Monitoring Pretrial Reform in Harris County

Proposal

January 30, 2020

Brandon L. Garrett, JD, Monitor for Research and Policy
L. Neil Williams Professor of Law
Director, Center for Science and Justice
Duke University School of Law
210 Science Drive
Durham, NC 27708
(919) 613-7090
bgarrett@law.duke.edu

Sandra Guerra Thompson, JD, Monitor for Community Engagement

Newell H. Blakely Chair
and Criminal Justice Institute Director
University of Houston Law Center
4604 Calhoun Road, BLB 122
Houston, TX 77204-6060
(713) 743-2134
sgthompson@Central.uh.edu

Team Members:

Dottie Carmichael, PhD, Research Scientist
dottie@ppri.tamu.edu
George Naufal, PhD, Asst. Research Scientist
gnaufal@ppri.tamu.edu
Texas A&M University
Public Policy Research Institute
Research Scientist
4476 TAMU
College Station, Texas 78743-7746
(979) 854-8800

Catherine Grodensky, M.P.H., PhD student
Phil Cook, PhD
Duke University Sanford School of Public Policy
201 Science Drive
Durham, NC 27708

Thomas Maher, Executive Director (starting March 1, 2020)
Travis Seale-Carlisle, PhD, Post-doctoral fellow
William Crozier, PhD, Post-doctoral fellow
Center for Science and Justice
Duke University School of Law
210 Science Drive
Durham, NC 27708

Marvin Swartz, MD
Duke University School of Medicine
Department of Psychiatry and Behavioral Sciences
Durham, NC 27708

Provided to:

Representative of Plaintiff Class:

Elizabeth Rossi, Plaintiffs' counsel, elizabeth@civilrightscorps.org

Representatives of Harris County:

Melissa Spinks, Assistant County Attorney, Melissa.Spinks@cao.hctx.net; Jim Bethke, Director, Justice Administration Department, jim.bethke@jad.hctx.net

Representative of County Criminal Court at Law Judges:

Allan VanFleet, Counsel for the 16 County Criminal Court at Law Judges, allanvanfleet@gmail.com

Representative of Harris County Sheriff's Office:

Major Patrick Dougherty, patrick.dougherty@sheriff.hctx.net

TABLE OF CONTENTS

Executive Summary 4

I. Goal and Guiding Principles of the Monitorship 5

II. Monitor Team Qualifications 11

III. Prior Relevant Experience and References 16

IV. Description of Monitor Team Activities 22

V. Monitor Team Members 29

VI. Current Team Commitments 29

VIII. Expected Cost and Budget 29

Appendices

Appendix A. Cost Study (attached separately) 37

Appendix B. References 37

B.1. Attached Reference Documents (attached separately) 39

Appendix C. Brief Team Biographies 40

Appendix D. Curriculum Vitaes (attached separately) 44

Appendix E. Community Working Group members 45

Appendix F. Estimated Seven-Year Budget (attached separately 48

Executive Summary

The *ODonnell* litigation has already resulted in sweeping change in Harris County, as well as having changed the local and national conversations about bail reform. The resulting Consent Decree builds upon the county's new pretrial justice system so as to bring about lasting change in Harris County, and the new system has the potential to become a model for jurisdictions around the country. The Decree sets forth a blueprint for creating a constitutional and transparent pretrial system to protect the due process and equal protection rights of misdemeanor arrestees. While the Constitution forbids punishing people simply on account of their poverty, most judicial systems in the United States have long done so in some fashion. Money bail in particular harms communities and individuals, disparately affecting the poor and racial minorities, negatively affecting public safety, and wasting taxpayer dollars on unnecessary incarceration.[1] The *ODonnell* Consent Decree represents the first federal court-supervised remedy for this widespread practice. Since Harris County is a major urban area constituting the third most populous county in the United States, the Consent Decree presents a unique opportunity to implement and study best practices in pretrial justice. However, the implementation of this Decree will require hard work by the parties, the Court, and the court-appointed monitor, in conjunction with the community in Harris County, to ensure the long-term success of this undertaking.

We note that the transformation of a pretrial justice system is not without its challenges. Few prior efforts have been unequivocally successful. One challenge has been that many have focused on new categorical rules or the use of risk assessments, but without a holistic approach that includes new procedures, as well as training for lawyers, involvement of judges, data collection by the government, participation of the community, and academic research regarding best practices. Working with criminal justice data requires contextual understanding regarding its sources, as well as the careful application of social science methods. The design of the *ODonnell* Consent Decree reflects lessons learned from those prior efforts.[2] Under the terms of the Consent Decree, the Monitor will serve a key role in bringing each of the component parts together to ensure a holistic and collaborative approach towards pretrial reform that has been missing in other jurisdictions in the past. These efforts should result, by the end of the seven year time period, in a permanent system, one which no longer requires external monitoring, and which is itself capable of transparently assessing outcomes, improving processes, securing rights, safeguarding public safety, reducing costs, and preventing constitutional violations

---

[1] ODonnell v. Harris Cty., 251 F. Supp. 3d 1052, 1122 (S.D. Tex. 2017) (rejecting arguments that secured money bail furthers good pretrial outcomes and noting that it disadvantages those in poverty and exacerbates racial disparities in detention and post-trial outcomes).

[2] ODonnell v. Harris Cty., No. 16-cv-1414, 2019 WL 6219933, at *12 (S.D. Tex. Nov. 21, 2019) (noting that the Consent Decree incorporates "other relief, including training, data collection and analysis, and monitoring, that the amended preliminary injunction did not impose").

and disparities based on race, ethnicity or socioeconomic status. In short, the system should become self-monitoring.

We believe that our team provides an ideal combination of skills, community connections, and resources to accomplish these ambitious but highly attainable goals. Professors Brandon L. Garrett and Sandra Guerra Thompson, at Duke University School of Law and University of Houston Law Center, respectively, with the support team members at the Public Policy Research Institute at Texas A&M University , as well as the Center for Science and Justice (CSJ) at Duke University, propose to serve as the Monitor Team for this important Consent Decree. Professors Garrett and Thompson have collaborated on projects in the past and have planned a close partnership, reflecting the importance of both the research and policy aspects of the decree, which will be Professor Garrett's focus, and the integral role of engaging with the community throughout, which will be Professor Thompson's focus. Researchers at Texas A&M University and at Duke University, with expertise in data analysis, criminal justice data and pretrial data—specifically, cost studies in the pretrial context, and qualitative as well as quantitative methods—will assist in the project. Further, the team includes experts in economics of crime, indigent defense best practices, wrongful convictions, behavioral health, and best practices for securing the public interest in monitorships. The Monitor Team recognizes that the permanence of the Consent Decree's implementation will turn on its acceptance by local community leaders and stakeholders. Thus, the Monitor Team has organized a Community Working Group, whose composition is detailed below, that would advise the Monitor Team as well as assist in keeping the community informed of the County's progress in implementing the Consent Decree. Finally, the Monitor Team plans to draw on the experience of Local Professional Advisors who specialize in areas relating to pretrial justice and who have familiarity with local conditions.

Garrett and Thompson recognize that the success of this Consent Decree requires them to be personally involved in the activities of the Monitorship, such as meetings with the parties, stakeholders, the Community Working Group, and the public. They are committed to being personally involved in all aspects of the Monitorship, including such meetings, as well as research, analysis, and other management tasks. For effective community engagement, Garrett and Thompson also commit to personally engaging in local outreach by attending functions at community centers, houses of worship, schools, or other gathering places, rather than simply expecting the public to attend Monitor Team meetings in downtown County offices. The Monitor Team would also host a website to facilitate better community engagement.

Finally, if selected, Garrett and Thompson plan to conduct national outreach regarding Harris County's historic bail lawsuit settlement. They would personally attend the national conference on consent decrees annually hosted by Texas A & M University and Tarleton State University, as well as accepting other invitations to

speak on the Consent Decree Monitorship. They also plan to organize conferences in Houston with invited national and local speakers, bringing together academics, practitioners, students, and other members of the public. These conferences would further the goals of community engagement on the national and local levels, but they would also facilitate the policy research needed to make Harris County's bail system a model for other jurisdictions.

I. Goal and Guiding Principles of the Monitorship

The *ODonnell* lawsuit laid bare in stark terms the failings of a typical money bail system of pretrial justice in terms of racial, ethnic and socioeconomic fairness, wise use of taxpayer dollars, preventing the needless suffering of vulnerable people, and in promoting public safety. Named plaintiff Maranda ODonnell, following an arrest for driving with a suspended license, while driving to her mother's house to pick up her four-year-old daughter, had bail set according to a schedule in place in Harris County at the time, at $2,500.[3] Like tens of thousands of others, she could not afford to make bail and was detained in jail.[4] In 2016, ODonnell and other plaintiffs brought a class action in federal court, and moved for a preliminary injunction, to end the practices that led to these detentions. The complaint noted that on a typical night, 500 people arrested for misdemeanors were detained in the Harris County Jail.[5] The complaint highlighted that between 2009 and 2015, fifty-five people who could not afford bail, died in Harris County Jail while awaiting trial.[6] The eight days of hearings concerning the motion resulted in a large body of fact and expert testimony, as well as written and video evidence, which the district court considered, and granted ODonnell's motion for class certification and a preliminary injunction.[7] The district court relied on a comprehensive set of factual findings, in concluding that "Harris County's [bail] policy and practice violates the Equal Protection and Due process Clauses of the United States Constitution."[8] Following an appeal to the Fifth

---

[3] Class Action Complaint at 1, ODonnell v. Harris County, 4:16-cv-01414 (S.D.Tex. May 16, 2016); Meagan Flynn, *Group Sues Harris County Over Bail System that Keeps People in Jail Just Because They're Poor*, Houston Press, May 20, 2016.

[4] Thus, the opinion approving this Consent Decree begins:

> I, Maranda Lynn ODonnell, am a 22-year-old woman. I was arrested yesterday . for a misdemeanor offense. . . . I was never asked if I could afford my bail. I have one 4-year-old daughter. . . . I live paycheck to paycheck[.] I'm worried about whether my job will still be there when I get out. I cannot afford to buy my release from jail."

Memorandum and Opinion Approving the Proposed Consent Decree and Settlement Agreement and Granting the Motion to Authorize Compensation of Class Counsel, ODonnell et al v. Harris County, Texas, No. 16-cv-01414 (S.D. Tex. Nov. 21, 2019).

[5] Class Action Complaint, supra, at 2.

[6] *Id.* at 2.

[7] Memorandum and Order Certiffying Class, ODonnell v. Harris Cty., 251 F.Supp.3d 1052 (S.D. Tex. Apr. 28, 2017).

[8] Id. at 1059–60.

Circuit,[9] the parties jointly submitted Amended Local Rule 9 of the Harris County Criminal Courts at Law, which rescinded the secured money bail schedule, and provided for a new set of procedures, requiring prompt release of misdemeanor arrestees except for five carve-out categories of arrestees; the court approved the amended rule, which took effect on February 16, 2019.[10] After three years of litigation, the parties ultimate reached a settlement consisting in this landmark Consent Decree, approved on November 21, 2019.[11]

The evidence, as the Judge found and detailed in factual findings, showed mass violations of the U.S. Constitution that affected tens of thousands of people.[12] Not surprisingly, the community had lost faith in the county's pretrial justice system. The overriding goal of this Monitorship, as set out in the Consent Decree, is to oversee and support Harris County officials as they implement a new pretrial justice system that restores the public's trust, safeguards constitutional rights, and in fact accomplishes the twin goals of bail: to keep the community safe and promote the integrity of the judicial proceedings by preventing defendants from fleeing justice. Thus, as Consent Decree summarizes in its Introduction, this Decree: "is intended to create and enforce constitutional and transparent pretrial practices and systems that protect due process rights and equal protection rights of misdemeanor arrestees."[13] This Monitorship will reflect a belief that an efficient and effective system, operated on the basis of relevant information and empirical data, will promote social justice while also meeting the goals of law enforcement and public safety.

The *ODonnell* Consent Decree calls for the implementation of pretrial policies that will restore the community's faith in the county's pretrial justice system and that will become a model for the nation. From the Consent Decree, we distill nine guiding principles that will guide this Monitorship: (1) transparency; (2) accountability; (3) permanency; (4) protecting constitutional rights; (5) racial, ethnic, and socioeconomic fairness; (6) public safety and effective law enforcement; (7) maximizing liberty; (8) cost and process efficiency; and (9) evidence-based, demonstrated effectiveness.

In what follows, we describe how this Monitorship would actualize these guiding principles. We recognize, however, that a seven-year period will necessitate being flexible and making changes to practices based on the rigorous analysis of local data and other relevant empirical research, as well as on community and stakeholder feedback. Nonetheless, this Monitorship would be guided by the nine fundamental principles in evaluating any new policy choices.

---

[9] ODonnell v. Harris Cty., 882 F.3d 528, 549 (5th Cir. 2018), opinion withdrawn and superseded on reh'g sub nom. ODonnell v. Harris Cty., 892 F.3d 147 (5th Cir. 2018).
[10] Memorandum and Opinion at 6-7, ODonnell et al v. Harris County, Texas, No. 16-cv-01414 (S.D. Tex. Nov. 21, 2019).
[11] Consent Decree, ODonnell et al v. Harris Cty., No. 16-cv-01414 (S.D. Tex. Nov. 21, 2019) [hereinafter, Consent Decree].
[12] ODonnell, 251 F. Supp. 3d at 1150 n.99.
[13] Consent Decree, supra, at ¶1.

1. Transparency

A transparent system keeps the public informed about how and why the system operates as it does—what rules and procedures apply and how effectively the system is meeting its goals. The *ODonnell* Consent Decree provides that robust data will be made available, including regarding misdemeanor pretrial release and detention decisions and demographic and socioeconomic information regarding each misdemeanor arrestee, as well as prior data dating back to 2009.[14] The Consent Decree provides for public meetings and input, County reports published every sixty days, and online information regarding implementation of the Decree.[15] However, those important steps will not be enough to ensure robust transparency, and the Decree recognizes as much, including by calling for the Monitor to ensure that the community participates throughout and to issue regular, publicly available audits, reviews, and assessments that can be easily understood.[16] The Monitorship will endeavor to aid county officials in implementing these provisions as part of an ongoing effort to create a transparent pretrial justice system that provides readily accessible information to the public, including the media and academic researchers. The information should measure how the county is doing in meeting the goals of the *ODonnell* Consent Decree. To be fully transparent and engender public trust, county officials could proactively notify the public when there are setbacks or incidents and provide information about the steps being taken to rectify the issue. Media representatives should be able to get their questions answered without resort to public information requests. There should be an attitude of responsiveness and openness to public inquiry. Rather than undermine the community's faith in the justice system, open and proactive communication with the public, regarding both positive and negative outcomes, engenders public trust.

2. Accountability

As public servants, county officials owe a duty of accountability to the citizens affected by the pretrial justice system, whether they are defendants or others who may be affected by crimes (such as property owners or survivors of domestic violence). Indeed, every taxpayer in the county has a stake in the management of the pretrial justice system and has a right to hold officials accountable for shortcomings in the operation of the system. Accountability need not be viewed as assigning blame, however. Rather, it should be viewed as part of an ongoing process of systemic evaluation and improvement. For a system to function at a high level of quality, those overseeing the process need unbiased, evaluative information, both empirical and qualitative. As the Decree recognizes, accountability to the community is essential

[14] Consent Decree, *supra*, at ¶83-85.
[15] *Id.* at ¶87-88.
[16] *Id.* at ¶87.

to meaningful and lasting reform.[17] Thus, this Monitorship would endeavor to facilitate county officials in establishing processes for gathering feedback on the system for use in managing ongoing staffing and equipment needs, as well as for evaluating procedural practices.

3. Permanency

The seven-year term of this Decree displays a deep commitment by the parties to the long-term adoption of meaningful reforms in the misdemeanor pretrial process in Harris County. The terms of the Decree envision lasting change,[18] which will ultimately make further monitoring and judicial involvement unnecessary. The Monitor, therefore, must not only evaluate progress, but also ensure that the administrative measures, policies, and processes, can work well long-term.

The key to creating a pretrial process that can thrive long-term is restoring the public trust in the fairness, efficiency and effectiveness of the process. For this reason, the Monitor should include community leaders who represent every major constituency affected by pretrial policies: civil rights advocates, formerly incarcerated individuals, experts in mental health and addiction, immigrants' rights advocates, crime survivors' advocates, police administrators, jail administrators, faith-based institutions, advocates for vulnerable populations like the homeless, and business leaders. As described below, we have organized a diverse Community Working Group that would work closely with the Monitor Team to help give voice to these relevant constituencies, but also, importantly, that these key constituencies may obtain accurate information about the results of the new pretrial system, thus, building broad community support.

We anticipate that there will be detractors who will be eager to take aim at the county's newly established pretrial system, and so we plan to build a solid foundation of community support by means of the Community Working Group, public meetings and conferences. We would also create and maintain a website for the Monitor Office that will provide the public with links to discussions addressing common concerns or myths. The webpage would also help to inform the public of upcoming meetings or conferences, post each of the Monitor Reports, provide a means for individuals to contact the monitor (including doing so anonymously) with questions or concerns, and other relevant news items. (Appendix B.1 provides a recent example of a major jurisdiction facing serious political challenges to its new bail policies, despite the strong empirical support showing that the new rules produce better outcomes.)

In addition, we believe that by continually and systematically measuring the system's effectiveness, the County can foster a process of continual improvement

---

[17] Id. at ¶91.

[18] Id. at ¶12 (noting "[T]he terms of this Consent Decree are intended to implement and enforce fair and transparent policies and practices that will result in meaningful, lasting reform…").

which would further the goal of permanency. We will describe more below how the system should be self-monitoring over time, and capable of detecting and solving problems on its own.

4. Protecting Constitutional Rights

Protecting civil and human rights, including the constitutional rights of arrestees, is a central goal of the *ODonnell* Consent Decree, which followed the Court's findings that the County's bail policy and practice violated the Due Process and Equal Protection Clauses of the U.S. Constitution.[19] As a result, misdemeanor defendants not only received brief and uncounseled pretrial hearings that did not comply with the Constitution, but as a result, they suffered further constitutional harm, waived constitutional rights, and faced pressure to accept guilty pleas. Innocent individuals pleaded guilty in order to end pretrial detention. A central goal of the Monitorship will be to ensure that each of those constitutional rights are safeguarded permanently, through the new systems put into place.[20] Those constitutional rights include due process and equal protection rights. We turn to such discrimination and fairness concerns next.

5. Racial, Ethnic and Socioeconomic Fairness

Perhaps even more so in the misdemeanor context, serious public concerns have been raised concerning racial, ethnic, and socioeconomic unfairness in pretrial detention. Such concerns extend beyond the explicit use of race or other invidious characteristics, which might require heightened constitutional or statutory scrutiny,[21] to the use of proxies that might also produce unwanted and disparate impacts.[22] One way to assess such bias in the pretrial context is to assess whether persons with similar profiles, for example, regarding prior offending or non-appearance, receive similar pretrial outcomes. One should also examine data concerning reoffending as between demographic groups. When studying disparities in pretrial outcomes, the monitor should also examine data regarding persons who fall in the carve-out categories in Local Rule 9, and outcomes for those groups specifically. These analyses should examine probability of success upon release, among racial, ethnic, and socioeconomic groups.[23] There should be ongoing participation of key stakeholders from all affected communities in Harris County, to

---

[19] Memorandum and Order Certifying Class, ODonnell v. Harris County, 251 F.Supp. 3d 1052 (S.D. Tex 2019) [hereinafter, Memorandum and Order].
[20] Consent Decree at ¶2 (noting that the Consent Decree's intent is to "create and enforce constitutional and transparent pretrial practices…that protect the due process rights and equal protection rights of misdemeanor arrestees").
[21] Model Penal Code: Sentencing §6B.09, Reporter's Note (Am. Law Inst. 2017).
[22] Devin G. Pope & Justin R. Sydnor, *Implementing Anti-Discrimination Policies in Statistical Profiling Models*, 3 AEJ: Policy 206 (2011).
[23] Consent Decree at ¶85.

inform understanding of and response to any identified disparities, or questions regarding potential observation of disparities that require further examination.

6. Public Safety and Effective Law Enforcement

Public safety and effective law enforcement are crucial goals of the Consent Decree. One of the many flaws of the system in place prior to the *ODonnell* litigation was that it detained people without regard to public safety concerns. [24] The Consent Decree replaces that approach through the new Rule 9, and it more broadly adopts an approach designed to manage risk and improve public safety. The Consent Decree recognizes the use of risk assessments in cases for which high bond motions were filed,[25] but it also more generally adopts a form of risk management. The effort to improve pretrial outcomes stems broadly from "the desire to manage a wide range of risks that arise in the pretrial context — not only the risks that the accused may commit serious violence, further traumatize victims, or abscond prior to case disposition, but also the risks of assaults and injuries while in jail, lasting harm to children whose parents are jailed, the criminogenic potential of pretrial detention, and other collateral risks of pretrial detention and supervision."[26]

Law enforcement is concerned with each of these safety risks, but perhaps most salient is the risk of committing additional serious criminal acts pretrial. Those risks occur for both detained and non-detained persons. Indeed, it may be detention that is more criminogenic for this misdemeanor population. As prior analysis of pretrial outcomes in Harris County has found, pretrial detention was "associated with a 30% increase in new felony charges and a 20% increase in new misdemeanor charges," which the researchers noted was "a finding consistent with other research suggesting that even short-term detention has criminogenic effects."[27] That analysis did not account for acts that occur in pretrial detention.

Court non-appearance is also a risk that the Consent Decree seeks to minimize. However, the type involving flight from the jurisdiction that is of most salient public safety concern is quite uncommon. Thus, "[a] consensus among stakeholders is that very few of the people who miss court appointments actually flee the jurisdiction or otherwise willfully fail to appear. Instead, most failures to appear are much more mundane: they are the result of missed buses, inability to arrange childcare, inability to take time off of work, court system malfunctions, or a simple misunderstanding of the schedule."[28] That risk can and will be managed through the efforts under the Decree to better notify individuals of court dates and ensure court appearance. Thus,

---

[24] Consent Decree at ¶7(s) ("Secured money bail in Harris County does not meaningfully add to assuring misdemeanor defendants' appearance at hearings or absence of new criminal activity during pretrial release.").
[25] Consent Decree at ¶89(y).
[26] Memorandum and Order at 2.
[27] *Id.* at 718.
[28] Memorandum and Order at 6.

"[a] series of research studies suggests that simple reminders—either delivered by postcard, voicemail, or text message—can dramatically increase the rate of appearance at court dates."[29] Further, as the Decree anticipates, court dates can be rescheduled or other measures can be taken to resolve cases, without taking punitive or carceral action in response non-willful failures to appear.

7. Maximizing Liberty

An overriding goal of the Consent Decree is to maximize pretrial liberty and to minimize criminal justice involvement of people in Harris County. In the past, judges following a cash bail schedule instead largely presumed detention absent payment of bail or a guilty plea. The goal of the Decree and Rule 9 is to not only end that practice and replace it, but to do so in order to minimize the varied and deep harms that such involvement can cause, and reserve the use of criminal justice intervention to cases in which public safety strongly warrants it. Indeed, as noted, we now know more about how pretrial detention can itself be highly criminogenic. This minimization goal is also consonant with the sequential intercept model (SIM), in which the goal is to identify individuals with behavioral health needs from needless involvement in the criminal system, as early as possible, and instead divert them to community treatment.[30] (Harris County has already made great strides in its diversion programs, and this Monitorship would aim to comprehend those other programs in order to complement those efforts.) Furthermore, the effects of pretrial decisions on criminal outcomes must be studied. Prior research in Harris County has found that for similarly situated individuals, those detained for misdemeanors pretrial were "25% more likely to be convicted and 43% more likely to be sentenced to jail."[31] Throughout this Monitorship, the team will endeavor to evaluate compliance with the Consent Decree in order to maximize pretrial liberty.

8. Cost and Process Efficiency

As described, there are a range of costs in the pretrial context, and not only the costs of detention, recidivism, court costs, costs of non-appearance, but also the costs of physical injury in jail, harm to physical and behavioral health, to families and communities, and the criminogenic harm of pretrial detention. The Monitor team will work with experts in the economics of crime to assess each of those costs to determine what are the most cost-effective methods of realizing priorities under the Decree. Appendix A described the research plan for this work, led by the Public Policy Research Institute (PPRI) at Texas A&M University, a leading interdisciplinary government and social policy research organization. Important work has been done

---

[29] *Id*. at 6.
[30] For an overview, see The Sequential Intercept Model, SAMHSA, at https://store.samhsa.gov/system/files/pep19-sim-brochure.pdf.
[31] Paul Heaton, Sandra G. Mayson and Megan Stevenson, *The Downstream Consequences of Misdemeanor Pretrial Detention*, 69 Stanford L. Rev. 711, 717 (2017).

by PPRI to study the costs of pretrial detention in Texas, including detention costs, case processing costs (including re-arrest, court hearings, prosecution, and indigent defense costs attributable to bond failure), costs to victims, and critically, the costs of misclassification.[32] As noted, still broader costs should be included in such analysis. Assisting in this analysis will be the Center for Science and Justice at Duke University, including with Professor Phil Cook, one of the world's leading experts in the economics of crime, consulting on the research plans.

We also underscore that the cost of the Monitorship itself should be taken into account; the Monitorship itself may come at a cost to other types of pretrial services that could be offered to the community. For that reason, we view it as important to have an effective Monitor, but to also minimize the cost of an important public service.

9. Evidence-based, Demonstrated Effectiveness

The goal of these systems is to allow the County, judges, defense lawyers, prosecutors, and most importantly, the public, to be able to continually assess how well the misdemeanor pretrial system in Harris County is performing. Data on pretrial outcomes, displayed in an accessible way, will be a start. However, as described, the system must be assessed, to ensure that similarly situated people are being treated similarly and that least-restrictive conditions are in fact being imposed. Further, the costs must be assessed, including with respect to pretrial alternatives to detention, and behavioral health impacts on individuals. In short, as we have described, the system should be self-monitoring. It should be an evidence-based system that can itself identify problems and improve itself—and there are models for establishing such a system, including here in Harris County—the Houston Forensic Science Center (HSFC). We have worked closely to establish such systems at the HSFC, a crime lab and a very different type of institution, but one which now conducts routine blind testing to detect potential sources of error. It is not enough to conduct an audit or make data and procedures public, although those are important steps along the way. What the HSFC did that was transformative was to incorporate the quality control system into the daily work of lab staff. The ultimate goal of this Decree, and of the Monitor Team, is to facilitate the development of that long-term, systemic, everyday quality control and improvement.

II. Monitor Team Qualifications

A. Monitor

[32] Dottie Carmichael, George Naufal, Steve Wood, Heather Caspers, Miner P. Marchbanks, *Liberty and Justice: Pretrial Practices in Texas* (Public Policy Research Institute, Texas A&M University 2017).

Professor Brandon L. Garrett directs the Duke Center for Science and Justice. He would serve as the Monitor for Research and Policy and have sole decisionmaking authority as Monitor under the Consent Decree. He is deeply committed to criminal justice study and reform; has experience working on interdisciplinary and empirical projects with criminal justice and community stakeholders; leads an empirical research Center dedicated to evidence-based criminal justice research and policy; produces and communicates scholarship, data, and reports to a wide variety of audiences; and is also a leading thinker regarding the constitutional claims at issue in this litigation. Most recently, he has written about how due process and equal protection claims intersect in challenges to fines, fees, and bail.[33] Professor Garrett has led and collaborated on a range of empirical projects regarding criminal justice outcomes, working with police, prosecutors, judges, and community stakeholders on these efforts. He has described how in many jurisdictions, new policies have not always been embraced by judges and other criminal justice actors, including prosecutors and defense lawyers. His recent misdemeanor-related work includes an empirical analysis of driver's license suspensions in North Carolina traffic cases, the first such study analyzing individual-level data on such consequences.[34]

Professor Garrett is a leading scholar of wrongful convictions and has written the leading book exploring post-conviction DNA exonerations in the United States.[35] He is an Advisory Board Member of the National Registry of Exonerations, which has documented how Harris County "led the United States in the total number of criminal exonerations" in 2015 and 2016, due to reversed convictions based on faulty field drug testing misdemeanor cases.[36] Professor Garrett has published a range of work studying errors due to the use of flawed forensic science in criminal cases. One of his current book projects, forthcoming in Fall 2020 from California University Press, explores how forensic analysis can err and how to improve forensics.

Professor Garrett, in addition to founding and directing the Center for Science and Justice at Duke, is a principal investigator and member of the leadership team of the Center for Statistics and Applications in Forensic Science (CSAFE), in turn supported by the National Institute of Standards and Technology, and which involves five Universities collaborating on improving the statistical foundations of forensic evidence. Professor Garrett is also a principal investigator in an interdisciplinary project examining eyewitness memory and identification procedures supported by Arnold Ventures; he served on the National Academy of Sciences Committee that

---

[33] Brandon L. Garrett, *Wealth, Equality, and Due Process,* 60 William & Mary Law Review 397 (2020).
[34] Will Crozier and Brandon L. Garrett, *Driven to Failure: Analyzing Driver's License Suspension in North Carolina*, Duke L. J. (forthcoming 2020).
[35] Brandon L. Garrett, *Convicting the Innocent: Where Criminal Prosecutions Go Wrong* (2011); for updated data, see Brandon L. Garrett, *Convicting the Innocent Redux*, in Wrongful Convictions and the DNA Revolution: Twenty-five Years of Freeing the Innocent (Daniel S. Medwed ed., 2016), and www.convictingtheinnocent.com.
[36] Consent Decree, *supra*, at ¶7(n).

investigated and reported on how to improve the law and science of eyewitness evidence.

Professor Garrett is an expert on organizational monitorships. He served on the initial American Bar Association Task Force on corporate monitorships, which ultimately resulted in a set of guidelines for monitors; has testified before Congress on the importance of transparency in corporate monitorships; convenes bi-annual regular corporate compliance conference at UVA and Duke Law Schools of nationally leading compliance officers and monitors; and has written widely on the use of monitors in corporate and civil rights settings, including with a focus on the public interest in such monitorships.

Professor Sandra Guerra Thompson, a former prosecutor, has been integrally involved in pretrial justice efforts in Harris County and throughout Texas as a leader, researcher, and scholar. She would serve as Monitor for Community Engagement with responsibilities for organizing and leading the Community Working Group, as well as public meetings and conferences. During the 2017 legislative session, Professor Thompson published an email newsletter for hundreds of Texas stakeholders from 2016-17 regarding bail reform bills. She has published and presented on issues of prosecutorial ethics at bail hearings.

Professor Thompson served as an advisor to the Harris County MacArthur Grant (pretrial reform) planning committee in 2016. She also served on the Texas Judicial Council's Criminal Justice Committee considering pretrial justice reforms in 2016-2017. Professor Thompson is now a member of the Harris County Criminal Justice Coordinating Council (a position she would resign if selected for the Monitoring Team). Appointed by Governor Rick Perry, she served as the representative of the Texas public law schools on the Timothy Cole Advisory Panel on Wrongful Convictions in 2009-10. She chaired the Criminal Justice Committee of Mayor Sylvester Turner's transition team in 2016, as well as chairing the Evidence Integrity Committee for District Attorney Kim Ogg in 2017. She served as Vice Chair of the Houston Forensic Science Center (member from 2012-19). Professor Thompson has published the leading book on how to reform forensic crime laboratories, as well as a series of highly impactful articles examining forensic science reform.[37]

Professors Garrett and Thompson have collaborated in the past on projects relating to eyewitness and forensic evidence and have planned a close partnership for this Monitorship. As further described below, the role of the community and the Community Working Group is integral to the Monitorship. We view the research, oversight and community participation aspects of this Monitorship as complementary and of equal and importance.

---

[37] Sandra Guerra Thompson, *Cops in Lab Coats: Curbing Wrongful Convictions Through Independent Forensic Laboratories* (2015).

B. Public Policy Research Institute

The Public Policy Research Institute (PPRI) at Texas A&M University serves as a leading interdisciplinary government and social policy research organization. The PPRI has spearheaded several major studies on topics relating to pretrial practices in Texas, including *Liberty and Justice: Pretrial Practices in Texas (2017)* and the *Indigent Defense Evaluation Project*, and a project for the Texas Office of the Governor on *Disproportionate Minority Contact in Juvenile Justice.* Dr. Dottie Carmichael and her colleagues have extensive experience conducting research for Texas government agencies in the area of criminal justice and particularly in pretrial justice. Dr. Carmichael headed a fifteen-year program of research on behalf of the Texas Indigent Defense Commission (TIDC). Her research was cited in an amicus brief and in Justice Souter's majority opinion following the U.S. Supreme Court's 2008 *Rothgery v. Gillespie County* ruling on the right to counsel at bail hearings. In 2015, Dr. Carmichael was awarded the 2015 Michael K. Moore Award, the State Bar of Texas' highest recognition for research in indigent defense.

C. Center for Science and Justice

The Center for Science and Justice (CSJ) at Duke University conducts interdisciplinary research to advance criminal justice and civil rights. The CSJ's experienced staff can conduct empirical evaluations needed for this Monitor team, and at a low cost, because the CSJ has done this type of work in the past and it fits within the CSJ's research and policy mission. The CSJ addresses criminal justice issues through the application of interdisciplinary legal and scientific research. It harnesses existing strengths across academic subject areas at Duke University by forging connections between Duke's science and social science departments and its School of Law. The CSJ's mission includes three important components: (1) research, (2) policy and law reform, and (3) education. This mission brings together faculty and students from across the University in a collective effort to build scientific research to help solve criminal justice problems in North Carolina and across the United States. Although a central goal is to convey research findings to policymakers, the CSJ is non-partisan and does not engage in lobbying.

The Center for Science and Justice at Duke includes as its Executive Director, starting March 1, 2020, Thomas Maher, who is presently the Executive Director of Indigent Defense Services for the State of North Carolina. In that role, he conducted nationally recognized work to assess workloads and costs per case for a range of defense attorneys, including public defenders, private appointed attorneys, and capital trial costs.[38] Maher also collaborated on novel pilot programs to provide early

[38] North Carolina Office of Indigent Defense Services (IDS), Reports and Data, at http://www.ncids.org/Reports%20&%20Data/Text.htm?c=Research%20%20and%20%20Reports,%20Reports%20And%20Data.

involvement with defense representation pretrial in rural jurisdictions without public defender's offices.[39]

Advising the Monitor, regarding the cost analysis specifically, is Professor Phil Cook, ITT/Sanford Professor of Public Policy and Professor of Economics and Sociology at Duke University. In 2019, Cook received the Stockholm Prize in Criminology, for his decades of work on gun violence. Cook has served as consultant to the U.S. Department of Justice (Criminal Division), to the U.S. Department of Treasury (Enforcement Division), and in a variety of capacities with the National Academy of Sciences, including membership on expert panels dealing with alcohol-abuse prevention, violence, school shootings, underage drinking, the deterrent effect of the death penalty, and proactive policing. He served as vice chair of the National Research Council's Committee on Law and Justice. Cook's primary focus at the moment is the economics of crime. He is co-director of the NBER Work Group on the Economics of Crime, and co-editor of a NBER volume on crime prevention.

More generally, some of the hallmark work of the Center has focused on pretrial outcomes, court appearance, pretrial services, behavioral health, fines and fees, and collateral consequences in low-level criminal cases. For an overview of the work of the new Center, *see* Jeannie Naucheck, Data Driven, Duke Law Magazine (Fall 2019) at http://dukelawmagazine.com.

D. Community Working Group and Local Professional Advisors

The Monitor Team will also include a Community Working Group (CWG) to meet regularly and provide advice to the Monitor Team. The CWG would include the following local leaders, a diverse group representing a wide range of stakeholders, community groups, and areas of expertise. Each has confirmed their desire to work with this team, inform the work of the Monitor, and contribute to the success of the Consent Decree. We could not be more impressed with their diversity, talent, and enthusiasm for this project and look forward to the opportunity to work with each of them. The CWG would include:

(1) **Hiram Contreras**—Retired Asst. Chief HPD and Retired U.S. Marshall

(2) **Thao Costis**—President and CEO of SEARCH, helping men, women, and children to escape poverty and homelessness in Harris County. SEARCH is a faith-based, nonprofit organization supported by a Council of Congregations representing 20 congregations of multiple faiths.

[39] Jessica Smith, Bail Reform in North Carolina - Pilot Project: Early Involvement of Counsel, Feb. 27, 2019, at https://nccriminallaw.sog.unc.edu/bail-reform-in-north-carolina-pilot-project-early-involvement-of-counsel/.

(3) **J. Allen Douglas**—Executive Director and General Counsel Downtown Redevelopment Authority.

(4) **Guadalupe Fernandez**—Tahirih Justice Center, Policy and Advocacy Manager, Houston Office, advocate for immigrant female survivors of domestic violence

(5) **Jay Jenkins, J.D.**—Texas Criminal Justice Coalition

(6) **Terrence Koontz**—Texas Organizing Project (beginning March 1st), formerly incarcerated community leader

(7) **Johnny Mata**—Presiding Officer, Greater Houston Coalition for Justice

(8) **Sr. Maureen O'Connell, M.S.W.**—former Executive Director of Angela House (facility for transitioning women after incarceration)

(9) **Timothy Oettmeier, Ph.D.**—Retired Exec. Asst Chief Houston Police Department

(10) **Maj. Greg Summerlin**—Harris County Sheriff's Department, retired

(11) **Sybil Sybille**—Texas Advocate for Justice Fellow, military veteran and formerly incarcerated community leader, specializes in trauma-informed training and Veterans Court advocacy.

(12) **Tara Grigg Garlinghouse, J.D.**—Foster Care Advocacy Center Texas, Executive Director (invited)

(13) **Greater Houston Partnership**—Robert Harvey, CEO, has confirmed the GHP's commitment to participating. Their representative is TBD.

Appendix E provides bios of each of these Community Working Group members.

In addition to the CWG, the Monitor Team would turn to professionals in the field, in addition to the county stakeholders, who have agreed to serve as Local Professional Advisors. As of this writing, these include:

(1) **Ken Minkoff**, **MD**, Board Certified Psychiatrist, Senior System Consultant, Zia Partners, Clinical Assistant Professor of Psychiatry at Harvard Medical School. Dr. Minkoff is one of the nation's leading experts on co-occurring

mental health and substance abuse disorders, with extensive knowledge about the justice system. He has worked with the Adult Probation Department in Harris County. (confirmed)

(2) **Carlos Caldwell**, Texas Southern University, candidate for a Masters in Public Administration, with personal experiences regarding local jail conditions and mental health access.

(3) **Michele Dietch**, University of Texas at Austin, joint appointment in the LBJ School of Public Affairs and the Law School, and is an attorney with over 30 years of experience working on criminal justice and juvenile justice policy issues with state and local government officials, corrections administrators, judges and advocates. She specializes in independent oversight of correctional institutions, prison and jail conditions. Prior to entering academia, Deitch served as a federal court-appointed monitor of conditions in the Texas prison system. (She will be available to work with the Monitor Team in July 2020 after she completes work on a project for the Harris County Sheriff's Office.)

(4) **Brett Merfish, J.D., MPP**, Texas Appleseed Director of Youth Justice. Ms. Merfish specializes in policy making regarding juvenile justice and youths experiencing homelessness.

(5) **Oudrey Hervey, Commander U.S. Navy (Ret.), M.A., M.S.,** U.S. Vets, Executive Director. U.S. Vets operates a downtown Houston transitional residence for veterans, including justice involved veterans.

III. Prior Relevant Experience and References

The Monitor Team has direct experience collaborating with a range of government entities and working with diverse communities to study and improve pretrial systems. The Monitor has worked with prosecutors, judges, defense lawyers, law enforcement, and community advocates on pretrial reform specifically.

To provide one directly relevant example, the CSJ at Duke is presently evaluating changes to bail policies in Durham County, North Carolina. The Center created a web-scraping system to collect data from the Durham Sheriff's jail website, just as the District Court and then the District Attorney's Office, were implementing new policies (the District Attorney's new policy more closely resembles Rule 9 in Harris County). The CSJ is collaborating closely in this work with the Durham District Attorney's Office, Sheriff's Office, Public Defender, the pretrial services agency, as well as with the local coalition of bail advocates. The goal is to assess public safety, fairness, racial equity, and changes in pretrial outcomes as new policies are implemented. While the District Attorney's new policy, along the lines of Rule 9,

rejected bail schedules in favor of a presumption of release, the new judge's policy did not. As these policies take effect, data collection can help to study how they are being implemented by judges and prosecutors as well as the resulting outcomes. Throughout, the CSJ has shared findings and consulted with a diverse group of stakeholders, including prosecutors, defense lawyers, community advocacy groups, law enforcement, and judges. Thus, the CSJ is already involved in assessing the rollout of new policies concerning pretrial outcomes.

In a related project, the CSJ team is examining outcomes for individuals who receive pretrial services as part of a diversion program run by the nonprofit Criminal Justice Resource Center (CJRC) in Durham. The CJRC links people charged with misdemeanors and lower level felonies with services, including behavioral health services, pretrial. We will use a quasi-experimental design to examine how individuals, with matched profiles, fare upon release, comparing those who receive pretrial services in the community and those who do not.

The CSJ has also begun a research project to evaluate court appearance and non-appearance in Orange County, North Carolina. That qualitative research project, led by team-member Catherine Grodensky, will explore the causes of failures to appear using structured interviews of jail and non-jail populations. Highly relevant to the OConnell Consent Decree, that project also evaluates individuals who are part of a docket the court created to permit individuals to reschedule missed court appearances. The project, with the full support of and collaboration with the Orange County Clerk of Court, Sheriff, and pretrial services agency, recently received Duke IRB approval; data collection will begin shortly.

In prior work, **Professor Brandon Garrett** and his collaborators conducted a series of studies examining diversion not of misdemeanor, but of felony cases in Virginia. A risk assessment instrument, adopted in the Virginia Sentencing Guidelines, empowers judges to recommend alternative sentences for low-risk felons. With colleagues, Prof. Garrett showed how unevenly judges implemented that risk assessment, including due to lack of training and a lack of treatment resources to accommodate diversion.[40] That work included empirical analysis of sentencing data as well as data concerning treatment resources in each jurisdiction. The research team also explored, using qualitative methods including surveys and interviews, how each of the relevant actors perceived the risk assessment. They found that consistent with the empirical data, many judges perceived a lack of treatment resources as an obstacle to alternative sentencing.[41] They found that defense lawyers and

---

[40] Brandon L. Garrett, Alexander Jakubow, and John Monahan, *Judicial Reliance on Risk Assessment in Sentencing Drug and Property Offenders: A Test of the Treatment Resource Hypothesis*, 46 Crim. Just. & Behav. 799 (2019).

[41] John Monahan, Anne L. Metz, & Brandon L. Garrett, *Judicial Appraisals of Risk Assessment in Sentencing*, 36 Behav. Sci. & L. 565 (2018); see also Anne L. Metz, John Monahan, Brandon L. Garrett, and Luke Siebert, *Risk and Resources: A Qualitative Perspective on Low-Level Sentencing in Virginia,* 47 Journal of Community Psychology 1476 (2019).

prosecutors perceive the risk assessment differently, where prosecutors were more receptive to considering risk information than defense lawyers.[42] Thus, the research both uncovered disparities, and using surveys of judges and practitioners, reasons for these disparities, pointing the way towards solutions.

In ongoing Harris County research and collaboration, Professor Garrett has also worked with staff at the Houston Forensic Science Center (HFSC) to assist them in evaluating the outcomes of latent fingerprint work, including with a resulting publication co-authored with HFSC staff.[43] More recent work has helped, with colleagues at the University of Virginia, to support the accuracy-enhancing work of the quality program at the HSFC, as it implemented blind proficiency testing across all forensic disciplines practiced at HFSC.[44] Professor Garrett is also the author of the widely-acclaimed book, *Convicting the Innocent: Where Criminal Prosecutions Go Wrong* (2011), cited by the Texas Court of Criminal Appeals in its landmark ruling in *Tillman v. State* on mistaken eyewitness identifications.

Professor Sandra Guerra Thompson, a former New York City prosecutor, was the first Latina tenured law professor in the State of Texas. She is the Newell H. Blakely Chair and Director of the Criminal Justice Institute at the University of Houston Law Center. She has organized numerous conferences and symposia bringing together nationally regarded speakers and criminal justice officials and practitioners. She has twice received university teaching awards, including in 2015 the highest teaching award bestowed by the University of Houston, the Distinguished Leadership in Teaching Excellence Award.

In recent years, government leaders have frequently entrusted Professor Thompson to provide leadership in guiding legislative and policy reforms, focusing on pretrial justice, as well as the causes of wrongful convictions. She has been appointed to several high-profile government panels and boards at the state, county and city levels. Through this community service, she has helped to foster reforms in several areas relating to pretrial justice. Appointed by Governor Rick Perry in 2010 to represent the Texas law schools as a member of the Timothy Cole Advisory Panel on Wrongful Convictions, she helped to draft a report that included several proposed reforms, including for pretrial discovery (later adopted as the Michael Morton Act), to prevent wrongful convictions. In 2016, she chaired the Criminal Justice Committee for Houston Mayor Sylvester Turner's Transition Committee and submitted a report calling for reforms around cite-and-release practices, community policing, municipal

---

[42] John Monahan, Anne Metz, Brandon L. Garrett, & Alexander Jakubow, *Risk Assessment In Sentencing And Plea Bargaining: The Roles of Prosecutors and Defense Attorneys*, 1 Behav. Sci. & L. (2019).

[43] Alicia Rairden, Brandon L. Garrett, Daniel Murrie, Sharon Kelley, and Amy Castillo, *Resolving Latent Conflict: What Happens When Latent Print Examiners Enter the Cage?*, 289 For. Sci. Int'l 215 (2018).

[44] Callan Hundl, Maddisen Neuman, Alicia Rairden, Preshious Rearden, and Peter Stout, *Implementation of a Blind Quality Control Program in a Forensic Laboratory*, J. For. Sci. 1 (2019).

fines and fees, and also asking for the Mayor's leadership regarding the county's "dysfunctional pretrial process." In 2017, she was appointed by District Attorney Kim Ogg to chair the Evidence Integrity Committee for her Transition Team. Her committee submitted a report calling for numerous policy changes around evidence integrity, including the implementation of the pretrial discovery requirements of the Michael Morton Act.

In 2012, Professor Thompson organized a statewide conference on pretrial justice co-sponsored by the UH Law Center's Criminal Justice Institute that she directs and the American Bar Association. In 2016, she organized a major national conference held at the University of Houston (co-sponsored by the UT Austin LBJ School of Public Affairs and the Hogg Foundation for Mental Health) on "Police, Jails, and Vulnerable People" which included a panel discussion on pretrial justice and a lunch talk by Senator John Whitmire who addressed bail reform.

Professor Thompson has also been directly involved in working with Harris County officials regarding the pretrial system. In 2016, she served on the Advisory Board for the Harris County Criminal Justice Coordinating Council, and she helped county officials in drafting the successful application for the MacArthur Safety and Justice Challenge Grant on pretrial justice reforms. When the county won the grant, former District Attorney Devon Anderson invited her to participate in the press conference. Most recently, she was appointed by the Harris County Commissioners Court to serve on the county's Criminal Justice Coordinating Council, a board that includes the County Judge, Sheriff, District Attorney, and numerous other agency heads, including the Director of the Pretrial Services Agency. (If notified of a decision to be selected for the Monitorship team, Professor Thompson would immediately resign the Harris County position prior to the formal appointment of the Monitor in order to avoid a conflict of interest).

Professor Thompson was also heavily involved in statewide pretrial justice reform during the 2017 legislative session. Professor Thompson published a weekly newsletter regarding bail reform legislation pending before the Texas legislature. The newsletter was distributed to hundreds of stakeholders statewide including legislators, judges, pretrial services officials, prosecutors, defense attorneys, and other community leaders. She also served on the Advisory Group for the Texas Judicial Council's Criminal Justice Committee in 2017. The Committee published a report making recommendations to the Texas legislature regarding pretrial justice reforms. Professor Thompson testified before the Texas House Committees on County Affairs and Criminal Jurisprudence in 2016 regarding the proposed legislation on bail reform. She testified before the Texas Senate Criminal Jurisprudence Committee on bail reform in 2015. She testified, at the invitation of the Dallas County Judge, before the Dallas County Commissioners Court on bail reform in 2018. She also served in 2018 as an invited consultant at meetings with

county officials in Fort Bend County regarding the establishment of a pretrial services agency.

For all of her work on pretrial justice, Professor Thompson is well-known around the city, state, and nation. She has spoken on bail reform at numerous community forums, including at the University of Texas and Texas Southern University law schools. She was interviewed in 2019 for a Houston Public Media radio show *Briefcase* regarding the settlement of the *ODonnell* case, as well as another *Briefcase* show on homelessness in Houston. Fluent in Spanish, she has been interviewed by Spanish-language media in Houston for radio and Univision broadcast news on a variety of criminal justice topics, including bail reform. She is also regularly interviewed for local and national English-language media, including several podcasts. She has spoken at bail reform press conferences and community forums. She has also published an academic paper on bail hearings and prosecutor ethics, which she presented at the annual meeting of the Association of American Law Schools in 2016 in New York City.

Professor Thompson has also been a leader in police crime laboratory reforms in Houston and beyond. As a member of the inaugural Board of Directors (ultimately serving as Vice Chair) of the Houston Forensic Science Center (HFSC), she has been actively involved in the hiring of C-level staff and in setting the policies for the organization. As reflected in her book, *Cops in Lab Coats: Independent Forensic Laboratories Curb Wrongful Convictions* (2015), and several articles, Thompson has played an important role in establishing the corporate values of the organization with the aim to produce quality scientific products in a timely manner, to be a transparent organization that is responsive to the needs of all parties in the criminal justice system, and ultimately to earn public trust. During her seven-year tenure on the Board, Professor Thompson helped to transform the HSFC (formerly the HPD Crime Laboratory) from a scandal-ridden operation to an international model of excellence with quality controls unparalleled in any crime laboratory in the world. She will be speaking on this topic at the Houston Museum of Natural Science in February of 2020, and she has previously presented on the topic in Canada and Germany (with her co-author). As a result of the presentation in Germany, the director of the central agency in charge of quality control for all the forensic laboratories in China recently requested to bring a contingent to visit Houston to study HFSC's unique quality control practices so as to implement them across China. A World Bank-sponsored contingent from Kazakhstan has already visited Houston for the same purpose, as have groups from Japan and Israel. A South Korean film crew filmed a documentary on HFSC's crime scene unit, one of the few fully-civilianized and accredited departments in the country. She and her co-author also conducted an empirical review of major crime laboratories nationwide and discovered that HFSC is now among the most transparent crime laboratories in the country in terms of proactively providing critical operations data to the public.

Professor Thompson has served for the past two years as the federal monitor in the case of *Harris County v. Lucas Lomas*, a role she has undertaken without remuneration. She has performed her tasks as Monitor in a timely and professional manner. The monitoring period for this case ends in 2021. Previously, Professor Thompson and another colleague stepped in as a co-principal investigators for a grant project on legal ethics at the University of Houston when the principal investigator had failed to meet the goals of the project. She and her colleague successfully completed the project on time and within budget.

The Monitor Team includes the research team at the Public Policy Research Institute (PPRI) at Texas A&M University, led by **Dr. Dottie Carmichael**. Dr. Carmichael has collaborated in a program of research sponsored by the Texas Indigent Defense Commission to advance high-quality, evidence-based practice. Dr. Carmichael and PPRI have conducted qualitative and quantitative research in more than thirty jurisdictions, including all of the state's major urban areas. Their report assessing costs and case outcomes in Texas jurisdictions using financial- vs. risk-based pretrial release was a significant resource in efforts to enact bail reform legislation in 2017 and 2019. Dr. Carmichael and PPRI have evaluated cost- and quality impacts of public defenders, interdisciplinary holistic defenders, the state's regional capital defender office, Innocence Projects operated in publicly-funded law schools, and the school-to-prison pipeline.

The Monitor team also includes experienced researchers in law, psychology, psychiatry, and public policy. The Duke Law research and policy team represents an interdisciplinary, inter-institutional collaboration with the expertise and resources needed to carry out this project. Post-doctoral researchers at the CSJ have experience with content coding, data cleaning, regression analyses, as well as surveys, and structured qualitative interviewing. They are presently conducting relevant projects evaluating efforts to improve court appearance, reduce reliance on cash bail schedules, and provide pretrial services. Further, incoming Executive Director of the CSJ **Thomas Maher**, has extensive experience in evaluating indigent defense training, procedures, policies, costs and hours, and in implementing programs to provide for early representation pretrial.

Professor **Marvin S. Swartz**, M.D. Professor and Head of the Division of Social and Community Psychiatry, Director of Behavioral Health for the Duke University Health System and Director of the Duke AHEC Program, has been extensively involved in research and policy issues related to the organization and care of mentally ill individuals at the state and national level. He was a Network Member in the MacArthur Foundation Research Network on Mandated Community Treatment examining use of legal tools to promote adherence to mental health treatment. He and his team, the Behavioral Health Core of the CSJ, have done a wide range of work relating to behavioral health and diversion, including from jail, and

they will focus their advice and contributions on the behavioral health aspects of the Decree.

Our references are:

John Monahan, Ph.D.
Shannon Distinguished Professor of Law
Professor of Psychology
University of Virginia School of Law
580 Massie Road
Charlottesville, Virginia 22903-1738
(434) 924-3632
jmonahan@law.virginia.edu

Jack Roady
District Attorney
Galveston County, Texas
(409) 762-8621
jackroady@gmail.com

Mary Schmid Mergler
Texas Appleseed
Director, Criminal Justice Project
(512) 473-2800 x 106
mmergler@texasappleseed.net

IV. Description of Monitor Team's Proposed Activities

The first six months of the Consent Decree and the Monitorship are an incredibly important time, during which a wide range of key decisions must be made, and the framework for the entire Decree is put into place. For that reason, the Consent Decree envisions the Monitor taking an active and immediate role in decisionmaking to implement its provisions and it sets out the overall plan for the work of the Monitor Team. In doing so, the Consent Decree follows best practices in which the responsibilities and scope of the Monitor's work are clearly set out in advance. Further, we emphasize that the Monitor would seek to ensure that each of the guiding principles of this Monitorship will be realized immediately, including a path towards permanence for each of the reforms adopted through this Decree. The Monitor Team would begin immediately by reviewing the current status of the implementation of Local Rule 9 by the County, which is to begin upon entry of the

Consent Decree and prior to appointment of the Monitor.[45] The Team would immediately build a Monitor website, to share information about the work, deadlines, answer common questions, share documents, and permit public input, including anonymously. Additional steps must begin promptly upon appointment.

The checklist below highlights some of the most important deadlines during the first six months of the Consent Decree and Monitorship.

Immediately upon Appointment:

☐ The Monitor Team develops Monitoring Plan for conducting compliance reviews and audits for the first year.

☐ The Monitor Team reviews current status of implementation of Local Rule 9 by the County.

☐ The Monitor Team convenes Community Working Group for orientation sessions and invites stakeholders to address Team regarding implementation of Local Rule 9.

☐ The Monitor Team reviews findings regarding indigent defense during misdemeanor pretrial proceedings.

☐ The Monitor Team builds a Monitor website, to provide all Monitorship-related documents to the public, an overview of the goals and process, a calendar with relevant dates, answers to common questions concerning pretrial process under the Consent Decree, and a way for members of the public to share information, including anonymously, with the Monitor.

Within 60 days after Appointment

☐ The Monitor Team completes and shares with the parties the Monitoring Plan for conducting compliance reviews and audits for the first year.

☐ The Monitor confers with the Parties concerning making policies available at the Harris County Joint Processing Center and Harris County Criminal Justice Center, with policies made available on the Consent Decree Website as soon as practicable.

☐ The Monitor Team reaches out, with the guidance of the CWG, to local organizations to introduce themselves and offer to meet with community groups interested in learning more about the Consent Decree.

---

[45] Consent Decree, *supra*, at ¶30 ("As of the entry of this Consent Decree, the County, the Sheriff, and the CCCL Judges must comply with, implement, and enforce the post-arrest procedures set forth in Local Rule 9….").

Within 120 days:

☐ The Monitor Team reviews the County's plan to communicate or relay information about misdemeanor arrestee conditions of release.

Within 180 days:

☐ The Monitor completes the review regarding compliance with the Decree, with a report shared with the parties and, after considering all comments from the parties, with the Court. Subsequent reports will be produced every six months for the first three years of the Decree, and for each year thereafter (with additional comprehensive assessments in years 2, 5, and 7).

☐ The Monitor meets with representatives of the parties and the public to report on progress of the of the Consent Decree.

☐ The Monitor Team reviews plan submitted by the County for public meetings.

☐ The Monitor will receive by this time updated forms for review and approval.

☐ The Monitor will (1) receive and provide feedback regarding findings of study of indigent defense at misdemeanor pretrial proceedings, and (2) make recommendations regarding ongoing funding for indigent defense based on those findings, including regarding support staff and services.

☐ The Monitor provides feedback on the Training Plan developed for judges and defendants' agents; Monitor receives and evaluates report by Judges on CCCL plan.

☐ The Monitor reviews plan submitted by the County for a text-based court reminder system, and County process for collecting and maintaining data on court appearances.

☐ The Monitor consults concerning data variables collected by the County, including data regarding court nonappearances; helps ensure the County develops a data website so that misdemeanor pretrial conditions are public; raw data is available for download; and reviews first of the 60-day reports generated by the County.

The sections below expand on these immediate goals and deadlines, as well as the longer-term goals of the Monitorship.

Community Working Group for Local Dialogue and Engagement

Immediately upon appointment, and as the initial Monitor Plan is developed,[46] the Monitor Team will develop that plan in conjunction with input from a Community Working Group that will be convened immediately, and will then meet regularly during the entire monitorship term. The goal will be to assemble a body that includes people affected by incarceration, community groups active in policy concerning bail, persons knowledgeable and involved in pretrial work in Harris County, and key constituencies affected by pretrial practices in Harris County. As described, this group will consist of a diverse, representative, and engaged group of community leaders. The Group will provide feedback on decisionmaking throughout the Monitorship, provide suggestions regarding how to engage the community, and assist the Monitor Team in keeping the community informed throughout the monitorship.

The Monitor Team will report on progress and evaluation of implementation of the Consent Decree at the periodic public meetings. Initially, the Monitor will review the plan for convening such public meetings. Within 180 days, the County will submit a plan for public meetings, intended to generally maximize transparency and information sharing. The Monitor Team would review that plan, in consultation with the Community Working Group, to ensure that fully transparent, representative, local, and robust participation is sought and achieved.

All of this work will be geared towards the goal of transparency and generally ensuring robust community participation in the process, communication of progress and results. This work will be particular important and intensive during the first six months of the Consent Decree, given the relevant deadlines and decisions that must be made during that time period. However, a goal of creating the Community Working Group is to create a formalized structure for feedback and participation during the entire Monitorship. By focusing considerable effort on community engagement, the Monitor Team can best ensure that there is broad community support for the county's pretrial policies so as to further the goal of promoting their permanency.

Court Procedures

Within 180 days of appointment of the Monitor, the County is to take a series of important steps designed to further the implementation of Rule 9 and the Consent Decree. The County must update its written court notification forms.[47] Notice is an important due process value and it is of practical importance to securing court appearance. Within 180 days of appointment of the Monitor, the County must develop and submit to the Monitor a plan for text and telephone-based court reminders, and additional feedback on telephone and other avenues for facilitating notice will be

[46] Consent Decree, *supra*, at ¶116.
[47] Memorandum and Order at 27.

important throughout this process.[48] The County is to engage researchers to study how to mitigate causes of non-appearance.[49]

Importantly, the Decree moves away from imposing draconian consequences for non-appearance, which are rarely due to any type of flight from the jurisdiction. Thus, under the Decree, there must be in place during that time a convenient mechanism created for rescheduling court dates.[50] The Open Hours Court must begin during that time period.[51] When the research study results are available, the Monitor will review study findings regarding causes of court nonappearance and evaluate the County plan for mitigation of nonappearance, as well as the allocation of funds towards that goal. [52] During this time period, the Monitor will review each of these plans and review resulting proposals to improve the process, which may involve new procedures to reschedule appearances and new efforts to facilitate appearance. The Monitor will be proactively engaged in ensuring that these new court processes are being implemented in a manner consistent with the principles of the Decree. This will involve assessing both quantitative data as well as qualitative monitoring, such as courtroom observation, and soliciting feedback from community stakeholders.

Indigent defense

The Consent Decree powerfully emphasizes the importance of zealous and effective representation at pretrial hearings. The Harris County Public Defender's Office (PDO) has made important progress developing a PDO Bail Client Information sheet, to record information on clients pretrial, and has developed an extremely comprehensive Bail Manual for the office.[53] Building on this work, it will be crucial to further ensure and facilitate, as the Decree sets out, the prompt and meaningful sharing of information with counsel, so that they can adequately represent their clients, including by providing for staff to assist counsel in that task. The Consent Decree provides that within 180 days of entering the decree, an expert be retained by the County to help develop a system for evaluating indigent defense during misdemeanor pretrial proceedings.[54] The Monitor Team will be available as early as possible, including after the appointment is made, to review the expert's methods, ultimate findings, and to consult on the development of that plan. The Monitor Team is very familiar with national standards for indigent representation at pretrial hearings. The Monitor Team will solicit input from class counsel, as described in the Decree, and then make recommendations to the County regarding funding for indigent defense, based on the report by that expert.[55] This work will not end upon

---

[48] *Id.* at ¶50.
[49] *Id.* at ¶52.
[50] *Id.* at ¶52.
[51] *Id.* at ¶¶53-55.
[52] *Id.* at ¶¶52, 55.
[53] Public Defender's Office, *The Harris County, Texas Bail Manual* (January 2020).
[54] *Id.* at ¶¶37-43.
[55] *Id.* at ¶44.

approval of a plan. Throughout this Decree, however, it will be important to monitor the adequacy of resources and the flow of information, as well as the effectiveness of representation at pretrial hearings. Both qualitative and quantitative methods will be used to assess performance of counsel at these hearings.

Training

The Consent Decree provides that within 180 days, training be developed for judges and defendants' agents, with input from the Monitor.[56] The Monitor team has substantial experience in developing and providing training to judges, prosecutors, and defense lawyers. Professors Thompson and Garrett have developed and conducted a wide range of training to judges and lawyers. Thomas Maher's expertise as the Executive Director for the North Carolina Office of Indigent Defense Services, the statewide agency responsible for administration and support of public defense in North Carolina, will be invaluable regarding this work. Maher has worked with diverse groups of local stakeholders and researchers to pilot meaningful representation at first appearances, and measure the impact of this representation on outcomes. We note that it will be important that this training program continue, and be made a permanent part of Harris County practice, as there will be ongoing turnover among lawyers, judges, and County staff.

Data

The Consent Decree notably calls for the collection of truly rich and revealing data concerning misdemeanor cases in Harris County. Within 180 days of appointment of the Monitor, the County is to develop a data website to make misdemeanor pretrial conditions public.[57] The County is to release these data publicly through its website and Data Platform, but also, as necessary, to make any additional data available needed to adequately evaluate the county's pretrial system and to satisfy each of the goals of the Decree.[58] The Monitor Team will conduct quantitative analysis, or verify quantitative analyses conducted by the County, regarding misdemeanor pretrial outcomes in Harris County during the entire seven-year period of the Consent Decree. The Monitor Team, as contemplated by the Consent Decree, will consult on what data and variables must be collected in order to permit robust evaluation of outcomes. As with any complex project in involving administrative data, great care must be paid to the collection of these data, especially where there are diverse criminal justice system actors who supply data, as well as the quality and consistency of the coding. The Monitor Team has a great deal of experience working with such sources of criminal system data.

Further, data must be linked across datasets. This Monitor Team has experience linking data in the criminal system, which is itself a process that requires

---

[56] *Id.* at ¶¶73-79.
[57] *Id.* at ¶¶88-89.
[58] *Id.* at ¶89.

great care. For example, data on pretrial outcomes must be linked to court data, in order to assess how convictions, including plea outcomes, are affected by detention decisions. The Monitor Team will also take part in discussions regarding collecting data on required variables and taking account of practical constraints in working with data collected across several County agencies. The Monitor team has experience in linking data across different formats and sources, including in the pretrial context, including by developing computer scripts to facilitate ongoing data linking.

Qualitative analysis

The Monitor plans to supplement quantitative analysis with qualitative analysis to survey participants in the pretrial system and to assess hearing processes. Qualitative analysis based on court observation could be used to assess whether, for example, judges properly follow the procedures of Local Rule 9 and this Consent Decree at bail hearings, and whether attorneys have the opportunity to meaningfully engage with clients prior to pretrial hearings under this Consent Decree. Surveys with counsel and with affected individuals will be used, as well as direct courtroom observation of bail hearings. Surveys or other qualitative evaluation tools may be used to assess training programs under this Consent Decree. While the Consent Decree envisions that the County will retain researchers to separately study nonappearance in court, the Monitor team may use surveys to evaluate whether individuals are adequately notified of court dates using the reminder systems created under this Consent Decree. Doing so may additionally inform decisions regarding allocation of resources to improve court appearance.

Reporting

The Monitor would endeavor to assist the County in generating the reports required by the Consent Decree to be released every 60 days, within 180 days of the appointment of the Monitor.[59] This Monitor's research team would be well equipped to do so. As part of that process, the Monitor Team would develop a plan for defining and collecting data on failures to appear.[60] The raw data generated through this Consent Decree would be available publicly for download.[61] That provision of the Consent Decree fits the open science philosophy of the Monitor Team and the Center for Science and Justice at Duke, which makes a practice of rendering underlying data from research projects available on the Open Science Framework (OSF), in a form that is appropriate to be shared publicly.

At the end of the first six months, and every six months for the first three years, the Monitor will produce detailed reports as set out in the Consent Decree, to be shared first with the parties for their comments, and then with the Court. These reports will be substantial and will reflect input from the Parties, from community

[59] *Id.* at ¶87.
[60] *Id.*
[61] *Id.* at ¶83.

stakeholders, empirical analysis, both quantitative and qualitative, concerning compliance with the Consent Decree.[62] The still more comprehensive assessments at the two, five, and seven-year marks will provide additional opportunities to share lessons learned, make recommendations, and move towards a permanence of this new pretrial system in Harris County.[63]

We note that members of the Monitor Team may seek permission, following the same process as with reports, to publish, academic publications drawing on the public data released under the Consent Decree, and describing lessons learned and outcomes reached under the Decree. This Consent Decree is a landmark settlement and other jurisdictions may benefit from understanding its implementation. Indeed, we would be enthusiastic about hosting academic conferences in a University setting, featuring County staff, to highlight the accomplishments of the *ODonnell* Decree.

Permanency

Longer term, the Monitor will be involved in efforts to not only implement what is set out in the Consent Decree, but also approval of any modifications and improvements to Rule 9 and the other procedures set out in the Decree.[64] Over time, one of the central goals of this Monitorship is to assure the permanency of these policies and systems. Doing so will require creation of not only sound practices and evaluation of those practices, but also a culture change surrounding the practices used pretrial in Harris County. We believe that this Monitorship will create that lasting culture, informed by new training, careful empirical evaluation, and the close involvement of the community.

Additionally, the Community Working Group will enable the Monitor Team to engage the community in dialogue about the Consent Decree's implementation and assure that the community remains well-informed about the process. The group will also assist the Monitor Team in organizing Harris County Community Conferences that can include national and local speakers. These local activities will promote a better-informed community which can deter possible detractors from spreading false narratives about the pretrial system that could lead elected officials to try to undermine the progress made under the Consent Decree.

V. Monitor Team Members

Brief biographical summaries of each of the team members are included below in Appendix A. In addition, we plan to incorporate the advice and perspectives of directly impacted and formerly incarcerated people and community members in a

[62] *Id.* at ¶¶118-19.
[63] *Id.* at ¶120.
[64] *Id.* at ¶¶32-33.

variety of ways. First and foremost, we will, as described, convene a Community Working Group consisting in a diverse and representative group of key stakeholders. In addition to the meetings of the Board, and the public meetings contemplated under the consent judgment, we plan to hold more informal meetings to present those results to community members. We have also included a research team at Texas A&M University that has experience conducting cost studies regarding pretrial outcomes, including in multiple jurisdictions in Texas. We have included experts in indigent services, behavioral health, and quantitative and qualitative methods generally. As noted, Prof. Thompson already serves in a variety of roles in Harris County and plans to solicit advice from stakeholders. Prof. Garrett plans to be involved, together with others at the Center for Science and Justice, in all evaluation, research, convening and soliciting participation and feedback from the Community Working Group, and reporting to the parties and the Court throughout the Monitorship.

VI. Current Team Commitments

Professors Brandon L. Garrett and Sandra Guerra Thompson and other members of the team, such as the research staff at the Center for Science and Justice, are willing and able to serve the full seven-year term. With the Center capabilities, we have an ongoing research staff that can conduct the empirical work necessary to monitor progress under the consent.

Prof. Garrett has budgeted for his time during the seven-year period, as well as that of research staff. Although he is a full-time law professor, he has a nine-month position, which permits outside work during the remaining three months. Further, the Center for Science and Justice already supports through outside funding, a reduced teaching load, which gives him a more flexible schedule. This proposal includes sixteen percent of his time.

Prof. Thompson has budgeted her time to further develop relationships with stakeholders and community leaders, as well as to facilitate monitoring on site. Prof. Thompson has a full-time job as a law professor, but has the flexibility to work outside of the university on a part-time basis. With a 9-month position, Prof. Thompson also has a full three months of time to commit to outside work. Prof. Thompson would be available to work on site most weeks during the year.

The Center for Science and Justice at Duke University School of Law was created to facilitate precisely these types of long-term research projects. It currently has five years of support through multiple grant sources and it was established to provide a permanent home at Duke University for empirical and interdisciplinary research that can inform criminal justice.

The Public Policy Research Institute at Texas A&M University will, as described in Appendix A, conduct a multi-year evaluation of cost consequences of bail

reform in Harris County. This work builds upon PPRI's previous cost studies, most notably a 2017 investigation of the differential cost of pretrial processing in Texas jurisdictions. As in previous studies, research methods are designed to answer key questions relating to the fairness, efficiency, and sustainability of new practices. The PPRI team has budgeted for adequate time and resources to carry out a comprehensive evaluation.

VII. Expected costs and budget

We describe below a budget of approximately **$551,000** for the first year, with a budget of approximately **$475,000** per year thereafter. An estimated seven-year budget of $3,445,299 is attached as Appendix F. We view the first six months of the Monitorship as a particularly time and effort intensive period. Our overall goal in designing a budget was to keep the costs reasonable, modest where possible, and to take advantage of the research resources available in a University setting, while also ensuring adequate resources for robust evaluation, active community participation, and producing substantial publicly available reports. We have ensured adequate funding for travel by the Texas A&M team and the Center for Science and Justice team from Duke University to Houston. The county office and meeting space made available pursuant to the decree will be important to ensure a presence on site, and easily accessible by Harris County stakeholders. Academic conferences in the future, highlighting accomplishments during the Consent Decree, can be held at the University of Houston Law Center. Research to assess performance of the Consent Judgment will involve analysis of data collected pursuant to the judgment, but we anticipate travel and meetings in Harris County to have conversations regarding the data collection process, to ensure that the right data is collected throughout. The Texas A&M team participating in the cost study work will similarly need to travel to Houston to have conversations with the County regarding available data to plan and conduct their analysis. Further research will involve qualitative research conducted by post-doctoral fellows and law student research assistants, some at the University of Houston, but some traveling from Duke University.

Monitor Team Personnel:

- **Brandon Garrett** (Duke Law School) at approx. $82,000 (16% time)

- **Sandra Guerra Thompson** (University of Houston Law Center) at approx. $500/hour for approximately 160 hours during the first six months and approximately 160 hours per year thereafter. $120,000 in year one.

- **Thomas Maher** Executive Director, Center for Science and Justice (Duke Law School) at approx. $15,000 (10% time).

- **Post-doctoral Fellow / Data Programmer** Center for Science and Justice (Duke Law School) at approx. $62,000 (two fellows for 50% time each or one fellow at 50% time and one data programmer at 50%).

- **Research assistants** (Duke Law School and University of Houston Law Center) at $4,000 (for hourly work).

- **Philip J. Cook** (Sanford School of Public Policy, Duke University) will consult on study of cost consequences at a total cost of $1,000 in year one.

- **Texas A&M, Public Policy Research Institute (PPRI)** will conduct a multi-year evaluation at a cost of $100,208 in year one (see Appendix A).

- **Houston Office Assistant** at 20 hours per week at approximately $15 per hour at a total of $15,600.

- **Houston Investigator** at 5 hours per week at approximately $20 per hour at a total of $5,200.

Houston Conference Costs:

- Administrative support, food, publicity, space rental ($10,000 per year).

Travel:

- Travel: $20,000 for travel to Houston for Duke University Team Members.

- Travel: $2,000 for travel to Houston for Prof. Thompson (from vacation home).

- Travel: $5,000 for travel to Houston for Texas A&M University Team Members.

Office Space, Equipment and Support:

- Office supplies: $1,000 for paper, pens, notepads in the Houston office space. We would plan to use the office space provided pursuant to the decree because of its central and accessible location, as well as an office phone, laptop computer and printing equipment and IT support for computer use, meetings via Zoom, and phone conferences. We would need a meeting room with sufficient space for periodic Community Working Group meetings and meetings with stakeholders or researchers.

- Parking: A parking budget of $2,000 or other provision for downtown parking for the Monitor Team and twelve Community Working Group members (12 meetings per year).

- F&A. $118,085. Duke University and Texas A&M will receive 30% and 33% as their facilities and administrate rates, reduced rates, as both Universities are considering this as work in the public interest.

Total Annual Budget (Year 1): $551,125.

VIII. Actual or Potential Conflicts of Interest

The team members have no actual or potential conflicts of interest relating to this work. As noted, both have contributed to the criminal justice community in Harris County, but not in any way inconsistent to or related to the goals of this Consent Decree. Professor Sandra Guerra Thompson is currently monitoring the Harris County District Attorney, related to a different topic, in the case of *Lucas Lomas and Carlos Ealgin v. Harris County*. She is also a member of the Harris County Criminal Justice Coordinating Council, serving alongside numerous county officials. If notified of a decision to be selected for the Monitoring team for this Consent Decree, Professor Thompson would immediately resign her seat on the Harris County Criminal Justice Coordinating Council prior to the start of the Monitorship. As of October of 2019, she no longer serves on the Board of Directors of the Houston Forensic Science Center nor holds any other paid or unpaid position other than her academic position at the University of Houston.

Professor Brandon L. Garrett is collaborating with the Houston Forensic Science Center. The Center for Science and Justice at Duke receives grant support from the Charles Koch Foundation, Arnold Ventures, and the Center for Statistics and Applications in Forensic Evidence (CSAFE), which is in turn supported by a collaborative agreement with the National Institute for Standards and Technology (NIST).

Appendix A. Cost Study. Attached.

Appendix B. References

Will Crozier and Brandon L. Garrett, *Driven to Failure: Analyzing Driver's License Suspension in North Carolina*, 70 DUKE L. J. (forthcoming 2020).

Brandon L. Garrett, *Convicting the Innocent: Where Criminal Prosecutions Go Wrong* (2011).

Brandon L. Garrett, *Convicting the Innocent Redux*, in Wrongful Convictions and the DNA Revolution: Twenty-five Years of Freeing the Innocent (Daniel S. Medwed ed., 2016).

Brandon L. Garrett, *Wealth, Equality, and Due Process*, 60 WILLIAM AND MARY L. REV. 397 (2020).

Brandon L. Garrett & John Monahan, *Judging Risk*, CAL. L. REV. (forthcoming 2020), at https://www.ssrn.com/abstract=3190403.

Brandon L. Garrett, Alexander Jakubow, and John Monahan, *Judicial Reliance on Risk Assessment in Sentencing Drug and Property Offenders: A Test of the Treatment Resource Hypothesis*, 46 CRIM. JUST. & BEHAV. 799 (2019).

Model Penal Code: Sentencing §6B.09, Reporter's Note (Am. Law Inst. 2017).

John Monahan, Anne Metz, Brandon L. Garrett, & Alexander Jakubow, *Risk Assessment in Sentencing and Plea Bargaining: The Roles of Prosecutors and Defense Attorneys*, BEHAV. SCI. & L. 1 (2019).

Anne L. Metz, John Monahan, Brandon L. Garrett, and Luke Siebert, *Risk and Resources: A Qualitative Perspective on Low-Level Sentencing in Virginia*, 47 J. COMM. PSYCHOL. 1476 (2019).

John Monahan, Anne L. Metz, & Brandon L. Garrett, *Judicial Appraisals of Risk Assessment in Sentencing*, 36 BEHAV. SCI. & L. 565 (2018)

Aurélie Ouss and Megan T. Stevenson, *Evaluating the Impacts of Eliminating Prosecutorial Requests for Cash Bail* (2019), at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3335138.

Alicia Rairden, Brandon L. Garrett, Daniel Murrie, Sharon Kelley, and Amy Castillo, *Resolving Latent Conflict: What Happens When Latent Print Examiners Enter the Cage?*, 289 Forensic Science International 215 (2018).

Sandra Guerra Thompson, *Cops in Lab Coats: Curbing Wrongful Convictions Through Independent Forensic Laboratories* (Carolina Academic Press: 2015).

Sandra Guerra Thompson, *Three Transformative Ideals to Build a Better Crime Lab,* 34 GEORGIA ST. L. REV. 1007 (2018) (with N. Casarez).

Sandra Guerra Thompson, *Solving* Daubert*'s Dilemma for the Forensic Sciences through Blind Testing,* 57 HOUS. L. REV. 101 (forthcoming 2019) (with N. Casarez).

Sandra Guerra Thompson, *Prosecutors Really Matter? A Proposal to Ban One-Sided Bail Hearings*, 44 HOFSTRA L. REV. (2016).

The Sequential Intercept Model, SAMHSA, at https://store.samhsa.gov/system/files/pep19-sim-brochure.pdf

Consent Decree, ODonnell et al v. Harris County, Texas, No. 16-cv-01414 (S.D. Tex. Nov. 21, 2019).

Rothgerry v. Gillespie County, 554 U.S. 191 (2008)

Appendix B.1. Attached Reference Documents

Flyer and Inside Cover, Greater Houston Coalition for Justice, *A Town Hall Meeting on How Pretrial Will Work Under the Harris County Bail Bond Agreement Consent Decree,* Feb. 6, 2020.

Emily Bazelon and Insha Rahman, *There's A Strong Case for Sticking with Bail Reform*, N.Y.Times, Jan. 24, 2020.

Appendix C. Brief Team Biographies

University of Houston Law Center

Sandra Guerra Thompson is the Newell H. Blakely Chair and Criminal Justice Institute Director at the University of Houston Law Center. She chaired committees for the transition teams of Houston Mayor Sylvester Turner in 2016 and Harris County District Attorney Kim Ogg in 2017. In 2012, Houston Mayor Annise Parker appointed her as a founding member of the Board of Directors of the Houston Forensic Science Center, Houston's independent forensic laboratory which replaced the former Houston Police Department Crime Laboratory. In 2015, she became the Vice Chair for this Board and served until 2019. In 2009, she was appointed by Governor Perry as the representative of the Texas public law schools on the Timothy Cole Advisory Panel on Wrongful Convictions. Her scholarly articles address issues such as pretrial hearings and prosecutorial ethics, the causes of wrongful convictions, forensic science, sentencing, jury discrimination, and police interrogations. Professor Thompson is an elected member of the American Law Institute and was appointed to the Board of Advisors for the Institute's sentencing reform project. Since 2019, she is an elected member of the Council of the International Association of Evidence Science.

Duke University

Brandon L. Garrett is the L. Neil Williams Professor of Law at Duke University School of Law, where he has taught since 2018. He was previously the Justice Thurgood Marshall Distinguished Professor of Law and White Burkett Miller Professor of Law and Public Affairs at the University of Virginia School of Law, where he taught since 2005. Garrett has researched use of risk assessments by decisionmakers as well as large criminal justice datasets, examining how race, geography and other factors affect outcomes. Garrett will contribute to research design, data analysis plans, and analysis of legal and policy implications of findings, as well as engagement with policymakers. Garrett's research and teaching interests include criminal procedure, wrongful convictions, habeas corpus, scientific evidence, and constitutional law. Garrett's work, including several books, has been widely cited by courts, including the U.S. Supreme Court, lower federal courts, state supreme courts, and courts in other countries. Garrett also frequently speaks about criminal justice matters before legislative and policymaking bodies, groups of practicing lawyers, law enforcement, and to local and national media. Garrett has participated for several years as a researcher in the Center for Statistics and Applications in Forensic Science (CSAFE), as well as a principal investigator in an interdisciplinary project examining eyewitness memory and identification procedures supported by the Laura and John Arnold Foundation. As part of an interdisciplinary grant from the Charles Koch Foundation, Garrett has founded and directs the Center for Science and Justice at Duke.

Marvin S. Swartz, M.D. is the Professor and Head of the Division of Social and Community Psychiatry, Director of Behavioral Health for the Duke University Health System and Director of the Duke AHEC Program. Dr. Swartz has been extensively involved in research and policy issues related to the organization and care of mentally ill individuals at the state and national level. He was a Network Member in the MacArthur Foundation Research Network on Mandated Community Treatment examining use of legal tools to promote adherence to mental health treatment and led the Duke team in conducting the first randomized trial of involuntary outpatient commitment in North Carolina and the legislatively mandated evaluation of Assisted Outpatient Treatment in New York. He co-led a North Carolina study examining the effectiveness of Psychiatric Advance Directives and the NIMH funded Clinical Antipsychotics Trials of Intervention Effectiveness study. He is currently a co-investigator of a study of implementation of Psychiatric Advance Directives in usual care settings, an evaluation of implementation of assisted outpatient treatment programs and a randomized trial of injectable, long-acting naltrexone in drug courts. Dr. Swartz has done a range of work regarding diversion from jail, including among populations of co-occurring substance abuse and mental health disorders. Dr. Swartz was the recipient of the 2011 American Public Health Association's Carl Taube Award, the 2012 American Psychiatric Association's Senior Scholar, Health Services Research Award for career contributions to mental health services research and the 2015 Isaac Ray Award from the American Psychiatric Association for career contributions to forensic psychiatry.

Thomas K. Maher will be joining the Center for Science and Justice on March 1,2020, as Executive Director. Mr. Maher is currently the Executive Director for the North Carolina Office of Indigent Defense Services [IDS], a position he has held for 11 years. IDS is the state-wide agency responsible for administration and support of public defense in North Carolina. Prior to become Director of IDS, Mr. Maher served as the Executive Director of the Center for Death Penalty Litigation, a non-profit that focused on representation in capital cases, and worked as a criminal defense attorney representing clients, both retained and appointed, in state and federal court. As Director of IDS, Mr. Maher worked with local actors and a researcher in a pretrial release pilot in one judicial district, and developed a system for contracting with local lawyers to provide meaningful representation at first appearances and measuring the impact of representation on out-comes. The system ensured that representation was meaningful by requiring that counsel met clients in a timely fashion, were given access to relevant information from the prosecutor, and had time to prepare for a hearing to address conditions of release. IDS is currently working with parties to a federal law suit challenging pretrial release in another county to craft a system of meaningful pretrial representation for that county, which would be part of a proposed settlement of that litigation. As Director of IDS, Mr. Maher also works with the IDS research staff on evaluating the effectiveness and cost of representation, works with IDS staff in developing new systems of representation, works with the UNC School of Government in providing effective training for public defenders, and works with

judges, clerks, district attorneys, as well as public defenders and private counsel, in designing and implementing reforms designed to increase the quality of justice for clients who rely on public defense.

Will Crozier, PhD. is a post-doctoral fellow at Duke Law School, having completed a Ph.D. in Psychology at City University of New York, John Jay College of Criminal Justice, with a focus on criminal justice outcomes and cognitive processes, including work on police interrogation. Research at Duke has included studies of drivers' license suspensions in North Carolina, plea bargaining outcomes, jury evaluation of forensic evidence, and eyewitness memory.

Travis Seale-Carlisle, PhD., is a post-doctoral fellow at Duke Law School, having completed a Ph.D. in Royal Hollaway University of London, with a focus on human memory and decisionmaking. Research at Duke has included studies of jury evaluation of eyewitness evidence, felony data, plea bargaining outcomes, pretrial outcomes, and evaluation of pretrial services outcomes.

Phil Cook, ITT/Sanford Professor of Public Policy and Professor of Economics and Sociology at Duke University. Cook served as director and chair of Duke's Sanford Institute of Public Policy from 1985-89, and again from 1997-99. Cook is a member of Phi Beta Kappa, and an honorary Fellow in the American Society of Criminology. In 2001 he was elected to membership in the Institute of Medicine of the National Academy of Sciences. Cook joined the Duke faculty in 1973 after earning his PhD from the University of California, Berkeley. He has served as consultant to the U.S. Department of Justice (Criminal Division) and to the U.S. Department of Treasury (Enforcement Division). He has served in a variety of capacities with the National Academy of Sciences, including membership on expert panels dealing with alcohol-abuse prevention, violence, school shootings, underage drinking, the deterrent effect of the death penalty, and proactive policing. He served as vice chair of the National Research Council's Committee on Law and Justice. Cook's primary focus at the moment is the economics of crime. He is co-director of the NBER Work Group on the Economics of Crime, and co-editor of a NBER volume on crime prevention. Much of his recent research has dealt with the private role in crime prevention. He also has several projects under way in the area of truancy prevention. His book (with Jens Ludwig), *Gun Violence: The Real Costs* (Oxford University Press, 2000), develops and applies a framework for assessing costs that is grounded in economic theory and is quite at odds with the traditional "Cost of Injury" framework. His new book with Kristin A. Goss, *The Gun Debate* (Oxford University Press 2014) is intended for a general audience seeking an objective assessment of the myriad relevant issues. He is currently heading up a multi-city investigation of the underground gun market, one product of which is a symposium to be published by the *RSF Journal* in 2017. Cook has also co-authored two other books: with Charles Clotfelter on state lotteries (*Selling Hope: State Lotteries in America*, Harvard University Press, 1989), and with Robert H. Frank on the causes and consequences

of the growing inequality of earnings (*The Winner-Take-All Society*, The Free Press, 1995). *The Winner-Take-All Society* was named a "Notable Book of the Year, 1995" by the *New York Times Book Review*. It has been translated into Japanese, Chinese, Portuguese, Polish, and Korean.

Catherine Grodensky, M.P.H., PhD student, was previously a project coordinator and research associate in the UNC Institute for Global Health and Infectious Diseases, where she coordinated NIH-funded primary research projects focused on health among those involved in the criminal justice system in the US. She coordinated multiple AHRQ-funded systematic reviews on prevention and treatment health topics with the RTI-UNC Evidence-Based Practice Center at the Cecil G. Sheps Center for Health Services Research. Since 2008, Ms. Grodensky held multiple roles on research projects focused on the health of North Carolina prison inmates, particularly in the areas of HIV testing, antiretroviral medication adherence, linkage to HIV care post-release, and access to Medicaid coverage. Currently she is a doctoral student in public policy at Duke, where she is researching policies driving high incarceration rates in the US criminal justice system, and conducting or directing empirical studies, including work examining plea bargaining practices and causes of court non-appearance.

Texas A&M University

Dottie Carmichael Ph.D. is a Research Scientist at the Public Policy Research Institute at Texas A&M University. Since the passage of the Fair Defense Act in 2001, Dr. Carmichael has collaborated in a program of research sponsored by the Texas Indigent Defense Commission to advance high-quality, evidence-based practice. Her research aims to help jurisdictions balance costs and quality in indigent defense delivery systems. Moreover, she is knowledgeable and experienced in the operation of local governments. Beyond a number of statewide projects, Dr. Carmichael has conducted qualitative and quantitative research in more than thirty jurisdictions including all of the state's major urban areas.

Her work has informed criminal justice and court policy in at least the past six bi-annual state legislatures. Most recently, her investigation of costs and case outcomes in jurisdictions using financial- vs. risk-based pretrial release was a significant resource in efforts to pass bail reform legislation in 2017 and 2019. In addition to leading the state's first defender caseload studies for adult, juvenile, and appellate cases, Dr. Carmichael has evaluated cost- and quality impacts of public defenders, interdisciplinary holistic defenders, the state's regional capital defender office, Innocence Projects operated in publicly-funded law schools, and the school-to-prison pipeline.

Dr. Carmichael's research was cited in Supreme Court Justice David Suter's majority opinion in the landmark 2008 *Rothgery v. Gillespie County* decision. She also led the PPRI research team for the 2010 *Breaking Schools' Rules* report which was subsequently cited by President Obama announcing his "My Brothers Keeper" initiative, and by US Dept. of Education Secretary Arne Duncan and Attorney General Eric Holder announcing new programs and data requirements relating to school discipline.

George Naufal, PhD, Assistant Research Scientist. Dr. Naufal is an assistant research scientist at the Public Policy Research Institute (PPRI) at Texas A&M University and a research fellow at the IZA Institute of Labor Economics. Previously he was the Technical Director at Timberlake Consultants. He was also an Assistant/Associate Professor of Economics at The American University of Sharjah (2007 to 2014) in the United Arab Emirates. George earned his PhD in Economics in 2007 from Texas A&M University. His area of expertise is applied econometrics with applications to labor economics including criminal justice, education, migration, demographics and unemployment. He is the co-author of "Expats and the Labor Force: The Story of the Gulf Cooperation Council Countries" (Palgrave Macmillan, 2012). He also has published several journal articles and book chapters. Dr. Naufal has secured more than $1.2 million in grant funding. His work has been cited by regional and international media outlets such as the New York Times, the Washington Post, and NPR.

Bethany Patterson, MS, Research Associate. Patterson is currently a Research Associate at the Public Policy Research Institute. She has extensive training in statistics and econometric methods, including experience with large data sets where she has used multiple coding languages to merge, clean, and reshape data to be used for quantitative analysis. She also has training in experimental design and field data collection.

Heather Caspers, M.A., Research Associate. Caspers is a Research Associate at the Public Policy Research Institute at Texas A&M University. Caspers earned her Bachelor's degree from Buena Vista University in criminology and psychology and her Master's degree from the University of Northern Iowa in social psychology. Her primary focus over nearly a decade at PPRI has been on criminal justice related projects with nine studies focusing on the cost and quality of indigent defense and pretrial practices in Texas.

As a task leader in PPRI's study on behalf of the Office of Court Administration titled *Liberty and Justice: Pretrial Practices in Texas*, Caspers was responsible for compiling much of the data needed to calculate costs of bond practices Travis and Tarrant Counties, and for developing and documenting strategies for extracting cost estimates. Her work is documented in the report's technical appendix including specific formulas to calculate each cost applied in the investigation. Similarly,

Caspers was a lead team member in a second investigation of pretrial risk assessment in Nueces County. She conducted qualitative interviews with key stakeholders to understand the processes underlying the data. She then managed the collection of risk assessment data, and wrote portions of the final report. Caspers is an asset to the current proposed monitoring effort, possessing possesses extensive knowledge of survey programming, data cleaning, quantitative data analysis, literature reviews, and program evaluation.

Appendix D. Curriculum Vitaes

See attached .zip file

Appendix E. Community Working Group members.

Hiram "Art" Contreras, served for 36 years in the Houston Police Department, starting as a patrol officer and ultimately becoming the first Hispanic to attain the rank of Assistant Chief. Chief Contreras founded HPD's Organization of Spanish-Speaking Officers and started the Department's Cultural Awareness Program. While working for HPD, he also mentored other Latino officers who are now well-known in the city. In 2015, Houston's City Council approved a measure to rename the Northeast HPD station after him. Earlier in his career, Chief Contreras had led that station as a captain and made important changes, becoming a well-respected figure in the neighborhood. After retiring from HPD, President Bill Clinton appointed him as U.S. Marshal for the Southern District of Texas. He has served on several community boards including for the Houston Forensic Science Center, Inc. and the Career and Recovery Resources, Inc., and received numerous awards for his volunteer work.

Thao Costis is President and CEO of SEARCH Homeless Services, a leading Houston agency helping people move from the streets, into jobs, and safe, stable housing. During her 24-year tenure, she has focused on how SEARCH can best help people who are homeless transform their lives, improve their health, and change how the community addresses this problem. Prior to SEARCH, she worked at the Coalition for the Homeless of Houston/Harris County where she brought together 150 not-for-profit agencies to coordinate their efforts. Thao has a bachelor's degree in accounting from the University of Texas and an MBA from University of Houston

J. Allen Douglas currently serves as the Executive Director of the Downtown Redevelopment Authority and general counsel for the organization its related entities, Central Houston, Inc., and the Houston Downtown Management District. His community service activities include serving as the Vice-Chair of the Midtown Management District Board of Directors. From February to August of 2019, he served as Harris County Associate County Attorney. He spent six years in private practice with the law firm of Littler Mendelson, P.C. and had previously also worked for ten years as Career Law Clerk to a federal district court judge in the Northern District of Ohio from 2002 to 2012.

Guadalupe Fernández serves as the Policy and Advocacy Manager for the Tahirih Justice Center's Houston Office. She is responsible for leading the development and advancement of Tahirih's local and state-wide advocacy projects that directly impact immigrant survivors of violence. She has worked with immigrant victims of violence who have engaged in the criminal legal process on both sides – as victims/witness and as defendants on cases. As a result, she is aware of how the criminal legal process, as it exists often impacts immigrants, victims, and communities of color in dipropionate ways and how the stakes and consequences for these communities are often high given their experiences. Guadalupe is a Fully Accredited Representative through the

Department of Justice and is allowed to practice before both DHS and the Executive Office for Immigration Review, which includes the immigration courts and the Board of Immigration Appeals.

Jay Jenkins, J.D., a Magna Cum Laude graduate of Northwestern Law School, works as a Project Attorney for the Texas Criminal Justice Coalition in Houston, where he heads TCJC's Harris County Criminal Justice Project. Since his start in 2014, he has worked to amplify the community's voice in criminal justice policy, including supporting the Harris County Public Defender's Office, where he has focused on interactions between citizens and law enforcement, while also mobilizing a diverse group of faith leaders in support of juvenile justice reform in Harris County. Jenkins has also authored and edited numerous policy papers and comprehensive reports supporting broader criminal justice reforms throughout the county. Jenkins continues to advise policy makers at every level of government, serving on Harris County's MacArthur Grant Planning Committee, Mayor Turner's Criminal Justice Transition Committee, and the State of Texas Judicial Council's Advisory Board on Pretrial Justice.

Terrance "TK" Koontz serves as Community Engagement Coordinator in the office of Harris County Precinct One Commissioner Rodney Ellis. On March 1, 2020, he joins the Texas Organizing Project's Right 2 Justice. He has worked to mobilize communities of color throughout the city for years, most recently for organizations like Texans Together, SEIU, and Working America, and the Texas Organizing Project. His path to organizing began after his arrest in 2010 when he observed the suffering of black and brown inmates. Recently, TK led a field team that significantly impacted the 2018 Fort Bend County D.A.'s race, which resulted in the election of the first African American D.A. in Fort Bend's history.

Johnny Mata is the founder and presiding officer of the Greater Houston Coalition for Justice, a group comprised of 24 local organizations dedicated to improving the local criminal justice system. In recent years, he has organized meetings and press conferences to address the Harris County pretrial justice system. He is currently organizing a Town Hall scheduled for February 6, 2020, to inform the community about the changes under the *ODonnell* Consent Decree. Mata became widely known as an activist while helping organize key protests following the killing of Joe Campos Torres by a group of Houston police officers in 1977. He is a U.S. Army veteran who retired after three decades as a staff member of the federally-funded Gulf Coast Community Services Association. He is most widely known as a leader and community activist for over 40 years with the League of United Latin American Citizens (LULAC). Mata served two terms as Texas State Director for LULAC, among other leadership positions within the organization. One of his most significant achievements was the creation of the Latino Learning Center, Inc., a nonprofit he co-founded in 1979 that provides vocational training and other services to low-income communities in Houston.

Sister Maureen O'Connell, M.S.W., founded Angela House in 2001 to serve women coming out of incarceration. She thought it unconscionable that they had so many obstacles and so few opportunities to build a stable life and escape the cycle of recidivism. Her wide range of experiences prepared her to create this successful ministry: 13 years as a Chicago police officer and police chaplain; 16 years as Clinical Services Coordinator at The Children's Assessment Center in Houston and Victim's Assistance Coordinator for the Archdiocese of Galveston-Houston; more than 40 years as a Dominican Sister, a Catholic religious community known for its commitment to social justice. She developed a program of interventions focused on trauma-informed counseling, addiction recovery, employment readiness and personal and spiritual growth. Sister Maureen served as Executive Director for 17 years. She retired in 2018 and joined the Board of Directors in 2019.

Timothy N. Oettmeier, Ph.D. in Police Administration, until his retirement in 2016, served the public as a member of the Houston Police Department (HPD) for over 42 years, most recently as Executive Assistant Chief of Police assigned to the Investigative Operations Command. During his career, he worked in a variety of significant assignments including: chief of staff for the Field Operations Command, Director of Training, City of Houston's Inspector General, Assistant Chief over the Internal Affairs Division, Executive Assistant Chief over the Field Operations Command, Executive Assistant Chief of Support Operations, and Acting Chief of Police. Within HPD, Chief Oettmeier oversaw several important administrative research projects including: work demands analysis, resource allocation strategies, patrol management strategies, calls for service management, investigative management strategies, beat reconfiguration, field training/mentoring initiatives, accreditation, problem solving, and performance evaluation methodologies. He was one of the department's principal architects for developing and implementing community policing throughout the agency.

A national leader in policing research, Chief Oettmeier served as a Project Director or principal member of several national police research initiatives funded by the National Institute of Justice involving topics such as: fear reduction, organizational change, criminal investigations, cultural diversity, measuring what matters, and training. He has published articles for textbooks, magazines, and journals on various police management issues. Early in his career, the 100 Club of Houston recognized him as an Officer of the Year. Tim has been the recipient of the prestigious Police Executive Research Forum's annual, national Gary P. Hayes Award in recognition of his outstanding initiative and commitment in furthering the improvement of the quality of police services. He has also received Lifetime Achievement Awards from the Houston Police Department, the State of Texas, and from The 100 Club of Houston.

Major Greg Summerlin, Harris County Sheriff's Office (retired), served as a peace officer and senior level manager for the Harris County Sheriff's Office, the 3rd largest Sheriff's Office in the United States. Major Summerlin has 30 years of detention and law enforcement experience, including 26 years in management roles. Under Harris County Sheriff Ed Gonzalez, Major Summerlin was instrumental in implementing court-ordered bail reform in county jail operations. Major Summerlin has an AAS Degree in Criminal Justice and has successfully completed over 2,000 hours of AJA, ACA, CMIT, TCOLE or NIC recognized training courses. Major Summerlin holds a Master Jailer License and a Master Peace Officer License from the Texas Commission on Law Enforcement. Throughout his distinguished career, Major Summerlin has received three Unit Citations, a Processional Service Award and was the recipient of the 100 Club's 2016 Officer of the Year Award for his contributions to the new Harris County Joint Processing Center project.

Sybil Sybille, a military veteran, is a survivor of childhood sexual violence and stabbing, as well as sexual assault in the military. During her life, she nearly died of drug overdoses on seven occasions. Convicted of organized crime, she served time in a Texas prison. Since her release, she completed a college certificate program and was certified in 2015 by the Texas Department of Health Services to provide Peer Recovery Coach Training. In 2017, she received a training certificate in Veterans Court Advocacy and Mentoring for Peers. In 2018, she was a graduate of the Texas Southern University Anthony Graves Smart Justice Speakers Bureau. In 2019, Sybille was named a Fellow for Texas Advocates for Justice and Grassroots.org. Through that work she has testified before the Texas legislature regarding a bill to support trauma-informed training for staff within the criminal justice and juvenile justice systems. She is currently working on a portfolio to advocate for "banning the box" to eliminate the check box on job applications which requires disclosure of criminal convictions. She believes this practice poses the greatest barrier for those reentering society.

Appendix F. Estimated Seven-Year Budget ‘

See attached excel file