



The Legislature State of Texas

May 15, 2017

The Honorable Vince Ryan
Harris County Attorney
Office of the Harris County Attorney
1019 Congress Street, Floor 15
Houston, Texas 77002-1799

Dear Mr. Ryan,

We write today regarding the recent decision by the Harris County Commissioner's Court to appeal the April 28, 2017 ruling by Chief U.S. District Judge Lee H. Rosenthal in *O'Donnell v. Harris County*, ordering Harris County to release misdemeanor defendants on personal bonds within 24 hours after they sign an affidavit stating they cannot afford cash bail.

We are disappointed in the county's decision to continue litigation and appeal Judge Rosenthal's thorough and comprehensive decision condemning Harris County's pretrial detention system, especially when the county has already paid almost \$3 million to outside counsel representing defendants in the case.

We appreciate and agree with your recent sentiment where you stated, "Any one individual kept in jail one minute longer than they should . . . is an injustice." However, it is alarming to read statistics showing that from 2015 through January 2017, roughly 9 percent of detainees were given personal bonds. Over that same period, bail hearing officers ignored Harris County Pretrial Services recommendations to release folks on personal bonds 67 percent of the time. We believe these policies and practices can lead to dangerous situations, particularly considering most of the over 1,100 people who died in Texas jails in the past decade were pretrial detainees—according to a 2015 Houston Chronicle investigation. In Harris County, from 2009 to 2015, 55 people died in pretrial detention, including some defendants arrested for misdemeanors, similar to the ones that initiated this litigation.

An empirical study by the Texas A&M Public Policy Research Institute found that in Texas counties with money bail systems—where release decisions are NOT based on risk assessments—people commit 22% more crimes while on bond. This includes 1.5 times more violent felonies and 8 times

more crimes involving weapons. Of course, fairness is also improved with fewer low-risk people held in jail.

Moving forward, we understand the county will need to take several steps to comply with the Judge Rosenthal's ruling, including processing inmates faster so they can be released on personal bonds within 24 hours. However, we are confident that the court's order along with promising reforms being proposed by the county will improve the fairness of Harris County's pretrial arrest system.

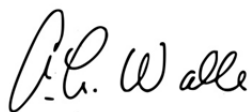
While reforms take shape and are implemented, as leaders of Harris County, we urge you to drop the appeals, move forward with the judge's orders by settling the lawsuit in the bail case, and release all indigent misdemeanor defendants on a personal bond within 24 hours of arrest, unless they are subject to another hold, per Judge Rosenthal's direction. The Chief Justice of the Supreme Court and the Presiding Judge of the Court of Criminal Appeals both agree that the traditional money bail system is unconstitutional as it jails people who cannot afford bail money. It is unacceptable to continue wasting millions of taxpayer dollars to defend this cruel treatment of the poorest members of our society. We must put an end to jailing people who are charged with misdemeanors simply because they cannot pay bail.

The current system is unfair, as the *O'Donnell* court notes stating:

Misdemeanor arrestees are often...people "living on the edge at the point in their lives that intersects with getting involved in an arrest." . . . But they are not without constitutional rights to due process and the equal protection of the law.

Thank you for your attention to our concerns, and we look forward to working with you on the matter.

Sincerely,



Armando Walle
State Representative, House District 140



Garnet Coleman
State Representative, House District 147

Cc: The Honorable R. Jack Cagle, Harris County Commissioner, Precinct 4
The Honorable Rodney Ellis, Harris County Commissioner, Precinct 1
The Honorable Ed Emmett, Harris County Judge
The Honorable Ed Gonzalez, Harris County Sheriff
The Honorable Jack Morman, Harris County Commissioner, Precinct 2
The Honorable Steve Radack, Harris County Commissioner, Precinct 3