calls were abandoned before they were picked up.⁵⁷

Only two interviewees were aware of a website to look up court information, and only one was able to navigate the site. Researchers concluded that “[t]his is unsurprising, as the court website is not intuitively designed to help people look up their court dates and can be intimidating because of the legal language and lack of clear guideposts about how users can accomplish common tasks.”⁵⁸

As noted, the Study found that interviewees released on surety bonds looked to their bail bond companies as a dependable source of appearance information.⁵⁹ Some interviewed court users reported using smartphone applications developed by the bond companies to manage court dates and receive updates and reminders. Defendants out on general order bonds or personal bonds did not have access to these resources.⁶⁰

The Study suggested three ways to address these concerns: (1) Develop a Harris County smartphone application for all court users to manage their appearances, (2) establish a hotline for court users, and (3) implement computer-generated court dates instead of relying on court coordinators to fill in court dates by hand.⁶¹

7. Defendants would benefit from more virtual appearances, at least for non-substantive settings.

Researchers found that court users preferred appearing via Zoom than in person, but often did not know they had the option to appear virtually. The study made three suggestions related to virtual appearances: (1) use virtual appearances when appropriate, (2) assess differences in appearance rates and outcomes for virtual versus in-person appearances, and (3) align virtual appearance procedures with emerging best practices.⁶²

⁵⁶ Exhibit 1 at 113-114.

⁵⁷ Exhibit 1 at 115. This wait time was for calls to Pretrial Services, which is one of the places defendants are told to call for hearing information.

⁵⁸ Exhibit 1 at 115.

⁵⁹ Exhibit 1 at 117.

⁶⁰ Exhibit 1 at 117.

⁶¹ Exhibit 1 at 117-120.

⁶² Exhibit 1 at 121-125.

8. Defendants would benefit from more smartphone access.

Forty percent of interviewees reported phone interruptions due to lost, broken, sold, or stolen phones, or service interruptions.⁶³ However, only a third of survey respondents named not having a computer as a barrier to court appearance, and “nearly all interviewees” reported being able to access either a computer, smartphone, or other device with strong enough internet connection to attend virtual hearings.⁶⁴

The Study recommended that Harris County (1) assist defendants getting phone access through programs such as the federal Lifeline program (through Assurance Wireless, Access Wireless, and Safe Link Wireless) or another program.⁶⁵

9. Defendants would benefit from replacement income for attending hearings.

The Study found that the interviewees and survey responses indicated that work conflicts were not a leading cause of nonappearance.⁶⁶ Twenty-one percent of interviewees and 37 percent of survey respondents feared missing work for court, although only 13 percent of interviewees said it was the reason they missed court.⁶⁷ Accordingly, the Study recommended: (1) reducing the number of appearances required and (2) directing court users to a court hotline to request rescheduling if a work conflict exists.⁶⁸

10. Defendants would benefit from more childcare assistance.

Researchers found that the lack of childcare did not “frequently lead directly to nonappearance,” but “greatly contributes to the stress of court appearances for caregivers.”⁶⁹ All interviewees with young children rely on family members or friends to care for children, but sometimes had to pay them. None mentioned professional daycare as an option available to them⁷⁰ Only seven percent of interviewees missed court or were concerned about missing court if they could not find childcare.⁷¹ While there is no rule against bringing children to court, it is discouraged by court staff, and no interviewees wanted to bring their children to court.⁷²

To address this, the Study recommended: (1) providing funding for day care on the day of the appearance and (2) accommodating court users who bring their children to court.⁷³

⁶³ Exhibit 1 at 126.

⁶⁴ Exhibit 1 at 126.

⁶⁵ Exhibit 1 at 130.

⁶⁶ Exhibit 1 at 131.

⁶⁷ Exhibit 1 at 131-132.

⁶⁸ Exhibit 1 at 133-134.

⁶⁹ Exhibit 1 at 135.

⁷⁰ Exhibit 1 at 136.

⁷¹ Exhibit 1 at 136.

⁷² Exhibit 1 at 136.

⁷³ Exhibit 1 at 137-138.

11. Defendants would benefit from more transportation assistance.

The Study found that 63 percent of the 43 interviewed court users reported struggling with transportation, and 70 percent of that subgroup missed court because of transportation problems.⁷⁴ Transportation is particularly difficult because of Harris County's large geographic size of 1,777 square miles. One interviewee reported traveling from another city the night before a court date and sleeping outside near the court; others reported leaving hours early to take multiple buses and trains to appear in court. In 2021, approximately 16,000 of the misdemeanor defendants were charged with driving-related offenses, and many of them (such as those charged with driving under the influence) cannot legally drive to court because they have had their licenses suspended.⁷⁵

Of surveyed court users, 45 percent took public transportation to their hearings, 30 percent received a ride from someone, and 25 percent used their own car.⁷⁶ Several interviewees criticized public transportation for being unreliable or expensive.⁷⁷

The Study noted several programs exist to make public transportation affordable, such as Project Access, which is a free bus service for unhoused people and RIDES, which is a curb-to-curb subsidized program that allows eligible customers and agencies to purchase transportation services at half price. Another program provides 10 bus passes (20 trips), but the return trip expires after three hours.⁷⁸

To address transportation challenges, the Study recommended: (1) requiring fewer in-person court dates (particularly for those whose driving privileges are restricted), (2) giving people free rides to court via rideshare programs, and (3) enabling court actors to provide funds for gas and parking.⁷⁹

⁷⁴ Exhibit 1 at 140.

⁷⁵ Exhibit 1 at 142.

⁷⁶ Exhibit 1 at 140.

⁷⁷ Exhibit 1 at 141.

⁷⁸ Exhibit 1 at 143.

⁷⁹ Exhibit 1 at 143-145.

III. EXISTING PROGRAMS

Harris County and other local entities already provide many services recommended by the Study. Some programs help people accused of certain crimes avoid being charged or provide an opportunity to have those charges dismissed. Other programs provide treatment for substance abuse or mental health problems and scarcity-related issues such as homelessness.

A. **Community Assistance Referral Program.**

Program helps with mental health and scarcity-related needs.

In accordance with Section 53 of the Consent Decree, the Office of Justice and Safety (formerly Justice Administration Department) established an interim Community Assistance Referral Program. This is a jail-based program “that aims to identify and provide services to people being released on GOB who have a need for mental health and other community resources.”⁸⁰

Harris County contracted with the Harris Center for Mental Health and IDD—one of the nation’s largest providers of mental health services—to identify people being released on general order bonds with any type of mental health flag. As the program progressed, it obtained a grant from the MacArthur Foundation and expanded to include any misdemeanor arrestee with a general order bond or felony arrestee with a personal recognizance bond.⁸¹

Mental health staff interview arrestees in jail and determine if they need services to address mental health or scarcity related problems.⁸² If they need housing, clothing, food, physical or behavioral health services, or employment, staff refer them to community service providers.⁸³ If they need transportation or child care, staff are authorized to provide cash gift cards, bus passes, and other services that help them come to court.⁸⁴ Finally, staff contacts clients after their release to check on their needs and address barriers that may prevent them from appearing in court.⁸⁵

The Study praised the Community Assistance Referral Program, but recommended that the Program “assess the efficacy of the various screenings and assessments.”⁸⁶ Between January and March 2022, the Program engaged 1,843 court users, provided 936 referrals to community services, and provided 70 gift cards to pay for services such as childcare and parking while attending court.⁸⁷ It referred 52 clients for further mental health services, but only 33 accepted. It also referred 76 people (about four percent of clients) to shelters and helped 88 people (about five

⁸⁰ Exhibit 1 at 86.

⁸¹ Program staff explained during an interview in late 2022 that they do not have the resources to speak with all qualified arrestees.

⁸² Exhibit 1 at 86.

⁸³ Exhibit 1 at 86.

⁸⁴ Exhibit 1 at 86.

⁸⁵ Exhibit 1 at 86 & 98.

⁸⁶ Exhibit 1 at 85.

⁸⁷ Exhibit 1 at 86-87.

percent of clients) apply for housing vouchers.⁸⁸

Staff successfully contacted 689 clients post-release to remind them of their upcoming appearances and offer further assistance.⁸⁹ The program costs approximately \$777,000 per year. The program was expected to end on March 31, 2022; however the County is continuing to fund the program for \$250,000 per year until this Plan is adopted.

B. Pretrial Services Justice Navigators

Program answers questions from 143 people per day and helps court users find locations at the courthouse.

The Pretrial Services Department started the Justice Navigator Program in 2018 “with the goal of providing a go-to source of non-legal guidance on court procedures and appearance obligations for any individual released from jail.”⁹⁰ The Program started with two Navigators who could be contacted by phone, email, or social media. In 2019, the Program expanded to two full-time Navigators stationed in the criminal courthouse, two in the civil courthouse, and one part-time Navigator in the Juvenile Justice Center and Family Law Center.⁹¹

Since COVID, the program has faced a staffing shortfall and has only one Navigator in County Court from 7 a.m. until 3 p.m. on working days, and another in civil courts during the morning.⁹² Even at this staffing level, the Justice Navigators interact with an average of 143 people per day.⁹³ They answer “diverse questions and requests for assistance” and “most inquiries were from court users trying to find out a court date for themselves or others.”⁹⁴

C. Harris Center for Mental Health and IDD Jail Reentry Program.

Free place for anyone to stay for three to five days after leaving jail.

The Harris Center for Mental Health and IDD provides a free, temporary place for anyone leaving jail to stay for three to five days. The purpose is to help defendants become stable and connect them to services, including food, clothing, housing referrals, and intensive psychiatric or medical care.⁹⁵ The Program leverages peer navigators and works closely with the local Veteran’s Administration to connect eligible veterans to specialized services. Although there are only 20 beds, the Program reports that people leaving jail turn down the service, and “filling these beds has been challenging.”⁹⁶ The Program is voluntary and available to anyone, regardless of the charge against them.

⁸⁸ Exhibit 1 at 77.

⁸⁹ Exhibit 1 at 78.

⁹⁰ Exhibit 1 at 78.

⁹¹ Exhibit 1 at 78.

⁹² Exhibit 1 at 78.

⁹³ Exhibit 1 at 78.

⁹⁴ Exhibit 1 at 78.

⁹⁵ Exhibit 1 at 87.

⁹⁶ Exhibit 1 at 87.

D. Harris County Mental Health Jail Diversion Program (MHJDP).
Fourteen days of in-patient mental health treatment and 90 days of aftercare.

Those with serious mental illness who have been booked into the Harris County Jail three or more times in the past two years may participate in a voluntary pre-booking program that allows them to stay in a mental health treatment facility up to 14 days, with aftercare of 90 days.⁹⁷ This Program provides not only mental health services, but also case management services, assistance finding permanent housing for those who are chronically homeless, and temporary housing to those with other housing needs.⁹⁸ There are peer specialists and an alumni group working to develop an advisory council of past participants. As of 2020, the Program served approximately 3,100 people. Those who went through the Program were 1.3 times less likely to be booked on a new charge, and those who were diverted and had five or more prior bookings were 3.1 times less likely to be booked on a new charge.⁹⁹ This program is not available to those accused of homicide or sex offences.¹⁰⁰

E. Mental Health Supportive Housing.
One year of transitional housing for those with mental illness.

The Harris Center for Mental Health and IDD also manages a more long-term housing facility for those with mental illness. It operates a 24-unit single resident occupancy transitional housing site where patients can stay for up to one year and receive supportive services. This is available not only to those accused of crimes, but anyone in the community.¹⁰¹

F. Harris County Sheriff's Office and Houston Police Department.
Programs to keep people with mental illness from being arrested.

The Harris County Sheriff's Office and Houston Police Department have several initiatives to divert people from being arrested. The Sheriff's Office operates a Mobile Crisis Team, a co-responder Unit, a Homeless Outreach Team, and a remote evaluation program that allows officers to contact clinicians to conduct remote evaluations.¹⁰² The Houston Police Department operates its own Crisis Intervention Team and co-responder units, and a Chronic Consumer Stabilization Initiative to offer intensive case management services from the Harris Center for Mental Health and IDD for those in frequent contact with police.¹⁰³

⁹⁷ Exhibit 1 at 87.

⁹⁸ Exhibit 1 at 87.

⁹⁹ Exhibit 1 at 87.

¹⁰⁰ Exhibit 1 at 87.

¹⁰¹ Exhibit 1 at 88.

¹⁰² Exhibit 1 at 85.

¹⁰³ Exhibit 1 at 85.

G. Holistic Assistance Response Team (HART).
Mental and behavioral experts respond to police calls.

Harris County also has a Holistic Assistance Response Team, where first responders dispatch interdisciplinary teams to respond to calls related to mental and behavioral health, substance use, homelessness, and non-emergency health or social welfare incidents. By sending HART responders, rather than law enforcement, people in crisis can often avoid being arrested in the first place.¹⁰⁴ The pilot program has been implemented in parts of the County.

H. Misdemeanor Marijuana Diversion Program (MMDP).
Marijuana charges can be avoided and the arrest removed.

Those arrested for misdemeanor marijuana possession can opt into a pre-charge diversion program. If they choose this option, they will be released with instructions to complete a four-hour class within 90 days. The Harris County Probation Department teaches this course. Once a person completes the course, his or her arrest is removed from the records, and no charge is filed.¹⁰⁵

I. Responsive Interventions for Change (RIC).
Felony drug and prostitution arrestees eligible for treatment.

Those charged with low-level felony drug possession and certain prostitution charges can be moved to a specialized docket where they are assessed and eligible for expedited release and supervised treatment. Their cases can be dismissed or placed on deferred adjudication if they agree to drug testing and treatment. The program uses a peer navigator, a case manager, and specially assigned probation officers to connect people with treatment services and monitor programs.¹⁰⁶

J. DWI Pretrial Intervention
First-time DWI arrestees can avoid court appearances.

Those charged with first-time misdemeanor Driving While Intoxicated have the option of being diverted to a one-year probation program. If they meet with a probation officer monthly, have an alcohol monitoring device installed in their vehicle, and complete 16 hours of community service and nine hours of a drug and alcohol course, they can eliminate formal court appearances related to the DWI charge.¹⁰⁷

K. District Clerk's Office Call Center.

The District Clerk's Office offers a call center from 8 a.m. to 4:30 p.m. weekdays at (832) 927-5800. Staff can provide hearing and courtroom information.

¹⁰⁴ Exhibit 1 at 85.

¹⁰⁵ Exhibit 1 at 85.

¹⁰⁶ Exhibit 1 at 85.

¹⁰⁷ Exhibit 1 at 85.

IV. SUMMARY OF HARRIS COUNTY'S NONAPPEARANCE PLAN

A. **Executive Summary.**

Section 55 of the Consent Decree requires Harris County to review the Study and create a cost-effective plan to reduce nonappearance rates with an annual budget of \$850,000 for seven years. This First Plan will be in effect for three years. Two years from now, Harris County will create a Second Plan for the next four years.

One of the Study's recurring conclusions is that people miss court because they do not know when or where to go, who to contact for information, or what is expected of them in court.¹⁰⁸ That is a fundamental problem that must be addressed before anything else, and it requires an initial investment in technology infrastructure. Harris County's Nonappearance Plan is based on the following central tenants, which are discussed in more detail in the next section.

1. Improve communications and reduce fear and human error with technology.

The first and most important need is to provide clear, objective, and uniform information about charges, upcoming hearings, and public warrants. Defendants should have real-time access to the same information that judges and attorneys have, and this must be accessible 24-hours per day with minimal chance of human error. To accomplish this, Harris County will invest in and heavily promote a new web portal and smartphone applications called MyHarrisCountyCase.com.

2. Reduce fear and uncertainty with educational material.

There is an urgent need to reduce confusion about the logistics of going to court and the criminal justice process. Harris County will develop easy-to-understand videos, literature, and other resources to answer defendants' most frequently asked questions. These resources will be available at the Joint Processing Center while arrestees are being processed through the jail, on the MyHarrisCountyCase.com website and smartphone applications, and at courthouse kiosks. This will empower defendants to prepare for court by knowing how to get there, what to expect when they arrive, and how to get additional help.

3. Provide better wayfinding and services at the courthouse.

There are difficulties navigating the large and crowded courthouse, and saving even 10 minutes inside the building could make the difference between being on-time and being late. Harris County will invest in signage, interactive kiosks, staff, and other wayfinding inside the courthouse.

Harris County also recognizes that court users may need to stay in contact with family, transportation, and work while at the courthouse, and that cell phones are a vital link to the outside world. To assure that people have this vital link throughout the day, Harris County will install cell phone charging stations throughout the building.

¹⁰⁸ See, e.g., Exhibit 1 at 43-46.

4. Improve data collection of nonappearance rates.

The Study reports that misdemeanor courts inconsistently record nonappearance data and had different practices in documenting things like defendants who were late for their hearings.¹⁰⁹ The Office of Justice and Safety and Office of Court Management have worked to establish uniform standards and training for court personnel so that appearance data is consistently recorded. This will make it easier to study appearance data and formulate the Second Plan in two years.

5. Improve the Community Assistance Referral Program.

The Study recognized that scarcity makes it more difficult for defendants to attend hearings. To address these needs, Harris County will maintain and improve the Community Assistance Referral Program. The Program will be modified in the second and third years of the Plan to reach a larger number of defendants, and it will be tasked with collecting more robust data to determine what effects it is having on appearance rates.

B. Limitations.

Harris County is not required to adopt all the Study's recommendations. During post-Study conferences, Harris County and Ideas42 discussed why some recommendations cannot be implemented due to limited resources or because they are outside the County's control.

For example, Harris County does not control what cases are prosecuted, or when defendants are offered deferred adjudication. These decisions fall within the ambit of the independently elected District Attorney and Judges. Harris County cannot decriminalize anything—only the Texas Legislature can do that. Harris County has no control over how many hearings to hold, when to hold them, or whether to hold them virtually. Judges and Hearing Officers, in compliance with State law and the Consent Decree, make those determinations. Harris County also does not control the training of jail staff or the time of day to release arrestees. The independently elected Sheriff makes these determinations based on State law and judicial orders. Finally, Harris County does not control how the Public Defender's Office and private attorneys assign counsel, represent their clients, or communicate with their clients.

Harris County and Ideas42 also discussed the proposed Court User Program (CUP).¹¹⁰ Harris County is hesitant to use limited time and resources to create a new bureaucracy when similar programs already exist and depend on Section 55 for funding. As discussed below, Harris County believes defendants would be better served by improving existing programs.

¹⁰⁹ Exhibit 1 at 13-17.

¹¹⁰ Exhibit 1 at 52.

V.
HARRIS COUNTY'S NONAPPEARANCE PLAN

A. Projects to be implemented through the Office of Justice and Safety.

1. MyHarrisCountyCase.com.

Defendants have serious problems getting the information they need to get to court. They leave jail with a piece of paper telling them when and where to go for their first appearance, but the paper tells little about what will happen. Thirty-seven percent of surveyed court users reported losing that paper and having no idea how to find their hearing information.¹¹¹ In the process of trying to learn where to go, 40 percent reported receiving confusing or inaccurate information,¹¹² and a third missed court as a result.¹¹³

The Study reported that “court users often struggle to get answers to basic questions about their case and help finding resources that could help them navigate barriers to appearance.”¹¹⁴ The Study recommended creating a court hotline to serve as “a single point of entry” for information.¹¹⁵ However, maintaining a call center staffed by county employees is enormously expensive and would quickly deplete the Plan budget.¹¹⁶ Operators are only available during limited hours, can handle only one call at a time, and are still subject to making human error. They require extensive training, and there is no contingency to pay their salaries after the Plan ends. This problem is illustrated by the Study’s finding that the average caller to Pretrial Services waits on hold for 38 minutes, and 82 percent of those calls are abandoned without being picked up.¹¹⁷

Defendants would benefit more from a reliable, well-publicized online portal where they can look up their hearing information anytime, anywhere, and in real-time.¹¹⁸ The Study found “few interviewees cited lack of a computer as a barrier,” and “nearly all interviewees” reported being able to access either a computer, smartphone, or other device with strong enough internet connection to attend virtual hearings.¹¹⁹

¹¹¹ Exhibit 1 at 111-112.

¹¹² Exhibit 1 at 91.

¹¹³ Exhibit 1 at 91.

¹¹⁴ Exhibit 1 at 119.

¹¹⁵ Exhibit 1 at 119.

¹¹⁶ Harris County is required to not only pay employee salaries, but also mandatory retirement, Social Security, health insurance, and other benefits.

¹¹⁷ Exhibit 1 at 115.

¹¹⁸ This would also satisfy the Study’s recommendation to “implement computer-generated court dates instead of relying on court coordinators to fill in court dates by hand.” Exhibit 1 at 120.

¹¹⁹ Exhibit 1 at 126.

Unfortunately, Harris County’s online case and warrant information is scattered and “confusing”¹²⁰ and the “court website is not designed to help court users find helpful information or take care of common tasks.”¹²¹ Only two of the Study’s interviewees even used the website, and only one successfully found hearing information on it.¹²²

The first problem is finding the right website. For example, the Sheriff’s Office site provides information about public warrants, but nothing about court hearings. The Harris County Clerk’s Office might seem to be a logical place to look, and it is an official site with a photograph of one of the downtown courthouses:

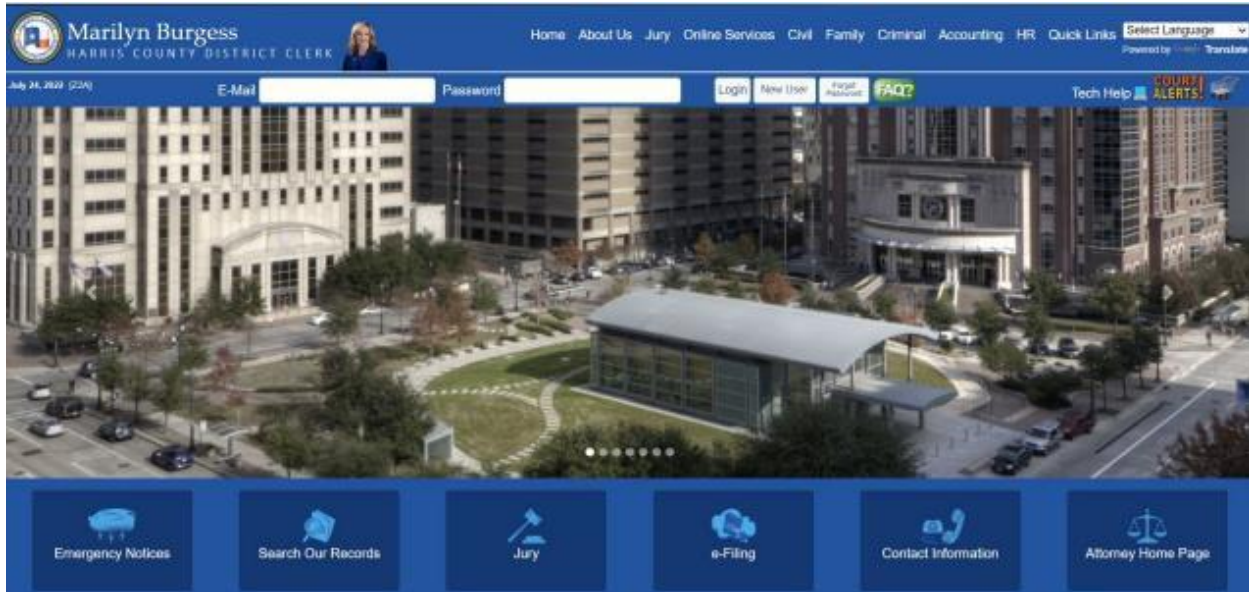


However, the “Search Records” button will not provide hearing information because the Harris County Clerk maintains property records—not criminal court records. Harris County has two clerks, and the Harris County *District* Clerk maintains court records and hearing information. The District Clerk’s homepage is below:

¹²⁰ Exhibit 1 at 18. For example, public warrant information is only available on the Sheriff’s Office website, while hearing information is available on the District Clerk’s website.

¹²¹ Exhibit 1 at 111.

¹²² Exhibit 1 at 115.



The District Clerk has an enormous job overseeing jury summons, preserving historic documents, and accepting and maintaining millions of filings and records for 90 civil, criminal, family, and juvenile courts. The website is very functional for attorneys and sophisticated court users, but the wide scope of options can be confusing for someone unfamiliar with the legal system. For example, if a user selects “Criminal,” he or she is brought to the menu below:



Clicking “Criminal Courts” leads to helpful information, including links to different court websites. However, it does not tell a person who his judge will be, or when to show up for court:



Clicking “Docket Times” provides a list of what time judges hold court, but it does not tell a person who his judge will be, or what day to show up for court:

**Harris County District Courts Trying Criminal Cases
Docket Schedule (effective JAN 4, 2022)**

| Court | Judge | Room | Floor | Docket Time(s) |
|-------|-------------------|-------|-------|----------------|
| 174th | Hazel B. Jones | 19144 | 19 | 9:00 am M-F |
| 176th | Nikita V. Harmon | 19040 | 19 | 8:30am M-F |
| 177th | Robert Johnson | 19136 | 19 | 9:30am M-F |
| 178th | Kelli Johnson | 19032 | 19 | 9:30am M-F |
| 179th | Ana Martinez | 18040 | 18 | 9:30am M-F |
| 180th | DaSean Jones | 18144 | 18 | 9:00am M-TH* |
| 182nd | Danilo Lacayo | 18032 | 18 | 8:30am M-F |
| 183rd | Chuck Silverman | 18136 | 18 | 9:00am M-Th |
| 184th | Abigail Anastasio | 17144 | 17 | 8:30am M-F |
| 185th | Jason Luong | 17136 | 17 | 9:30 am M-F |
| 208th | Greg Glass | 17040 | 17 | 9:00 am M-F |

The bottom of the page has a “Search Our Records” icon, which is where a person should click.¹²³

¹²³ The Harris County Courts website also provides a helpful link to this search page on the District Clerk’s website.



However, once a person reaches this page, the only way to find hearing information is by having an active account with the District Clerk’s Office.¹²⁴ A user is then prompted for an email and password:




The site explains that an account is free, but setting one up requires an email address and several additional steps. This adds another level of complexity—particularly for a person using a cell phone or public library. Some defendants may not have an active email address or may have limited time and technical skills to set up an account with the District Clerk’s Office. Others will not be confident that they reached the right page and hesitate to create an account.

Once a person has an account and logs in, he or she must remember the password each time and navigate the tab to search for criminal cases. A person must then know that the search syntax is last name first. When the search results appear, the user will be presented with every case (open and closed) involving every person with that name, as illustrated below:

¹²⁴ The District Clerk’s Office requires this step for several important security reasons and to protect data from being scraped.

Click on the style of the case (cause) to view detailed information for that case (cause) such as court costs, documents, case details, parties, and more. Only public cases will be shown, however no family documents will be available for review. No federal or other County's records, or Justice of the Peace or other Municipalities Class C Misdemeanor will be searched.

 Click the icon to file an eSubpoena for all Criminal District courts.

[New Search](#)

Total records returned from search is 16.

Page 1 of 1 1

| Case (Cause) Number | Style | File Date | Court | Status | Type Of Action / Offense | |
|----------------------------------------|---------------------------------------------------------------------------------------------------------|-----------|-------|----------------------------------------------------------|-----------------------------------|---------------------------------------------------------------------------------------|
| 176109501010-3 Active - CRIMINAL(A) | The State of Texas vs. [REDACTED] JOHN (SPN: 02547048) (DOB: 12/05/1992) | 3/3/2022 | 248 | Defendant: JAIL(J) Disposition: | AGG ASSAULT W / DEADLY WEAPON (F) |  |
| 176109701010-3 Active - CRIMINAL(A) | The State of Texas vs. [REDACTED] JOHN (SPN: 02547048) (DOB: 12/05/1992) | 3/3/2022 | 248 | Defendant: Warrant or Citation Issued(N) Disposition: | POSS CS PG 1 / 1-B >=4G<200G (F) |  |
| 176120701010-3 Active - CRIMINAL(A) | The State of Texas vs. [REDACTED] JOHN (SPN: 02547048) (DOB: 12/05/1992) | 3/3/2022 | 248 | Defendant: JAIL(J) Disposition: | POSS CS PG 1 / 1-B <1G (F) |  |
| 182262501010-2 Complete(C) | The State of Texas vs. [REDACTED] JOHNNY RAY (SPN: 02614840) (DOB: 04/01/1978) | 4/18/2012 | 13 | Defendant: Disposed(D) Disposition: Disposed(DISP) | ASSAULT-BODILY INJURY (M) |  |
| 130277201010-3 Complete(C) | The State of Texas vs. [REDACTED] JOHN-MICHAEL JOSEPH (SPN: 02547048) (DOB: 12/05/1992) | 4/14/2011 | 182 | Defendant: Disposed(D) Disposition: Disposed(DISP) | POSS CS PG 4 28-200 GRAMS (F) |  |
| 129698801010-3 Complete(C) | The State of Texas vs. [REDACTED] JOHN-MICHAEL (SPN: 02547048) (DOB: 12/05/1992) | 2/25/2011 | 182 | Defendant: Disposed(D) Disposition: Disposed(DISP) | BURGLARY OF HABITATION (F) |  |

The user must then navigate through each case, find the proper case number, click on the case name, then navigate to another screen to find upcoming hearing dates. This is a massive amount of information that can be challenging for lay persons to navigate.

The most cost-effective way to disseminate accurate hearing information is through a simple, easy to use and remember open-access website that provides defendants the same information that courts have. Harris County is working with the District Clerk, who agreed to design a web portal that provides expedited access to criminal hearing information without an email or password. The portal has a picture of the criminal courthouse and ask users just two questions: (1) Last name and (2) date of birth:



January 04, 2023 [WSO]



My Harris County Case

You are searching the Harris County District Clerk system.

Last Name

Date of Birth - MM/DD/YYYY

Search

With these two pieces of information, the portal shows every active criminal case that a person has where there is a hearing scheduled. The portal provides the following information for each case: (1) The person’s name, (2) the person’s SPN, (3) the person’s date of birth, (4) how many active cases the person has, (5) who to contact with questions, (6) whether the person has active public warrants, (7) the person’s charge and arrest date, (8) (in red font) the date and time of the next hearing in each case, (9) the location of the next hearing, (10) the purpose of the next hearing, (11) whether the person has an attorney, and (12) the attorney’s contact information. The results will look similar to the example below:



January 04, 2023 [W30]

My Harris County Case

We have found 3 case(s) with 3 upcoming settings.

Please refer to the paperwork you received in every case after you were arrested or at your last court hearing. You must show up at the dates, times, and locations listed in all paperwork. If you believe you have other cases or hearing dates not listed below, please take the following steps: (1) Call your attorney or bail bond company, (2) Visit the District Clerk website at www.HCDistrictClerk.com, (3) Call Pretrial Services at (713)927-3520, or (4) Call the District Clerk's Office at (832)927-5800.


***Displaying only active cases for Harris County Criminal Courts at Law and Harris County Criminal District Courts

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| JOHN SPN: 02547048 DOB: 12/05/1992 | Case#: 176109501010 - 3 Arrest: 3/2/2022 No Active Warrant |
| Charge: AGG ASSAULT W/DEADLY WEAPON The next hearing for this case is set for 1/10/2023 at 09:00 AM 248th Criminal Court - 16th Floor 1201 Franklin Houston, TX 77002 | |
| Hearing Reason: Jury Trial | Docket Type: Trial Docket |
| Attorney: SHELTON, EMILY ANDREA 405 MAIN, SUITE 602 HOUSTON, TX 77002 | EMILY@ESHELTONLAW.COM (P) 832-888-2803 (F) 713-224-3111 |

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| JOHN SPN: 02547048 DOB: 12/05/1992 | Case#: 176109701010 - 3 Arrest: 3/2/2022 No Active Warrant |
| Charge: POSS CS PG 1/1-B >=4G<200G The next hearing for this case is set for 1/10/2023 at 09:00 AM 248th Criminal Court - 16th Floor 1201 Franklin Houston, TX 77002 | |
| Hearing Reason: Other | Docket Type: Master Docket |
| Attorney: SHELTON, EMILY ANDREA 405 MAIN, SUITE 602 HOUSTON, TX 77002 | EMILY@ESHELTONLAW.COM (P) 832-888-2803 (F) 713-224-3111 |

| | |
|-------------------------------------------------|------------------------------------------------------------------|
| JOHN SPN: 02547048 DOB: 12/05/1992 | Case#: 176120701010 - 3 Arrest: 3/2/2022 No Active Warrant |
|-------------------------------------------------|------------------------------------------------------------------|

If a person types a last name and date of birth that does not return a hit, he or she will reach a landing page suggesting the following four steps: (1) Make sure the case is in Harris County, Texas, (2) make sure the case is active with a court hearing scheduled, (3) wait 24 hours until after the arrest or last court date for hearing information to be entered into the database, and (4) call an attorney, bail bond company, District Clerk’s Office, or Pretrial Services for help.

 Marilyn Burgess Select Language
Powered by Google Translate

January 04, 2023 [W30]

My Harris County Case

Please check your court paperwork for your court hearing date and time. You must appear at the date and time on the paperwork.

We didn't find your case in our system. There can be several reasons for this.

- 1. Make sure your case is in Harris County, Texas**
This portal searches for active cases in the Harris County Criminal Courthouse. It does not search for municipal City of Houston cases.
- 2. Make sure your case is active with a court hearing scheduled.**
To protect your privacy, this portal only shows active cases where there is a hearing scheduled. If there is no hearing scheduled, your case won't show up here. However, you can still find your case at the [Harris County District Clerk Website](#).
- 3. Check again.**
If your cases is active and you believe a hearing was recently scheduled, please wait 24 hours after your arrest or last court date for the hearing information to be entered into the database.
- 4. Call for help.**
If you've lost your paperwork, followed these steps, and still can't find your court date, it is important that you call one of the following places to make sure you don't miss your hearing:
 - o Your attorney
 - o Your bail bond company
 - o The district clerk's office at (832) 927-5800
 - o Pretrial Services at (832)927-3520

[Return to Search](#)

The portal will be part of a new website called MyHarrisCountyCase.com. The site will be one-stop for not only hearing information, but also educational and practical resources. It will include a library of information and videos to help defendants understand how to get to court, what to expect at court, and who to contact with questions. It can include links to the Harris County Law Library and information about programs that address scarcity-related needs such as transportation, childcare, housing, and mental health. The portal will be available in 100 languages through Google Translate.

After the first year, the website will continue to be funded so programmers can correct bugs and provide incremental improvements, such as the possibility of redesigns, updates, or improved two-way communication with the court. MyHarrisCountyCase.com will be aggressively promoted with strategic signage at the Joint Processing Center, courthouse, and other locations. It will be disseminated to defense attorneys, through press releases and social media, and with branded paperwork or business cards provided to defendants upon release from jail. It will also be promoted through the reminder texts sent by Pretrial Services.

MyHarrisCountyCase.com will be accessible by computer, tablet, smart phone, or any other Internet-connected device. It will be search engine optimized, easy to find, easy to search, well-publicized, and present case information in a user-centric dashboard with everything a defendant needs to attend hearings, contact his or her attorney and the courts, and make sure there are no active public warrants. It will provide the same real-time information that judges have, but without legal jargon or unnecessary information. This reduces the chance for human error.

Budget:

- Year 1: \$120,000 to (1) create, design, and build the data portal, (2) create, design, and build the main site to comply with the Americans with Disabilities Act and be readable in Spanish or through Google Translate, (3) create content, (4) create site branding, (5) perform search engine optimization so the website shows up in search engine results, and (6) design, create, and distribute posters, flyers, business cards, press releases, QR codes, and other marketing and advertising materials for the website, application, District Clerk's Office Call Center number, and other relevant material.
- Year 2: \$50,000 to improve, update, and maintain the website, website optimization, content, and marketing/advertising.
- Year 3: \$50,000 to improve, update, and maintain the website, website optimization, content, and marketing/advertising.

2. Smartphone applications.

The Study recommends creating a smartphone application similar to those used by bail bond companies.¹²⁵ Researchers recommend that court users be permitted to install and use the application to see upcoming hearings and sync them with their cell phone calendars.¹²⁶ The application should also provide a way to call defendants' attorneys, the court, and Pretrial Services.¹²⁷

Harris County will hire developers to create these applications for Apple and Android products. To the extent possible, the smartphone applications should pull information from MyHarrisCountyCase.com and the District Clerk's portal. This would include educational videos, frequently asked questions, and information about transportation, housing, childcare, and other services. With time, the applications can be improved to incorporate more features suggested in the Study, as well as mapping and navigation features to help motorists find the courthouse, and links to public transportation options.

However, it is very important that neither Harris County, nor its vendors, retain any user's personal data. For example, Harris County should not be in a position to respond to a subpoena seeking information about a user for a criminal case (for example, using GPS data to connect a person to a crime). If it is not possible to create an application that does not retain this type of information, Harris County will not create the application and will work with the Plaintiffs and the Monitor to identify another intervention that can be achieved while respecting court users' privacy.

The smartphone applications will be aggressively promoted with strategic signage and QR codes at the Joint Processing Center, courthouse, and other locations, as well as a download link on MyHarrisCountyCase.com. They will be disseminated to defense attorneys, through press releases and social media, and with branded paperwork or business cards provided to defendants upon release from jail. They will also be promoted through the reminder texts sent by Pretrial Services. Defendants could be encouraged to download the application from a QR code at the jail as they are retrieving their property and being released.

Budget:

Year 1: \$100,000 to (1) create, design, and build two applications to comply with Android and Apple standards, (2) link the two applications to MyHarrisCountyCase.com and the District Clerk's data portal and create any necessary content, (3) assure the applications comply with the Americans with Disabilities Act and other standards, (4) translate the applications, (5) design application branding and produce posters, flyers, business cards, press releases, QR codes, and other marketing and advertising material, (6) assure the two applications are available for download and sufficiently accessible on appropriate application stores.

¹²⁵ Exhibit 1 at 117.

¹²⁶ Exhibit 1 at 117.

¹²⁷ Exhibit 1 at 117.

Year 2: \$50,000 to improve, update, and maintain the two applications, content, and marketing and advertising materials.

Year 3: \$50,000 to improve, update, and maintain the two applications, content, and marketing and advertising materials.

3. Courthouse signage, kiosks, and charging stations.

The courthouse is large and crowded. It takes time to navigate security, determine which floor a courtroom is on, and find which bank of elevators go to that floor. Some courtrooms are unconventionally numbered, such as Courtroom Seven, which is on the ninth floor. Some courthouse users will also require extra time because of a disability or need to use the restroom. A person arriving at the courthouse on time should not be late because of difficulties navigating within the building.

Justice Navigators are sometimes available to help, but they are often overlooked or understaffed.¹²⁸ Harris County will invest in new signage, interactive kiosks, and other wayfinding to improve the courthouse experience. The kiosks will be programmed in the Android operating system and use custom content, as well as content from MyHarrisCountyCase.com and the smartphone applications. They will provide hearing information, as well as courthouse maps, announcements, and other relevant information. The kiosks will also display the educational videos created by this Plan.

There will initially be five to 10 kiosks throughout the courthouse, with priority for the first floor and floors with misdemeanor courtrooms. There will also be kiosks in the Joint Processing Center to the extent the Sheriff has space and is logistically able to accommodate.

Harris County will budget funds for programmers to update the software and content in the second and third years. In those years, the County will also purchase an additional five to 10 additional kiosks per year with the goal of providing at least one on each floor of the courthouse and as many as the Sheriff can reasonably place in the Joint Processing Center.

Harris County also recognizes that court users may need to stay in contact with family, transportation, and work while at the courthouse, and cell phones are a vital link to the outside world. To assure that people have phone access during the day (even if their hearing runs unexpectedly long), Harris County will install cell phone charging stations throughout the building. These stations will include QR codes so that court users can download the MyHarrisCountyCase applications at the courthouse.

Budget:

- Year 1: \$100,000 for signage, custom Android kiosk content and programming, five to 10 initial kiosks, and five to 10 charging stations.
- Year 2: \$50,000 to improve upon the content and programming and purchase additional kiosks and charging stations.
- Year 3: \$50,000 to improve upon the content and programming and purchase additional kiosks and charging stations.

¹²⁸ Exhibit 1 at 78-81.

4. Improve the Community Assistance Referral Program.

The Community Assistance Referral Program connects “court users to funds needed after release to support appearance.”¹²⁹ As noted above, between January and March 2022, the Program engaged 1,843 court users, provided 936 referrals to community services, and provided 70 gift cards to pay for services such as childcare and parking to help them appear in court.¹³⁰ It also referred 52 clients for further mental health services. Staff successfully contacted 689 clients post-release to remind them of their upcoming appearances and offer further assistance.¹³¹

The Program has five staff members who directly communicate with clients, two administrative staff, a court liaison, and a program director who helps to fill gaps and engage with clients when needed. The Study recommended expanding the Program; however, it also noted that the Program has not yet produced enough data to determine its effectiveness at improving court appearances.¹³²

In post-Study conversations, Ideas42 raised two concerns about the Program. First, staff spend considerable time with each client, which permits each staff member only enough time to interview about eight people per shift. A Program representative later advised that the process is faster, and each client is interviewed in about 15 minutes.

Second, Ideas42 noted that the Program focused on helping only those flagged as having mental health problems and not those with scarcity-related problems. Program representatives advised that after the Study came out, the Program began interviewing anyone being released with a general order bond, with the caveat that there is rarely time to interview all of them. Thus, the Program sometimes selects interviewees randomly.

Harris County will maintain the Program, with several modifications.

a. Interview every misdemeanor arrestee.

First, staff should interview all (or nearly all) misdemeanor arrestees scheduled for release on general order bond by the end of the second year of the Nonappearance Plan. As explained in the budget below, the Community Assistance Referral Program’s funding will increase in the second year, and some of these funds should be used to hire additional staff to meet this objective. In hiring staff, the Program should assure there are a sufficient number of multi-lingual speakers.

Staff should also streamline and target interviews so that more clients are served per shift. While this is not a formulaic requirement, staff should develop a script similar to the one below:

[After introductions] When you are released, you will receive a piece of paper telling you to appear in the criminal courthouse a few blocks from here—probably in about a week. This isn’t your trial, and you don’t have to prove your case or

¹²⁹ Exhibit 1 at 52.

¹³⁰ Exhibit 1 at 86-87.

¹³¹ Exhibit 1 at 87.

¹³² Exhibit 1 at 88.

prepare anything. It's called a first appearance. In fact, if you qualify, the judge may appoint you an attorney. However, if you don't show up, you could be arrested.

- (1) Do you understand why it's important to go to the courthouse for your first appearance?
- (2) Do you have access to transportation to get to the courthouse for your first appearance (particularly if the person is at risk of losing his or her license)? Do you know how you will get there?
- (3) Do you need us to recommend mental health or housing services that would help make sure you can get to court for your first appearance?
- (4) Is there anything that would prevent you from going to your first appearance at the courthouse?"

Depending on these answers, staff would ask appropriate follow-up questions and make appropriate referrals. The script should be on a tablet, computer, or other electronic device with check boxes and text fields to automate notes about each client.

b. Teach every misdemeanor arrestee how to find hearing dates and educational resources.

Second, staff should tell each client about resources to help them find educational material and information about when their hearings will occur. Near the end of the interview, staff should have a script similar to this:

If you lose your paperwork or have a question about when you need to be in court, you can do three things. First, call the District Clerk's Office. That number is on this brochure that I'm going to give you. Second, you can go to MyHarrisCountyCase.com and look up your case information. Third, you can use this QR code [pointing to brochure] and download the Harris County smartphone application. When you get your property back today, you'll see this QR Code at the exit. If you have a phone, please scan that code and download the application. Do you have any questions?

c. Identify additional referral resources.

Third, staff should identify additional programs and resources to refer clients to, such as the federal Lifeline Program referenced in the Study.¹³³

d. Provide material in branded folders while leaving the jail.

The Study noted that 37 percent of arrestees lose their jail paperwork.¹³⁴ One way to mitigate this is to provide paperwork in a manner that's easy to identify and store and will be protected when arrestees are released in inclement weather. Either during the interview, or as they

¹³³ Exhibit 1 at 130.

¹³⁴ Exhibit 1 at 111-112.

receive their property and leave jail, arrestees should be provided a branded folder for their paperwork. The front should have the MyHarrisCountyCase.com website and smartphone application QR code printed on the cover. The cover should also include relevant phone numbers and other contact information.

e. Collect data.

Fourth, the Program should develop metrics to determine which referrals are most effective at improving appearance rates. It should evaluate the costs and benefits of referrals by category (e.g., transportation, housing, and mental health) and attempt to develop a formula and reporting scale to quantify the cost-effectiveness of each. For example, it might calculate the number of court hearings missed for every \$100 spent on each type of referral.

Because the greatest need appears to be transportation, the Program should collect data to further evaluate transportation barriers. For instance, it might try to determine the extent to which people miss hearings because they do not own a car, live outside areas with public transportation, or are unable to use their cars because they have been charged with crimes resulting in their licenses being suspended.¹³⁵

The Program should modify its strategies to prioritize referrals that are most effective at improving appearance rates, and present data, findings, and recommendations to the Office of Justice and Safety and County Attorney's Office by December 1 each year.

f. Develop transportation options.

The Program will spend the first two years of the Nonappearance Plan focusing on transportation needs. The Program now provides public transportation vouchers and direct payments in the form of gift cards to defendants for parking, fuel, and childcare. In the first year, the Program should continue to provide vouchers for public transportation and up to \$20 per hearing for transportation needs for those without access to reliable public transportation. Disbursements should be tied with a particular hearing, and data kept on each hearing so the Program can be audited, and its effectiveness evaluated.

By the second year of the Nonappearance Plan, the Program should attempt to enter into an agreement with a ridesharing service, taxi service, van service, or other transportation provider that will easily, consistently, and economically transport people in Harris County without practical access to public transportation to the courthouse and back. Drivers should be familiar with the courthouse and its drop off and pick-up points, and the service should provide safe, insured drivers and vehicles and reasonable and predictable rates. The service should maintain ride logs to document when and where each client is picked up and dropped off. If feasible, the Program may work with the Justice Navigators to place signage for designated drop off and pick-up points at the courthouse. If the Program cannot find a suitable transportation provider, it will continue to provide vouchers and up to \$20 per hearing until a provider is found.

Starting in the second year, when staff determines that a client is eligible for rideshare

¹³⁵ Exhibit 1 at 142.

transportation assistance, the client should receive a voucher, text message link, or other means to book one round trip from anywhere in the County to the courthouse. The voucher should be tied with a particular hearing, and data kept on each hearing and ride so the Program can be audited, and its effectiveness evaluated. Ideally, clients should be able to use their vouchers to book rides through MyHarrisCountyCase.com or the smartphone applications. Staff should set transportation assistance criteria to prioritize those with the greatest need and attempt to make funding last throughout the year.

Harris County will continue the Program with the following budget.

Budget:

| | | |
|---------|-----------|---------------------------------------------------------------------|
| Year 1: | \$400,000 | (\$375,000 for staffing and expenses) |
| Year 2: | \$575,000 | (\$475,000 for staffing and expenses; \$100,000 for transportation) |
| Year 3: | \$575,000 | (\$475,000 for staffing and expenses; \$100,000 for transportation) |

5. Train court personnel to consistently report nonappearances.

The Study noted that researchers could not use court appearance data because there is no standardized practice to document when a defendant misses a hearing.¹³⁶ The Office of Justice and Safety worked with the Office of Court Management to establish uniform standards for court personnel to consistently record appearance data. This involved changing internal forms and training employees to mark anyone present who arrives during the docket—even if significantly late. The first phase is completed, and the Office of Court Management has trained its employees and will work with the District Clerk’s Office to train its employees. This will provide more reliable data that will make it easier to formulate the Second Plan in two years. Harris County believes this can be completed internally at no cost.

Budget:

| | |
|---------|-----|
| Year 1: | \$0 |
| Year 2: | \$0 |
| Year 3: | \$0 |

B. Projects to be implemented through Pretrial Services.

1. Develop a video to educate court users about what to expect at court.

The Study recommends creating videos to educate defendants about what to expect when they attend court. This includes (1) The general process that cases take, (2) what happens at an arraignment, (3) rights and obligations as defendants, (4) what it means to be out on bond, (5) what to expect from a lawyer, (6) the steps required to appear in court, (7) what to do if running late for

¹³⁶ Exhibit 1 at 13-17.

court, and (8) information about using Zoom.¹³⁷

After the Study was released, Ideas42 provided examples of videos created by other jurisdictions:

- (1) An animated short film created by the District of Columbia courts to teach about arraignments: <https://www.youtube.com/watch?v=jXLVFJlzc8>
- (2) An animated short film created by the National Center for State Courts on how to go to court on your own: <https://vimeo.com/429336019>
- (3) An animated short film created by the National Center for State Courts on how state courts work: <https://vimeo.com/299681452>
- (4) A non-animated video from law firm Shorstein, Lasnetski & Gihon explaining what an arraignment is: <https://www.slgattorneysflorida.com/arraignment.html>

Ideas42 recommends three vendors: Planet Nutshell, True Life Media, and Next Day Animations. Their prices were as high as \$30,000 for each two minutes of video.

Pretrial Services—with the advice and consent of the Office of Court Management—will create or supervise the creation of at least five short videos, each between one and five minutes long. The first video will explain the logistics of preparing to get to court, such as going through security, identifying Justice Navigators, the locations of restrooms, kiosks, and charging stations, finding a courtroom and knowing how to check in with court staff, courtroom etiquette, and the availability of help for those with disabilities. This video should include actual footage of the courthouse.

The second video will address what happens at a first appearance/arrangement. This will include topics such as the purpose of a first appearance, the type of questions often asked at a first appearance, how public attorneys are appointed, and how to communicate with your attorney. The video will emphasize that a first appearance is not a trial, and that a person does not have to present witnesses or evidence. The video should also emphasize that a person will not be arrested unless there is an active warrant.

The third video will explain a defendant's obligations while out on either secured or unsecured bond. It will explain standard conditions of release and the possible consequences of violating those conditions.

The fourth video will provide an overview of a case from arrest through trial. It may discuss topics such as constitutional rights, the types of pretrial hearings that occur, the roles of witnesses, attorneys, and the judge, and the parts and order of a trial.

The fifth video will provide an overview of how to use MyHarrisCountyCase.com, the smartphone application, and other resources.

To the extent possible, all videos should be produced in segments designed to be seamlessly

¹³⁷ Exhibit 1 at 13-17

edited and updated in the future. These videos will be available on MyHarrisCountyCase.com, the smartphone application, through QR code and text message links, in courtroom kiosks, and, if the Sheriff can accommodate, monitors at the Joint Processing Center. Versions should be created in English and Spanish, with subtitles.

Budget:

- Year 1: \$125,000 to create five educational videos described above, translate them, market them, and upload them to MyHarrisCountyCase.com, the smartphone applications, the Joint Processing Center, courthouse kiosks, and for public dissemination. This includes marketing and optimization so that the videos appear in search engine results.
- Year 2: \$25,000 to update the videos, or create new videos as needed to address changes, or additional educational needs.
- Year 3: \$25,000 to update the videos, or create new videos as needed to address changes, or additional educational needs.

2. Expand the Justice Navigators Program.

As noted, the Pretrial Services Department started the Justice Navigator Program in 2018 to provide a central location for non-legal guidance on court procedures and appearance obligations.¹³⁸ The Program started with two Navigators who could be contacted by phone, email, or social media. Today, there is only one Navigator in criminal court from 7 a.m. to 3 p.m. on working days.¹³⁹ Even at this staffing level, the Justice Navigators interact with an average of 143 people per day¹⁴⁰ and answer “diverse questions and requests for assistance.” Most inquiries were from court users trying to find out a court date for themselves or others.¹⁴¹

The Study mentioned Justice Navigators 46 times and suggested that the Program become more visible.¹⁴² In particular, the Study suggested that Justice Navigators wear clothing to distinguish themselves from law enforcement, be more prominent, and be trained to refer defendants to resources to help with scarcity-related needs.¹⁴³

In the first year of the Plan, Navigators will be provided distinctive clothing and better signage and amenities near the front of the courthouse, so court users know who they are and that they are available to answer questions. They will also be provided business cards and other documents to distribute to court users to inform them of MyHarrisCountyCase.com, the smartphone applications, videos, and scarcity-related resources available through the Community

¹³⁸ Exhibit 1 at 78.

¹³⁹ Exhibit 1 at 78.

¹⁴⁰ Exhibit 1 at 78.

¹⁴¹ Exhibit 1 at 78-80.

¹⁴² *See, e.g.*, Exhibit 1 at 78 & 150.

¹⁴³ Exhibit 1 at 79.

Assistance Referral Program.¹⁴⁴

Justice Navigators will also be responsible for the day-to-day operation of the courthouse kiosks and assure that signage and other marketing materials are displayed in the criminal courthouse (with permission of the District Clerk, Office of Court Management, and other stakeholders).

While Justice Navigators are funded through Pretrial Services, the Plan will provide supplemental funding of \$100,000 per year in the second and third years. This is to secure additional marketing material and hire additional staff to assure that a Navigator is always available at the criminal courthouse during business hours. The Navigators may consider using these funds to have someone available to answer live chats on social media or MyHarrisCountyCase.com.

Budget:

Year 1: \$5,000 for clothing, signage, and marketing materials in English and Spanish.

Year 2: \$100,000 for additional marketing material and staffing.

Year 3: \$100,000 for additional marketing material and staffing.

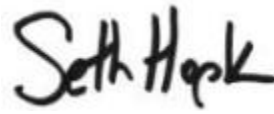
VI. CONCLUSION

Harris County stakeholders and consultants invested significant time and resources studying every facet of the pre-trial criminal justice process to understand why people miss court hearings. This Section 55 Nonappearance Plan reflects the results of that research. It implements cutting-edge ideas and best practices while remaining practical and cost-effective. Further, many of the technology investments will serve the people of Harris County long after the Program ends.

Once this Plan is implemented, every defendant will have access to a 24-hour per day web and smartphone portal that shows them how to find hearing information, how to get to the hearing, and who to contact for help in the process. Every arrestee will be shown relevant videos at the Joint Processing Center to teach them about their hearings, and they will have access to these videos through the portal. To the extent possible, every misdemeanor arrestee will be interviewed, told about their first appearance, taught how to access the portal, screened for mental health and scarcity-related needs, and offered support to help address those needs. The County will also investigate various options to assist with transportation needs. Finally, the courthouse experience will be improved with better signage, informational kiosks, and charging stations. The entire process will include robust data collection so that the Plan can adjust and improve each year.

¹⁴⁴ The cards and marketing material should be printed in the first year, but not distributed until the website and applications are launched.

Respectfully submitted,



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