

Budget Review for New General Fund Position Requests

Requesting Dept #/Name	605 - Pretrial Services	Request Date	5/24/2021
Number of New Positions Being Requested	51		
Cost of Requested New Positions - Annual	\$3,407,434		
Cost of Requested New Positions - Rest of Year	\$1,717,388	Amount of New Funding Requested	\$1,717,388
# of Existing, Vacant General Fund Positions	37	(regular, full-time positions)	

Cost of Existing, Approved Positions vs. Labor Budget

Department's Base Labor Budget (excl. rollover)	\$14,869,318	<i>recurring budget less est. non-labor expenses</i>
less: Annual Cost of Existing Filled Positions	12,801,385	
less: Annual Cost of Existing Vacant Positions	<u>2,029,432</u>	
Base Labor Budget Available for New Positions	\$38,501	
Projected Budget Rollover to Next Fiscal Year	\$1,269,212	<i>based on dept.-provided expenses and hiring plan</i>

-
- ☐ Budget Review is pending.
- ☐ The cost of existing and requested new positions fits within the department's adopted budget allocation and is sustainable with flat future budgets.
- ☐ The department has enough budget to cover the cost of existing and requested new positions for the remainder of the current fiscal year but future fiscal years will require a budget increase, use of rollover funds, or for the department to leave some positions vacant. If all positions are filled and existing rollover is used only for labor, the current rollover balance will last approximately -0.1 years.
- ☒ There is not enough budget to cover existing and requested new positions for the remainder of this fiscal year or for future years.

Gayatri Garg
Reviewed by (Budget Management)

6/1/2021
Date

POSITION MANAGEMENT REQUEST FORM

Business Unit Name: Pretrial Services

Business Unit Number: 605

SECTION I – TYPE OF REQUEST

Function	Check Applicable	Comments
Position Update		May require Commissioners Court approval
Position Reclassification		May require Commissioners Court approval
New Position Request	✓	Requires Commissioners Court approval

SECTION II – REASON FOR REQUEST

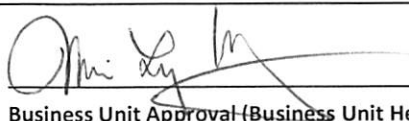
New Position in HC Pretrial Services - Pretrial Officer for Court Representatives and Electronic Monitoring.

SECTION III – PROPOSED EFFECTIVE DATE

Proposed Effective Date	<u>08/14/2021</u>	Date must be the beginning of a pay period. For requests requiring Commissioners Court approval, the earliest effective date will be the first pay period after approval.
Grant Effective Date	From: _____ To: _____	

SECTION IV – POSITION DATA

Current <i>Use "Pos_List_File" (PCN Download) to complete all fields</i>		Proposed <i>Complete all fields for a new position or change appropriate field(s) for existing position</i>	
		Number of Positions	47
Position Description		Position Description (30 Spaces Max)	Pretrial Officers I
Job Code		Job Code (HRRM Use Only)	
Position Number		Position Number (HRRM Use Only)	
Company (CS, FC, HC, JV or PA)		Company (CS, FC, HC, JV or PA)	HC
Business Unit		Business Unit	60500
Home Department ID Number		Home Department ID Number	60500000
Location		Location	865B000
Full Time, Part Time or Temporary		Full Time, Part Time or Temporary	Full Time
Budgeted Hours		Budgeted Hours	40.00
Salary Range Maximum		Salary Range Maximum	27.44
FLSA Code		FLSA Code	N
Reports To Position Number		Reports To Position Number	10019574
Fund Code		Fund Code	1000
Funding Department ID Number		Funding Department ID Number	6050000
Account (Same for all Business Units)	510010	Account (Same for all Business Units)	510010
Business Unit PC (Projects or Grants only)		Business Unit PC (Projects or Grants only)	
Project/Grant (Projects or Grants only)		Project/Grant (Projects or Grants only)	
Activity ID (Projects or Grants only)		Activity ID (Projects or Grants only)	
Resource Type (Not currently used)		Resource Type (Not currently used)	



Business Unit Approval (Business Unit Head or Designee)

5/25/2021

Date

POSITION MANAGEMENT REQUEST FORM

Business Unit Name: Pretrial Services

Business Unit Number: 605

SECTION I – TYPE OF REQUEST

Function	Check Applicable	Comments
Position Update		May require Commissioners Court approval
Position Reclassification		May require Commissioners Court approval
New Position Request	✓	Requires Commissioners Court approval

SECTION II – REASON FOR REQUEST

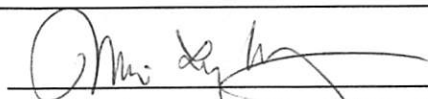
New Position in HC Pretrial Services - Supervisors for Pretrial Court Representatives and Electronic Monitoring.

SECTION III – PROPOSED EFFECTIVE DATE

Proposed Effective Date	<u>07/31/2021</u>	Date must be the beginning of a pay period. For requests requiring Commissioners Court approval, the earliest effective date will be the first pay period after approval.
Grant Effective Date	From: _____ To: _____	

SECTION IV – POSITION DATA

Current Use "Pos_List_File" (PCN Download) to complete all fields		Proposed Complete all fields for a new position or change appropriate field(s) for existing position	
		Number of Positions	4
Position Description		Position Description (30 Spaces Max)	Supervisor
Job Code		Job Code (HRRM Use Only)	
Position Number		Position Number (HRRM Use Only)	
Company (CS, FC, HC, JV or PA)		Company (CS, FC, HC, JV or PA)	HC
Business Unit		Business Unit	60500
Home Department ID Number		Home Department ID Number	60500000
Location		Location	865B000
Full Time, Part Time or Temporary		Full Time, Part Time or Temporary	Full Time
Budgeted Hours		Budgeted Hours	40.00
Salary Range Maximum		Salary Range Maximum	31.83
FLSA Code		FLSA Code	1
Reports To Position Number		Reports To Position Number	10019574
Fund Code		Fund Code	1000
Funding Department ID Number		Funding Department ID Number	6050000
Account (Same for all Business Units)	510010	Account (Same for all Business Units)	510010
Business Unit PC (Projects or Grants only)		Business Unit PC (Projects or Grants only)	
Project/Grant (Projects or Grants only)		Project/Grant (Projects or Grants only)	
Activity ID (Projects or Grants only)		Activity ID (Projects or Grants only)	
Resource Type (Not currently used)		Resource Type (Not currently used)	



Business Unit Approval (Business Unit Head or Designee)

5/25/2021

Date



Harris County, Texas

1001 Preston St., Suite 934
Houston, Texas 77002

Staff Report

File #: 21-2188

Agenda Date: 5/11/2021

Agenda #: 167.

To: Harris County Commissioners Court

Through: Jim Bethke, Interim Director, Pretrial Services

Prepared By: Dennis Potts, Deputy Director, Pretrial Services
Spurgeon Kennedy, Co-Interim Director, Pretrial Services

	YES	NO	ABSTAIN
Judge Lina Hidalgo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Rodney Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Adrian Garcia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Tom S. Ramsey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. R. Jack Cagle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Subject: Harris County Pretrial Services FY 2021-22 Budget Request

Project ID (If applicable):

Purpose and Request:

\$1,992,801

Request for approval of a FY 2022 general fund budget increase in the amount of ~~\$2,000,021~~ for court representative staffing to serve assigned courts, security services, and staffing to reduce the department's electronic monitoring caseloads to more manageable levels.

Background and Discussion:

[INSTRUCTIONS: In this section should concisely provide any background and analysis that the Commissioners Court needs to fully understand the action being requested. Please limit background to 3-4 sentences and include any reference to when this item was previously considered by Court. Background should include reference to study or order that led to this item or if the item is a result of compliance with any specific law or statutory requirements.]

Fiscal Impact:

[INSTRUCTIONS: A short description of the cost of the request and where you are requesting funding from. No more than 2 sentences. In addition please fill out the table below. This includes financial impact to the current fiscal year and subsequent fiscal years along with the source of funding (general fund, grant, etc.). If the amount is within the current budget, please indicate the amount from 'Existing Department Budget'. If all of or part of the request is a new expense, please indicate funding source in the space provided.]

Fiscal Summary			
Expenditures	FY 20-21	FY 21-22 Projected	Future Years Projected [3 additional years]
Service Impacted: <i>[Please specify division where expenditures are incurred]</i>			
Existing Budget			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
Existing Department Budget			

Please Identify Funding Source Special Revenue, Grant, etc.			
[INSERT FUNDING SOURCE]			
Total Sources			

Alternatives:

[INSTRUCTIONS: In this section you should briefly discuss any viable alternatives, including the benefits and consequences of each. Include subtitles on the first line of each alternative to identify it. If appropriate, the financial impact of each alternative can be discussed. If taking no action is a viable alternative it should also be discussed, including any financial or other impacts that would result.]

Alignment with Strategic Objective:

[INSTRUCTIONS: Please write out the Department Strategic Objective impacted by this item.]

Attachments:

[INSTRUCTIONS: Please include a list of backup for this item with a short description of each if more than one.]

Presented to Commissioners Court

May 11, 2021

Approve: E/G

To: Harris County Commissioners Court

Through: Jim Bethke, Interim Director, Pretrial Services

..prepared

Prepared By: Dennis Potts, Deputy Director, Pretrial Services
Spurgeon Kennedy, Co-Interim Director, Pretrial Services

Subject: Harris County Pretrial Services FY 2021-22 Budget Request

..end

Project ID (If applicable):

Purpose and Request:

..title

Request for approval of a FY 2022 general fund budget increase in the amount of \$1,992,801 for court representative staffing to serve assigned courts, security services, and staffing to reduce the department's electronic monitoring caseloads to more manageable levels

..end

Background and Discussion:

[INSTRUCTIONS: In this section should concisely provide any background and analysis that the Commissioners Court needs to fully understand the action being requested. Please limit background to 3-4 sentences and include any reference to when this item was previously considered by Court. Background should include reference to study or order that led to this item or if the item is a result of compliance with any specific law or statutory requirements.]

Fiscal Impact:

[INSTRUCTIONS: A short description of the cost of the request and where you are requesting funding from. No more than 2 sentences. In addition please fill out the table below. This includes financial impact to the current fiscal year and subsequent fiscal years along with the source of funding (general fund, grant, etc.). If the amount is within the current budget, please indicate the amount from 'Existing Department Budget'. If all of or part of the request is a new expense, please indicate funding source in the space provided.]

Fiscal Summary			
Expenditures	FY 20-21	FY 21-22 Projected	Future Years Projected [3 additional years]
Service Impacted: <i>[Please provide service or division where expenditure will be used]*</i>			
Existing Budget			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
Existing Department Budget			
Please Identify Funding Source (General Fund, PIC, Special Revenue, Grant, Etc.)			
[INSERT FUNDING SOURCE HERE]*			
Total Sources			

Alternatives:

[INSTRUCTIONS: In this section you should briefly discuss any viable alternatives, including the benefits and consequences of each. Include subtitles on the first line of each alternative to identify it. If appropriate, the financial impact of each alternative can be discussed. If taking no action is a viable alternative it should also be discussed, including any financial or other impacts that would result.]

Alignment with Strategic Objective:

[INSTRUCTIONS: Please write out the Department Strategic Objective impacted by this item.]

Attachments:

[INSTRUCTIONS: Please include a list of backup for this item with a short description of each if more than one.]



HARRIS COUNTY PRETRIAL SERVICES

JIM BETHKE
Interim Director of Pretrial Services

Main Line: 832-927-3500
Fax Line: 713-437-4535

AGENDA ITEM

May 11, 2021

County Judge Lina Hidalgo
Members of Commissioners Court

Re: Harris County Pretrial Services' FY 2022 Budget Request

Pretrial Services requests a fiscal year 2022 general fund budget increase of \$1,992,801, based on Budget Requests 1, 2, and 3 in the attached. Requests 4 and 5 are provided for informational purposes at this time, with any associated increases to be based on actual costs compared to budget.

Sincerely,

/s/ Jim Bethke

Jim Bethke
Interim Director

Cc: File

May 4, 2021

To: Harris County Commissioners Court

Through: Jim Bethke, Interim Director, Harris County Pretrial Services

Prepared By: Dennis Potts, Deputy Director, HCPS
Spurgeon Kennedy, Co-Interim Director, HCPS

Subject: Harris County Pretrial Services FY 2021-22 Budget Request

This budget request reflects Harris County Pretrial Services' commitment to target the most effective resources to pretrial defendants most likely to miss scheduled court appearances or to be rearrested pending trial. Our request also recognizes that the department's resourcing of mission-critical functions has not kept pace with the system's demand for these services, particularly following the *O'Donnell* decision and subsequent bail reform initiatives. These include assuring the effective oversight of higher-risk pretrial clients and meeting the need for department resources for the felony and misdemeanor courts.

If approved, requested funding will help the department improve its oversight of higher-risk defendants by:

- bringing current supervision caseloads closer to recommended industry standards;
- assigning dedicated staff to each felony and misdemeanor courtroom to facilitate the release of defendants under the most appropriate supervision;
- ensuring continued funding of electronic surveillance and alcohol monitoring contractual services to meet the growing court demand for these supervision strategies; and
- continuing contractual assistance for day-to-day operations pending selection of a new director and to develop a more effective organizational structure, policy, and procedure.

Budget Request 1: Court Representative Staffing to Serve Assigned Courts

Purpose and Request:

This request would help HCPS meet the felony and misdemeanor courts' demands for in-court pretrial staff coverage without affecting defendant supervision. The request would fund a 41-person court representative team (38 staff and 3 supervisors), freeing up substantial Pretrial Officer time for mission-critical supervision functions. This would help improve HCPS's supervision of higher-level defendants and reduce the agency's need for additional supervision staffing and resources.

Background and Discussion:

The Justice Management Institute's (JMI) workload analysis of HCPS identified the calendar courts' demand for Pretrial Officer (PTO) time as a major contributor to the agency's need for increased supervision staffing and resources. Staff time in court averaged 90 minutes per day (roughly 18.5% of daily time) but varied from a few minutes to an entire workday. This impinged on time devoted to mission-critical defendant supervision and support functions. Currently, 13 of HCPS's 72 full time case manager staff (18%) are assigned either full- or part-time to calendar courts. Based on these units' caseloads (as of February 2021), this demand for court representation adversely affected the supervision of over 4,000 medium- to high-risk defendants.

Fiscal Impact:

The department is requesting \$1,472,234.00 in general funds to support this item.

Fiscal Summary			
Expenditures	FY 20-21	FY 21-22 Projected	Future Years Projected [3 additional years]
Service Impacted:	Pretrial Screening	Pretrial Screening	Pretrial Screening
Existing Budget	\$18,429,465	\$18,429,465	\$55,288,395
Additional Appropriation Requested	\$0	\$1,472,234	\$8,202,448
Total Expenditures	\$18,429,465	\$19,901,699	\$63,490,843
Funding Sources			
Existing Department Budget	\$18,429,465	\$18,429,465	\$55,288,395
General Fund	\$0	\$1,472,234	\$8,202,448
Total Sources	\$18,429,465	\$19,901,699	\$63,490,843

Alternatives:

Continued Use of Case Managers as Court Representatives

Splitting case manager work time between client supervision and court representation will likely continue to inhibit the department's supervision and oversight of pretrial defendants.

Alignment with Strategic Objective:

The services will support the following Department Goals and Strategic Objectives:

Goal	Goal Description	Strategic Objective	Objective Description
G1	Maximize the release of defendants from jail.	1.1	Respond timely to court needs.
G3	Decrease the re-arrest rate and increase the safety rate of pretrial released defendants.	3.1	Provide appropriate levels of monitoring and supervision to defendants based on risk level.
		3.4	Achieve and maintain optimal average caseload size by unit.

Attachments:

Justice Management Institute 2020 Workload Analysis Report.

Budget Request 2: Security – Precinct 1 Contract Deputy

Purpose and Request:

Funding to provide dedicated security services to Pretrial Services in the Criminal Justice Center.

Background and Discussion:

Staff have witnessed altercations between clients waiting in the department's Criminal Justice Center 5th Floor lobby. Staff also have experienced instances in which clients entered the secure area of the offices and refused to follow staff instructions. Those events, as well as the relative lack of visits by roving deputies, have contributed to staff concerns for their safety and have occurred and repeated requests to department administrators for a more consistent law enforcement presence. The department wishes to act on the Precinct 1 Constable's Office recommendation that the department fund the contract services of a deputy constable to provide that consistent presence.

Fiscal Impact:

The department is requesting \$106,238 from general funds.

Fiscal Summary			
Expenditures	FY 20-21	FY 21-22 Projected	Future Years Projected [3 additional years]
Service Impacted:	All Divisions	All Divisions	All Divisions
Existing Budget	\$18,429,465	\$18,429,465	\$55,288,395
Additional Appropriation Requested	\$0	\$106,238	\$318,714
Total Expenditures	\$18,429,465	\$18,535,703	\$55,607,109
Funding Sources			
Existing Department Budget	\$18,429,465	\$18,429,465	\$55,288,395
General Fund	\$0	\$106,238	\$318,714
Total Sources	\$18,429,465	\$18,535,703	\$55,607,109

Alternatives:

Roving Deputy Constables

The only ready alternative, which from the department's perspective is not viable, is continued reliance on the existing approach of roving deputies. While the approach incurs no additional expense to the County, roving deputies only infrequently visit the department, and when called are reliant on sometimes busy elevators or stairs to respond to the department's floor.

Alignment with Strategic Objective:

The services will support the following Department Goals and Strategic Objectives:

Goal	Goal Description	Strategic Objective	Objective Description
G6	Physical security of department's CJC offices.	5	Provide for employee and client security.

Attachments:

Quote for services provided by Precinct 1 Constable's Office.

Budget Request 3: Electronic Surveillance Caseload Reduction

Purpose and Request:

Support for nine (9) case manager and one (1) supervisor positions to reduce the department's electronic surveillance caseloads to more manageable levels. This would improve supervision quality as the department pursues efforts to target the right interventions to the right defendants and work with the judiciary on how best to use technology to meet court and supervision needs.

Background and Discussion:

HCPS employs radio-frequency (RF) and Global Positioning System (GPS) electronic monitoring (EM) and Alcohol Monitoring (AM) to monitor and supervise pretrial defendants that present a higher risk of rearrests pretrial. A workload analysis study by the Justice Management Institute (JMI) suggested caseload ratios of 20 defendants per RF/GPS case manager and 23 defendants per AM officer to assure proper surveillance of these higher-risk defendants. However, HCPS's EM and AM defendant populations have increased significantly while staffing levels have dropped. For example, in October 2020, HCPS supervised 2,005 EM and 3,634 AM-monitored defendants. By March 2021, this increased to 3,508 EM (a 75% increase) and 4,441 AM defendants (22%). During the same period, staffing for these units fluctuated between 15 and 21 staff. (As of this request, HCPS has 15 of its 72 case management positions [20%] open). Even assuming full staffing of both units (22 staff assigned to each unit), March 2021's caseload ratio for the EM Unit (159:1) and AM Unit (202:1) outstrip JMI's recommended workload ratio. HCPS has instituted several "efficiencies," including targeting staff responses to the most severe condition infractions, investigating more effective technologies, and shifting other agency staff positions to electronic surveillance case managers. However, these improvements by themselves will not significantly reduce staff-to-client caseload ratios.

Fiscal Impact:

We are requesting \$404,482.72 from general funds.

Fiscal Summary			
Expenditures	FY 20-21	FY 21-22 Projected	Future Years Projected [3 additional years]
Service Impacted:	Client Supervision	Client Supervision	Client Supervision
Existing Budget	\$18,429,465	\$18,429,465	\$55,288,395
Additional Appropriation Requested	\$0	\$414,329	\$2,019,852
Total Expenditures	\$18,429,465	\$18,843,794	\$57,308,247
Funding Sources			
Existing Department Budget	\$18,429,465	\$18,429,465	\$55,288,395
General Fund	\$0	\$414,329	\$2,019,852
Total Sources	\$18,429,465	\$18,843,794	\$57,308,247

Alternatives:

We can propose no suitable alternative to this request.

Alignment with Strategic Objective:

The services will support the following Department Goals and Strategic Objectives:

Goal	Goal Description	Strategic Objective	Objective Description
G3	Decrease the re-arrest rate and increase the safety rate of pretrial released defendants.	3.1	Provide appropriate levels of monitoring and supervision to defendants based on risk level.
		3.4	Achieve and maintain optimal average caseload size by unit.

Attachments:

JMI Workload Analysis Report

Budget Request 4: Electronic Monitoring Contracting

Purpose and Request:

Support to lease devices and purchase services to meet increasing demand for electronic surveillance supervision. HCPS and Budget Management have discussed a plan under which Budget Management would reimburse HCPS quarterly for all electronic surveillance contractual services over and above the department's allotted fiscal year budget for this item.

Background and Discussion:

HCPS's increased electronic monitoring caseload (see Budget Request 3) has created a commensurate rise in contracting costs with its EM and AM vendor. For example, February 2021's electronic monitoring contract expenditure (\$388,781.08) was 62 percent higher than the expenditure in October 2020 (\$239,645.70). EM caseloads should stabilize as felony and misdemeanor courts resume normal case processing following widespread COVID-19 vaccines and decreasing hospitalization rates. HCPS also has approached the local courts about restricting EM placements to cases where victim safety requires a higher level of supervision or where curfews and location restrictions are warranted. However, we do not expect these discussions to yield significant changes in judicial bail decision-making until late in CY 2021. Even assuming normal case processing times and tighter eligibility standards, the average daily EM population likely will top 4,000 by June 2021. Absent additional funding, this increase will force HCPS to consider drastic options such as capping the number of defendants supervised by the EM Unit. Such a cap would restrict the court's use of a valuable supervision option for higher-level defendants or force the court to shift payment obligation directly to defendants, counter to the decisions in *O'Donnell* and *Russell*.

Fiscal Impact:

We are requesting a quarterly reimbursement for contractual services over and above the department's allotted fiscal year budget up to \$4,739,525 from the general fund.

Fiscal Summary			
Expenditures	FY 20-21	FY 21-22 Projected	Future Years Projected [3 additional years]
Service Impacted:	Client Supervision	Client Supervision	Client Supervision
Existing Budget	\$18,429,465	\$18,429,465	\$55,288,395
Additional Appropriation Requested	\$0	\$4,739,525	\$14,645,133
Total Expenditures	\$18,429,465	\$23,168,990	\$69,933,528
Funding Sources			
Existing Department Budget	\$18,429,465	\$18,429,465	\$55,288,395
General Fund	\$0	\$4,739,525	\$14,645,133
Total Sources	\$18,429,465	\$23,168,990	\$69,933,528

Alternatives:**Utilize Current Funding**

HCPS would have to support continued contracting costs within its existing budget. This would reduce the department's ability to backfill open screening and supervision positions and to meet other contractual obligations.

Impose Caps on Use

HCPS also could cap the number of defendants under electronic surveillance. This would deny the courts a favored supervision condition for higher-risk defendants and it would inhibit the County's efforts to meet the requirements of the *O'Donnell* decision.

Alignment with Strategic Objective:

The services will support the following Department Goals and Strategic Objectives:

Goal	Goal Description	Strategic Objective	Objective Description
G3	Decrease the re-arrest rate and increase the safety rate of pretrial released defendants.	3.1	Provide appropriate levels of monitoring and supervision to defendants based on risk level.

Attachments:

None.

Budget Request 5: Alcohol Monitoring (AM) Services

Purpose and Request:

Funding to lease devices and purchase services to meet increasing demand for alcohol monitoring supervision. HCPS and Budget Management have discussed a plan under which Budget Management would reimburse HCPS quarterly for all electronic surveillance contractual services over and above the departments allotted fiscal year budget for this item.

Background and Discussion:

Driving while intoxicated and other related criminal traffic offenses continue to be common charge filings in Harris County courts. Historically, alcohol monitoring services have been paid by the client directly to the vendor (client-funded). Particularly because of the *O'Donnell* consent decree, courts have expressed increased interest in County-funded alcohol monitoring services (e.g., ignition interlock, client-worn or portable devices) that would permit those services to be provided for clients who are otherwise unable to pay. For some misdemeanor defendants, the paid services are required. This request would allow the department to provide alcohol monitoring services at the rate anticipated in 2021 and help ensure the County's compliance with the *O'Donnell* consent decree.

Fiscal Impact:

Based on the number of clients currently assigned to alcohol monitoring supervision and department estimates of growth, the department is requesting a quarterly reimbursement for contractual services over and above the department's allotted fiscal year budget up to \$4,927,500 in general funding.

Fiscal Summary			
Expenditures	FY 20-21	FY 21-22 Projected	Future Years Projected [3 additional years]
Service Impacted:		Client Supervision	Client Supervision
Existing Budget	\$18,429,465	\$18,429,465	\$55,288,395
Additional Appropriation Requested	\$0	\$4,927,500	\$15,225,975
Total Expenditures	\$18,429,465	\$23,356,965	\$70,514,370
Funding Sources			
Existing Department Budget	\$18,429,465	\$18,429,465	\$55,288,395
General Fund	\$0	\$4,927,500	\$15,225,975
Total Sources	\$18,429,465	\$23,356,965	\$70,514,370

Alternatives:

No Additional Funding

HCPS would have to support continued contracting costs within its existing budget. This would reduce the department's ability to backfill open screening and supervision positions and to meet other contractual obligations.

Imposing Caps on Availability

Mindful that some alcohol monitoring methods are statutorily required under certain circumstances, HCPS also could cap the availability of alcohol monitoring for use with other defendants. This would deny the courts a favored supervision condition and it would inhibit the County's efforts to meet the requirements of the *O'Donnell* decision.

Alignment with Strategic Objective:

The services will support the following Department Goals and Strategic Objectives:

Goal	Goal Description	Strategic Objective	Objective Description
G3	Decrease the re-arrest rate and increase the safety rate of pretrial released defendants.	3.1	Provide appropriate levels of monitoring and supervision to defendants based on risk level.

Attachments:

None.

This item takes into consideration what is known to the department regarding the number of existing clients on alcohol monitoring, as well as the number of similarly-situated pretrial clients supervised by the HCCSCD. Alcohol monitoring expenses will increase as HCPS moves to a contracted, County-funded approach and as the HCCSCD clients are transitioned to HCPS supervision.

Budget Request 6: Consultant Operational Assistance - Interim Director

Purpose and Request:

Funding to support contracted support services to the HCPS Interim Director. HCPS and Budget Management have discussed a plan under which Budget Management would reimburse HCPS quarterly for all electronic surveillance contractual services over and above the departments allotted fiscal year budget for this item. If approved, HCPS will have funding available in its current budget to fund this item.

Background and Discussion:

Commissioners Court approved a contract amendment with the Justice Management Institute (JMI) to provide consulting services to the Interim Director. The consultant provides day-to-day oversight of HCPS and helps oversee implementation of recommendations made in its previous workload analysis and department assessment reports regarding operations, organizational structure, staffing, budget, policy, and practice.

Fiscal Impact:

Fiscal Summary			
Expenditures	FY 20-21	FY 21-22 Projected	Future Years Projected [3 additional years]
Service Impacted:	All Services	All Services	All Services
Existing Budget	\$18,429,465	\$18,429,465	\$55,288,395
Additional Appropriation Requested	\$0	\$254,394	\$0
Total Expenditures	\$18,429,465	\$18,683,859	\$55,288,395
Funding Sources			
Existing Department Budget	\$18,429,465	\$18,429,465	\$55,288,395
General Fund	\$0	\$254,394	\$0
Total Sources	\$18,429,465	\$18,683,859	\$55,288,395

Alternatives:

Rollover Funding:

HCPS could support this item with approved rollover funds from FY 2020-21.

Alignment with Strategic Objective:

The services will support the following Department Goals and Strategic Objectives:

Goal	Goal Description	Strategic Objective	Objective Description
G1	Maximize the release of defendants from jail.	1.1	Respond timely to court needs.
		1.2	Increase judicial concurrence rate with HCPS recommendations by providing accurate, timely, and meaningful information to judicial officers.
		1.3	Provide timely screening information to judicial officers for all eligible defendants
G2	Maximize the court appearance of pretrial released defendants.	2.1	Provide frequent and accessible court date notifications to supervised defendants using multiple methods
		2.2	Timely investigate (within 3 days) missed court appearances that result in warrant issuance.
		2.3	Resolve 50% of FTA warrants within 30 days of warrant issuance.
G3	Decrease the re-arrest rate and increase the safety rate of pretrial released defendants.	3.1	Provide appropriate levels of monitoring and supervision to defendants based on risk level.
		3.2	Prioritize reporting of release condition violations and reporting to the court within 1 business day.
		3.4	Achieve and maintain optimal average caseload size by unit.
		3.5	Respond timely to defendant misconduct.
G4	Achieve efficient agency administration	4.1	Increase the employee retention rate by 10%
		4.2	Maintain adequate data infrastructure
		4.4	Utilize evidence-based practices, empirical research, and data to improve outcome and performance measures.

Attachments:

County/JMI Purchase Order.

Harris County, Texas
Justice Administration Department
Harris County Pretrial Services Workload Analysis

Submitted to:

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Director of Justice Administration
Harris County Justice Administration Department

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December 2020

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Executive Summary

This report presents the findings of the Justice Management Institute's workload assessment of Harris County Pretrial Services (HCPS). The County Commission and Justice Administration Department requested this assessment to determine if HCPS is sufficiently staffed and resourced to accomplish its mission-critical work functions under Harris County's new bail requirements and, if not, to identify the additional resources needed for these functions.

JMI's analysis found that HCPS's work volume is significantly higher than other pretrial services agencies with similar organizational structures. For example, as of October 2020, HCPS monitored or supervised 23,443 defendants. This compared to Cook County (Chicago), Illinois's pretrial services agency's daily average of 6,726 defendants for 2020 and 29,100 supervised defendants for 2019. HCPS's daily supervision population also outstripped the 2019 yearly supervision totals of the Washington, D.C. (12,700 defendants) and Kentucky pretrial services agencies (17,949). Much of HCPS's monitoring/supervision caseload expansion occurred over the past three years, with the agency experiencing a 187 percent increase in caseload from 2017 to 2019. However, HCPS's staffing levels (204 approved positions) grew by only 29 percent since December 2019 and remains below that of pretrial services agencies with similar organizational structures.

JMI's workload analysis focused on HCPS's Pretrial Screening Division and Defendant Monitoring Division. These components perform the agency's mission-critical work (i.e., defendant investigation and risk assessment, monitoring and supervision, and court support) and thus, the largest volume of HCPS's work. JMI assessed staffing resource needs in these units primarily through a *Delphi Technique* workload analysis. The Delphi Technique uses input from a select group of experts to estimate future system and resource needs. Experts receive a list of agency functions and client types (for example, defendant assessed risk level or supervision intensity) and provide an initial estimate of how much time is spent per individual in each area. A facilitator then develops time ranges for each area and specific client type and shares it with the expert group to adjust. This process is repeated as needed until the group reaches consensus on functions and timing. JMI's design used an expert group comprised of HCPS Division Managers and Unit Supervisors. The process included two rounds of surveys to identify mission-critical functions and time needed to perform these activities.

Besides the Delphi study, our design incorporated elements from a previous JMI workload assessment in Maricopa County, Arizona, and internal workload assessments conducted by pretrial services agencies in Washington, D.C., Kentucky, and the Administrative Office of the United States Courts. These yielded the following design elements:

1. A *"work unit" defined by a single investigated (workload capacity for screener staff) or monitored/supervised defendant (for supervision caseload ratios).*
2. *An estimate of the time needed to complete defendant-focused, non-defendant focused, and administrative work.* Workload assessments include a cataloging of tasks and activities required for defendant assessment and supervision as well as administrative and other types

of activities that support these activities. This involves identifying the discrete tasks and activities required by supervision level, supervision agency policy, legal or statutory requirements and regulations, and suggested professional standards or recognized best practices.

3. *The average time available per staff to complete these functions.* The analysis calculates the average amount of time for each task and activity for an individual staff person and unit supervisor to determine the total amount of work time and the average amount of time required per defendant, work product, and unit.

Our analysis found that work volume was indeed the main driver of HCPS's staffing and resource needs. However, another significant factor is the misdemeanor and felony courts' demand on agency screening and supervision staff. HCPS Division Managers and Supervisors participating in the Delphi study estimated that average staff time in court ranged from 90 minutes (supervision staff) to two hours (screening staff) daily. Very often, court time for individual staff is unplanned and takes away from other daily mission-critical functions.

JMI recommends significant increases to HCPS's staffing, particularly in its electronic monitoring and alcohol monitoring units. These recommendations would bring PSD and DMD's approved staffing level to 421 staff from 2020's level of 141 (+280 positions). Our largest suggested increases are to the Alcohol Monitoring (+147 positions) and Electronic Monitoring (+79) supervision units. However, we identified areas where improvements to HCPS functions would reduce the number of additional staff needed. Our recommendations for policy and procedural change within HCPS touch upon deficiencies that have been institutionalized into the agency's day-to-day operations. These proposals recognize that increased staffing alone is not a cure-all for what is now an inefficient, ineffective, and overworked agency. However, given HCPS's current and likely future workload, some significant increase in staffing is a must.

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Introduction

Over the past few years, there have been a number of changes in case law and criminal court procedure that have made bail reform a priority for Harris County's political and justice system leadership. In particular, the county was sued over its money bail system. In *O'Donnell v. Harris County* (16-cv-1414-LHR), the United States District Court for the Southern District of Texas¹ ruled that the County's money-based bail system deprived misdemeanor-charged defendants of due process and equal protection rights, increased jail demand unnecessarily, and heightened racial disparities in bail decisions and outcomes.

In a subsequent Consent Decree and Settlement Agreement,¹ the County committed "to establishing pretrial systems and supports that will facilitate the release of misdemeanor arrestees through the least restrictive means necessary; to collecting and publicly releasing comprehensive pretrial data that will promote meaningful evaluation of the County's pretrial practices, facilitate transparent decision-making, and protect against the development of unwritten customs that do not comply with this Consent Decree; and to rigorously studying its pretrial systems and best practices to inform implementation of cost-effective, nonfinancial programs aimed at achieving misdemeanor arrestees' appearance at trial and law-abiding behavior before trial through the least restrictive means necessary."²

In April 2020, the Harris County Criminal District Court Trial Division issued the *First Amended General Bond for Certain Offenses* that required, with exceptions, personal bond for persons arrested on non-violent felony offenses as defined in the GOB. The General Order also called for eligible pretrial detainees to be released to HCPS for supervision.

In addition to these changes, HCPS's supervision increased from 6,410 defendants in January 2018 to 19,575 in June 2020.³ As of October 21, 2020, HCPS monitored or supervised 23,443 defendants.⁴ These increases were due, in part, to:

- i. the implementation of the Public Safety Assessment (PSA) risk assessment in 2017;
- ii. the issuance by the Harris County Criminal Courts at Law of *Rules of Court, Local Rule 9, Initial Bail Schedule and Early Presentment* requiring personal bonds for most misdemeanor defendants in 2019; and

¹ *O'Donnell v. Harris County* 16-cv-1414-LHR. Consent Decree and Settlement Agreement. Case 4:16-cv-01414. Document 708 Filed on 11/21/19 in TXSD.

² *Id* at p. 12.

³ *Defendants Under HCPS Supervision, January 2015 to June 2020*. HCPS Computer Applications Division. Revised 07/12/2020.

⁴ Data from the HCPS Director, October 22, 2020.

- iii. HCPS's assumption of supervision authority of all county pretrial defendants in March 2020.⁵

To ensure that the Harris County Pretrial Services' (HCPS) was well-positioned to effectively carry out its duties and to address the significant increase in caseload, the Harris County, TX Justice Administration Department hired the Justice Management Institute (JMI) to assess HCPS's workload, policies, and procedures. Specifically, the county wanted to determine if HCPS:

- i. is organized along and employs nationally recognized pretrial evidence-based and best and promising practices; and
- ii. resourced sufficiently to inform judicial decisions, provide practical nonfinancial alternatives to money bail, protect public safety, and meet the requirements of current and projected future defendant populations.

This report presents findings from workload and resource analysis and recommendations for caseload ratios for supervision staff, workload ratios for assessment staff, and appropriate supervisor-to-staff breakdowns.

⁵ Previously, Harris County Community Supervision and Corrections Department (CSCD) supervised felony defendants released on surety bonds. As of this report, roughly 4,500 felony-charged pretrial defendants have yet to be transferred to HCPS.

Harris County Pretrial Services

Pretrial services in Harris County began in the mid-1960s under a grant from the Ford Foundation to the Houston Legal Foundation to replicate New York City's "Manhattan Bail Project" pretrial services program.⁶ The pilot program became a county agency in 1974 and received increased funding and staffing resources following a federal court's decision in *Alberti, et al. v. Sheriff of Harris County*.⁷ Today, Harris County Pretrial Services (HCPS) operates under the County Commissioners Court, with an advisory committee composed of Criminal District Courts and the County Criminal Courts at Law judges. Its mission is "to provide accurate and timely information to assist the judicial officers in Harris County with making informed pretrial release decisions and to monitor defendants released on bond to promote compliance with court orders, court appearances, and to support public safety."⁸ The agency's primary functions are

1. To investigate and compile information on persons charged with felony or class A or B misdemeanor offense to assist judicial officers with bail decisions, and
2. To monitor and enforce defendant compliance with court-ordered conditions of pretrial release.

These functions adhere to the standards for pretrial services agencies promulgated by the National Association of Pretrial Services Agencies (NAPSA)⁹ and the American Bar Association¹⁰ and functions for pretrial agencies endorsed by the National Institute of Corrections.¹¹

HCPS is the only "independent" pretrial services agency in Texas and one of few nationwide that is not part of a larger organization such as court administration, probation, or department of corrections.¹² Similar to other independent pretrial agencies, its organizational structure includes a director, deputy, and senior heads of mission-critical divisions, as shown in Exhibit 1 below. HCPS's director has staffing, budgeting, and policy/procedure authority.

⁶ Freed, D. J. and Wald, P. M. (1964). "Bail in the United States: 1964". U.S. Department of Justice.

⁷ 406 F. Supp. 649 (1975).

⁸ Harris County Pretrial Services (2020). *Harris County Pretrial Services 2019 Annual Report*. Houston, TX: HCPS.

⁹ National Association of Pretrial Services Agencies (2020). *Standards on Pretrial Release: Revised 2020*. Washington, D.C.: NAPSA.

¹⁰ American Bar Association (2007). *Standards for Criminal Justice, Third Edition: Pretrial Release*. Washington, D.C.: ABA.

¹¹ Pilnik, L., Hankey, B., Simoni, E., Kennedy, S., Moore, L.J., and Sawyer, J. (2017). *A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency*. Washington, D.C.: National Institute of Corrections.

¹² Other independent pretrial agencies include Pima County (Tucson) Pretrial Services, Pretrial Services Agency for the District of Columbia, Allegheny County (Pittsburgh, PA) Pretrial Services and New York City Criminal Justice Agency.



Harris County Pretrial Services Table of Organization

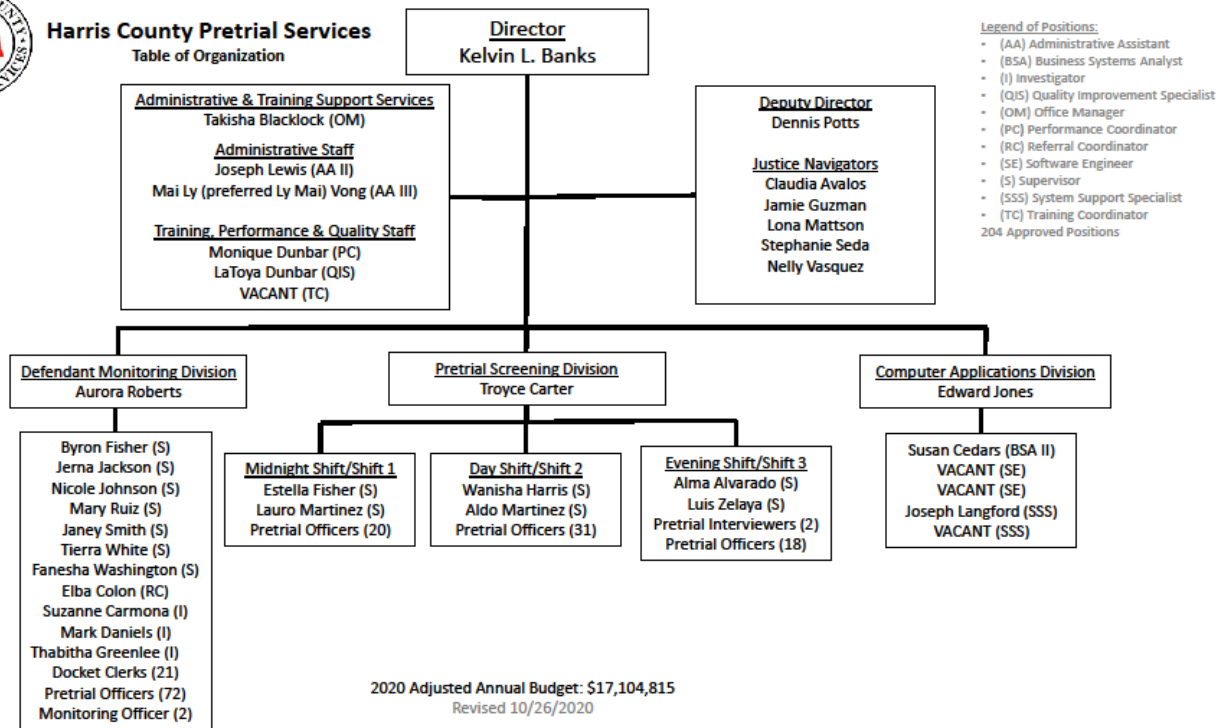


Exhibit 1: HCPS Organizational Chart October 2020

The key difference between HCPS and other pretrial services agencies in similarly-sized jurisdictions or with similar organization structure is its volume of work. As mentioned above, on October 21, 2020, HCPS monitored or supervised 23,443 defendants. This compared to Cook County (Chicago), Illinois's Pretrial Services Division's daily average of 6,726 monitored or supervised defendants for 2020.¹³ Cook County Pretrial Services totaled 29,100 supervised defendants in 2019. Further, the Pretrial Services Agency for the District of Columbia (Washington, D.C.) supervised 12,700 defendants in Fiscal Year 2019, with a daily average of 3,406 defendants.¹⁴ Kentucky Pretrial Services supervised 17,949 defendants statewide in 2019.¹⁵

Much of HCPS's monitoring/supervision caseload expansion has occurred within the past three years. In 2019, the agency averaged 12,470 monitored/supervised defendants a day: a 43 percent increase in the daily average from 2018 and a 187 percent increase from 2017.¹⁶ However, HCPS's staffing levels (204 approved positions) grew by only 29 percent (46 positions) since December 2019 and remains below that of pretrial services agencies with similar organizational structures.

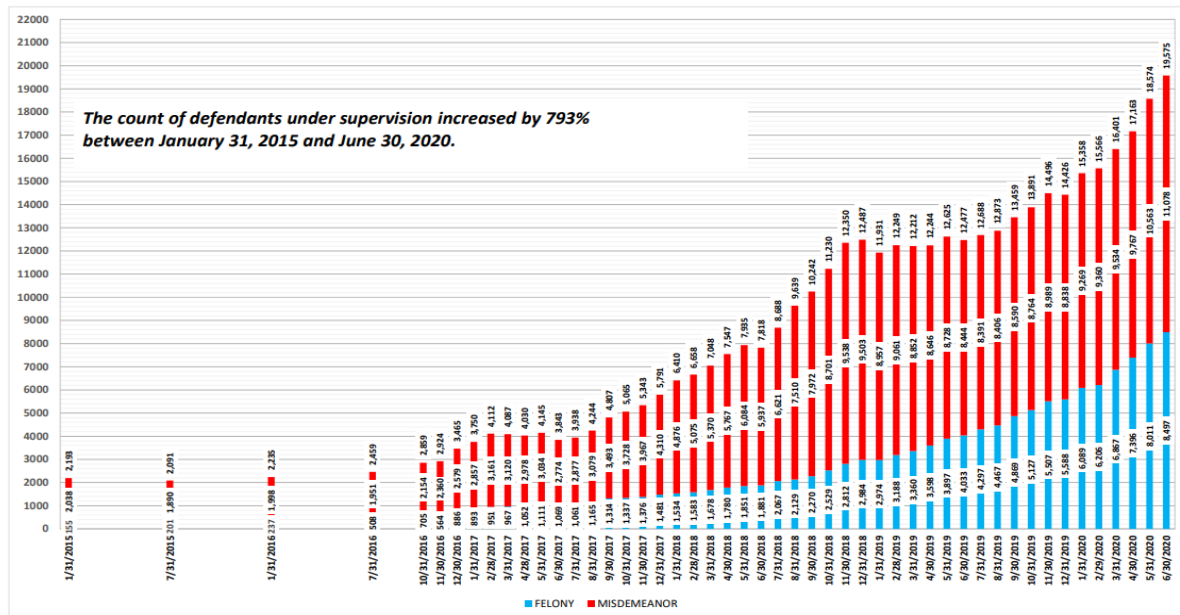
¹³ E-mail correspondence with Cook County Probation Department Assistant Chief Juan Hinojosa on October 22, 2020. Mr. Hinojosa oversees the Department's Pretrial Services Division. The 2020 average was as of August 31, 2020.

¹⁴ Pretrial Services Agency for the District of Columbia. (2020). *Congressional Budget Justification and Performance Budget Request Fiscal Year 2021* at p. 1. Washington, D.C.:PSADC. The agency also monitored 21,705 additional defendants released on own recognizance or field citation.

¹⁵ Data supplied by Kentucky Pretrial Services Director Tara Blair, September 2, 2020.

¹⁶ HCPS (2020). p. 11.

For example, for 2019, the Pretrial Services Agency for the District of Columbia (Washington, DC) had 325 approved positions and Kentucky Pretrial Services 275. As such, it is important to understand the level of effort associated with the HCPS workload and the sheer volume of work in order to make informed decisions about the department's resource needs.



Source: Harris County Pretrial Services, Computer Applications Division
Revised 07/12/2020

Exhibit 2: Growth of HCPS Supervision Population 2015-2020

Workload Analysis Design

JMI's workload analysis focused on HCPS's Pretrial Screening Division and Defendant Monitoring Division. These components perform the agency's mission-critical work (i.e., defendant investigation and risk assessment, monitoring and supervision, and court support) and thus, the largest volume of HCPS's work. In designing the approach to the workload analysis, JMI drew from its recent workload assessment of the Adult Probation and Pretrial Services Department in Maricopa County, Arizona, which is a combined probation and pretrial services program. Among independent pretrial services agencies, JMI found that there are very few that have undergone workload assessments. The few that have include internal studies conducted by pretrial services agencies in Washington, D.C. and the Commonwealth of Kentucky and biennial workload assessments by the Administrative Office of the United States Courts as examples of workload analyses in the pretrial field.¹⁷ JMI incorporated common elements of these studies into its analysis of HCPS:

1. A "work unit" defined by a single investigated (workload capacity for screener staff) or monitored/supervised defendant (for supervision caseload ratios).
2. An estimate of the time needed to complete defendant-focused, non-defendant focused, and administrative work. Workload assessments include a cataloging of tasks and activities required for defendant assessment and supervision as well as administrative and other types of activities that support these activities. This involves identifying the discrete tasks and activities required by supervision level, supervision agency policy, legal or statutory requirements and regulations, and suggested professional standards or recognized best practices.
3. The average time available per staff to complete these functions. The analysis calculates the average amount of time for each task and activity for an individual staff person and unit supervisor to determine the total amount of work time and the average amount of time required per defendant, work product, and unit.

Once completed, a caseload ratio can be calculated by dividing the average work hours available to staff by the total time spent conducting work-related activities, as shown below:

$$\text{Caseload Ratio} = \frac{\text{Time spend on defendant focused activities}}{\text{Number of available hours per staff}}$$

The resulting ratios are measures that define the number of defendants or work products (i.e., criminal history checks, defendant interviews, risk assessments) that staff can handle in a given time frame based on work volume, level of effort, and time spent on non-case related activities.

¹⁷ JMI authored one of the few workload analysis studies for a pretrial services agency in 2019. (See Justice Management Institute (2019). *Maricopa County Adult Probation and Pretrial Services Department: Final Report*. Arlington, VA: JMI). Project staff also were involved with pretrial workload analyses for the Pretrial Services Agency for the District of Columbia (2015) and the Administrative Office of the United States Courts (2017). Information on Kentucky Pretrial Services caseload analysis come from an interview with the Pretrial Services Director Tara Blair on September 2, 2020.

The Delphi Study Design

JMI applied a *Delphi* study design to establish appropriate work units and to gauge the time and staff ratios needed to manage these units. The Delphi Technique uses input from a select group of experts to estimate future system and resource needs.¹⁸ Experts receive a list of agency functions and client types (for example, defendant assessed risk level or supervision intensity) and provide an initial estimate of how much time is spent per individual in each area. A facilitator then develops time ranges for each area and specific client type and shares it with the expert group to adjust. This process is repeated as needed until the group reaches consensus on functions and timing.

The Delphi design brought several advantages to the workload study:

1. A quicker timeframe over the traditional time study approach. Gathering and synthesizing expert feedback conceivably can be done in a matter of weeks as opposed to actual observation or data collection of staff and supervisor daily activity, which usually takes months to complete.
2. The individual and group expert data collection can occur via web- and teleconferencing. This reduces or eliminates the need for travel and face-to-face contact.
3. The anonymous approach allows experts to express their opinions freely, encourages openness and avoids admitting errors by revising earlier forecasts.
4. It also may help free participants from personal or unit-centric bias regarding agency needs.
5. Greater participation should foster greater buy-in with results.

For our design, JMI used an expert group comprised of HCPS Division Managers and Unit Supervisors. Following an initial “kick-off” meeting to describe and outline the Delphi technique, JMI initiated two rounds of surveys to identify mission-critical functions and time needed to perform these activities. JMI categorized unit work as follows:

1. *Focused activities*, regularly occurring activities directly related to defendant risk assessment, supervision or monitoring for HCPS Staff or to staff supervision and office

¹⁸ Braun, V. & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3, 77–101. De Meyrick, J. (2003). The Delphi method and health research. *Health Education*, 103(1), 7–16. Graham, L. & Milne, D. (2003). Developing basic training programmes: A case study illustration using the Delphi method in clinical psychology. *Clinical Psychology and Psychotherapy*, 10, 55–63. Jeffery, D., Ley, A., Bennun, I. & McLaren, S. (2000). Delphi survey of opinion on interventions, service principles and service organisation for severe mental illness and substance misuse problems. *Journal of Mental Health*, 9, 371–384. Likert, R. (1932). A technique for measurement of attitudes. *Archives of Psychology*, 140, 44–53. Linstone, H.A. & Turoff, M. (Eds.) (2002). *The Delphi method: Techniques and applications*. <http://is.njit.edu/pubs/delphibook>. Petry, K., Maes, B. & Vlaskamp, C. (2007). Operationalizing quality of life for people with profound multiple disabilities: A Delphi study. *Journal of Intellectual Disability Research*, 51(1), 334–349. Sackman, H. (1975). *Delphi critique*. Boston: Lexington Books. Turoff, M. (2002). *The Policy Delphi*. In H. Linstone & M. Turoff (Eds.) *The Delphi method* (pp.80–96). <http://is.njit.edu/pubs/delphibook>.

management for HCPS Supervisors. These include risk assessment, in-person defendant contact, and Supervisor staffing.

2. *Non-focused activities*, regularly occurring function that supports defendant supervision, staff supervision or office management (including data entry, court notification, defendant orientation, and court representation), administrative functions besides data entry tied to focused activities, and infrequently performed functions not tied to defendant risk assessment/supervision or staff supervision/office management (including attending training and participating on agency or office workgroups or projects).

As shown in Exhibit 3, project staff followed up survey rounds with phone calls to individual experts to validate and clarify survey responses and final work functions and timing.

EXHIBIT 3: Delphi Study Survey Timeframe

List of pretrial agency assessment, case management, and supervisor functions developed by JMI with input from pretrial agencies in Washington, D.C. and Kentucky and JMI's pretrial and probation caseload ratio report for Maricopa County, AZ.

Initial review of functions list with HCPS Director and Deputy Director

Initial survey round to identify and rank-order HCPS staff and supervisor work functions

Second survey round survey to assign timing to work functions

Telephone interviews with managers and supervisors to validate/clarify timing for their specific divisions and units

Final results of work functions and timings to Deputy for confirmation and resolution

Time per Staff Calculation

The final variable needed to determine work and caseload ratios is a time-per-staff calculation: the time available for an individual to work. Since HCPS's mission-centric functions require staff to complete tasks either daily (for example, completing a PSA, criminal history search, or verification of an EM alert) or monthly (differentiated supervision in the Compliance Unit),¹⁹ day and month time units were calculated and used for this study. To create these unit values, JMI first calculated work hours based on the U.S. Office of Personnel Management's established rate of annual average work hours (2,087) and workdays (261) and average workdays per month (22). With input from the HCPS Deputy and Division Managers, we subtracted:

- the 10 State/Federal holidays recognized in Harris County (10 days, 80 hours);
- 40 hours (5 days) for average staff leave; and
- 40 hours (5 days) for average staff training/CLE time.

¹⁹ The monthly calculation is based on the required rate of ongoing, regular contact PTOs must have with defendants and the time required to verify the compliant status of each defendant on a caseload.

This left 241 days a year, 20 days a month, and 160 hours a month on average per staff. Given that many mission-critical tasks (for example, phone or in-person contact and screening functions such as risk assessment completion) require minutes of staff time, JMI also calculated an average 9,600 minutes per month of staff time. From the daily total, and with Division Manager and Unit Supervisor input, we subtracted an average 90 minutes a day for court time, 30 minutes for lunch, and 30 minutes break time, leaving 270 minutes (4.5 hours) daily/5,400 minutes a month for work related activity. We then calculated appropriate work and caseload figures by dividing the time per staff unit by each unit's identified work units. The unit chosen depended on the frequency of the PTO's work (for example, daily for screening unit staff) or the required ongoing, regular contact PTOs must have with defendants (for example, monthly contact with defendants supervised at the "SL1" level).

Staffing Ratios

Pretrial Screening Division

The Pretrial Screening Division (PSD) conducts interviews, investigates criminal histories, and prepares risk assessments for persons arrested on new misdemeanor and felony offenses and those awaiting bond setting in Harris County. Unit staff support the eight “probable cause hearing” courts held around-the-clock and process defendants released under General Order Bonds (GOB) and law enforcement cite and release. Most Division staff work at either the jail (all defendant screening functions, particularly defendant interviews) or in the District Attorney Intake (DAI) (the bulk of Public Safety Assessment (PSA) risk assessments). PSD court staff respond to pretrial-related issues from elected Judges. Given its need for 24-hour a day coverage, the Division consists of three shift units, each overseen by two supervisors.

PSD’s work volume has not experienced as dramatic an increase as HCPS’s supervision units. However, supporting the General Order Bond function has required increased court duties for multiple Division staff.

1. PSD conducted an average 2,898 interviews a month in 2020, pre-COVID. This is compared to 2019’s monthly average of 3,036. In 2019, the unit completed interviews for just 47.5 percent of eligible defendants. Assuming that percentage completion rate for 2020, PSD would be responsible for 6,100 interviews a month. According to Delphi results, the interview process takes 40 minutes per case, largely given the requirement for financial information needed to calculate a defendant’s ability to pay bond amounts. The interview function requires 244,00 minutes of total PSD unit time monthly.
2. The unit averaged 2,725 PSA’s a month in 2020,²⁰ or 136 a day. Given the time needed for criminal history checks and PSA completion (32 minutes per PSA), these require 87,200 minutes of monthly staff time.
3. GOB processing began in April 2020 and PSD staff have averaged between 40-50 bonds per shift, or 120-150 a day. The process involves 2-3 staff a day (with each staff person having a twice-a-week assignment) and 10 minutes average per bond.²¹ This requires 90,000 minutes of staff time monthly.
4. PSD processes defendants released by law enforcement on cite and release. This is a rotating weekly assignment for staff that usually requires two hours per staff separate from the GOB docket. This requires eight hours of staff time.
5. Staff support of the probable cause hearing courts involve a twice weekly assignment by staff on each shift for two hours per assignment. This includes instructions to defendants released with conditions of release (5 to 7 minutes per instruction). PSD Division Manager and Supervisor estimates of total time for probable cause hearing

²⁰ HCPS data as of October 2020.

²¹ Much of this time is spent with manual delivery of paperwork to other stakeholders.

court representation and defendant instruction is 3 hours per assignment, resulting in an estimated 28,800 staff minutes per month.

DEFENDANT SCREENING

Function	Grouping	Timing
Pretrial Interview Process	I	40 minutes
Criminal History Check	I	22 minutes
Risk Assessment	I	10 minutes
Pretrial Packet Preparation	I	20 minutes
General Order Bond Preparation	I	10 minutes
Data Entry/Retrieval	II	10 minutes
Court Appearance	II	120 minutes
Court Preparation	II	30 minutes
Instruction on Release Conditions	II	7 minutes

These calculated defendant unit measures and current supervision levels distribution yield the following staff needs:

$$\frac{(244,500) + (87,200) + (90,000) + (8) + (28,800)}{5400} = 83.42$$

Based on JMI's calculations, the Pretrial Screening Division requires a staff of 83 PTOs to meet its current workload needs.

Differential Monitoring Division

The Defendant Monitoring Division (DMD) offers the courts a system of differentiated supervision that applies supervision options consistent with assessed risk levels to promote court appearance and public safety. Defendants within DMD's Compliance, Electronic Monitoring (EM), Alcohol Monitoring (AM), Mental Health and Responsive Interventions for Change (RIC) units are assigned to one of four supervision levels, with levels of risk accompanied by increased frequency of defendant contact with HCPS and other risk-specific conditions:

- Monitoring: Personal bond release with no reporting requirements.
- Supervision Level 1 (SL1): Once a month reporting to HCPS by telephone.
- Supervision Level 2 (SL2): Once a month reporting to HCPS each by telephone and in-person.
- Supervision Level 3 (SL3): Once every other week reporting to HCPS each by telephone and in person.

In addition, courts may order other conditions of supervision, consistent with placement into EM or AM or to address other identified risk factors. Chief among these are drug testing, electronic monitoring and location monitoring, and alcohol testing and ignition control devices.



Defendant Monitoring Division (DMD)

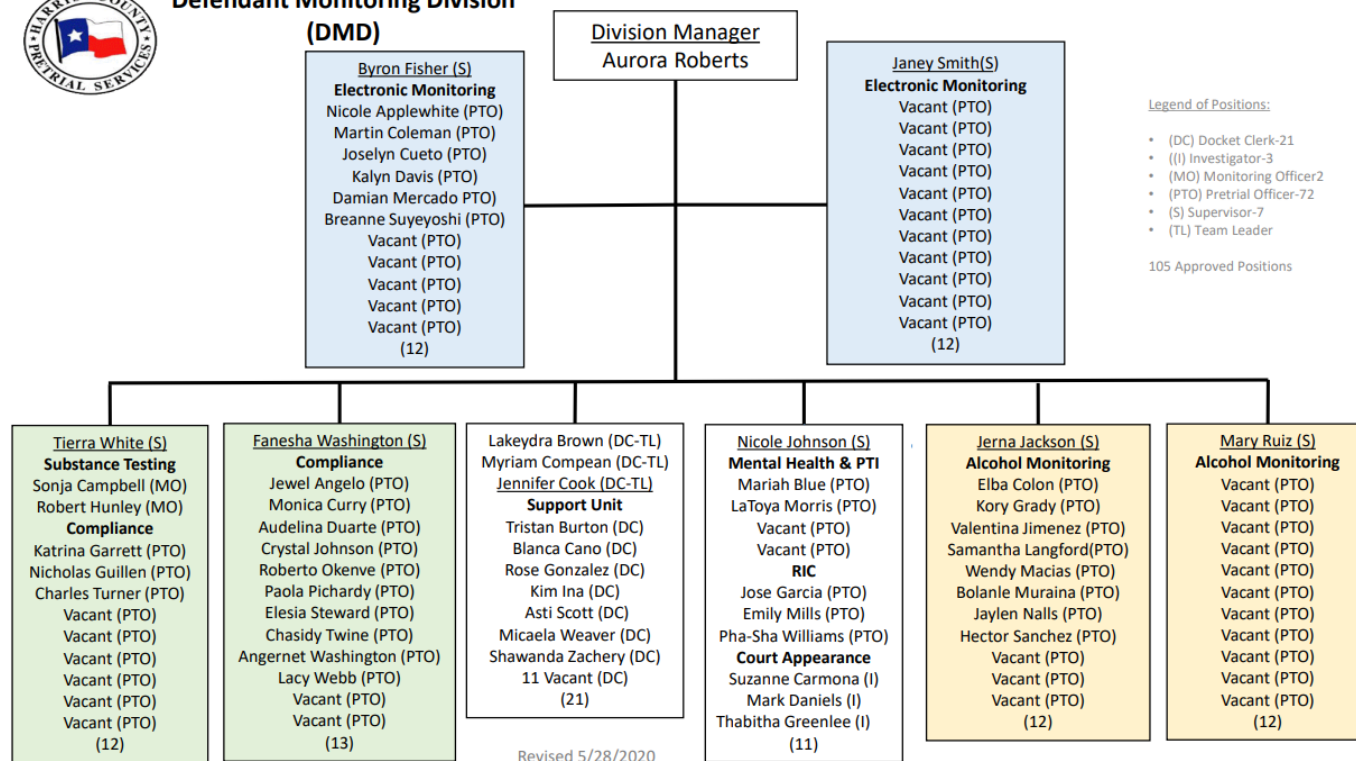


Exhibit 3: DMD Organizational Structure

EXHIBIT 4: DMD UNIT DEFENDANT COUNTS AND PERCENTAGES (10/20/2020)

	# of Defendants	Percent DMD Pop.
Alcohol Monitoring	3634	15.5
Compliance Unit	15799	67.4
Electronic Monitoring	2005	8.6
Mental Health	717	3.1
Responsive Interventions for Change	1288	5.5
Total	23443	100.0

Compliance Unit

The Compliance Unit oversaw 15,799 defendants as of October 2020; with nearly 20 percent of defendants on monitored supervision, which requires minimum oversight. Of the remaining 12,715 defendants with known supervision level assignments, 65.8 percent were at SL1,²² 28.4 percent at SL2, and 5.8 at SL3. Compliance Unit case managers oversee “blended” caseloads of SL1-SL3 defendants. Given the current approved staff level of 21 Pretrial Services Officers, the

²² This group comprises the largest supervised defendant population for HCPS.

unit's current average caseload per officer is 1:605. By comparison, Washington, D.C.'s pretrial services agency averaged a 1:58 general supervision caseload in 2019 while Allegheny County (Pittsburgh), PA totaled 1:242 in 2018.

EXHIBIT 5: COMPLIANCE UNIT CENSUS OF Supervision Levels		
	# of Defendants	Percent Compliance Unit Pop.
Monitoring	3081	19.5
Supervision Level 1	8371	53.0
Supervision Level 2	3609	22.8
Supervision Level 3	734	4.6
UNK	4	.0
Total	15799	100.0

The unit's primary conditions require PTOs to "touch" each defendant on caseload at least once a month. According to data supplied by HCPS, courts did not often order higher-end conditions for unit defendants, with the exception of drug testing. According to HCPS officials, the Court's use of drug testing increased in 2020. Given that increase, JMI's analysis here assumes drug testing for all defendants, with each submitting at least two drug tests per month. This yields the following work units (the calculated time for monitoring or supervision functions per defendant) per supervision level:

EXHIBIT 6: Compliance Unit Work Unit Functions and Timing

LEVEL	FUNCTION	FREQUENCY PER DEFENDANT	TIMING PER MONTH
SL-1			
	Client Reporting (Telephone)	1 per month	5 minutes
	Drug Test Documentation	2 per month	16 minutes
	SL-1 DEFENDANT UNIT TOTAL		21 minutes
SL-2			
	Client Reporting (Telephone)	1 per month	5 minutes
	Client Reporting (In-person)	1 per month	10 minutes
	Drug Test Documentation	2 per month	16 minutes
	SL-2 DEFENDANT UNIT TOTAL		31 minutes
SL-3			
	Client Reporting (Telephone)	2 per month	10 minutes
	Client Reporting (In-person)	2 per month	20 minutes
	Drug Test Documentation	2 per month	16 minutes
	SL-3 DEFENDANT UNIT TOTAL		46 minutes

These calculated defendant unit measures and current supervision levels distribution yield the following staff needs:

$$\frac{(21 \times 8371) + (31 \times 3609) + (46 \times 734)}{5400} = 59.52$$

Based on JMI's calculations, the Compliance Unit requires a staff of 59 PTOs to supervise its current caseload.

Electronic Monitoring (EM)

The Electronic Monitoring Unit (EM) supervised 2,005 defendants as of October 2020. Eighty-seven percent of EM defendants (n=1,744) were supervised at the SL2 level, requiring once-monthly telephone and in-person reporting along with daily electronic surveillance. Other EM defendants were at SL3 (238 or 11.9%) and SL1 (22, 1.1%).²³ Less than three percent of defendants here have other conditions, which include ignition interlock device requirements (n=47, 2.3%), portable alcohol monitoring (n=40, 2.0%), or SCRAM alcohol monitoring (n=24, 1.2%).

The Delphi survey identified electronic surveillance activities as one of the most staff-intensive pretrial supervision conditions, requiring an average 12 minutes to receive, verify, and respond to daily defendant compliance alerts from the monitoring vendor and for PSOs to monitor their full caseloads daily. This timeframe was within the 15-to-20 minute time averages noted in JMI's correspondence with directors of pretrial services agencies with similar organizational structures to HCPS and JMI's workload analysis of Maricopa County Adult Probation Department's Pretrial Services Unit.

²³ Data recorded one EM defendant at the Monitored level.

EXHIBIT 7: EM Functions and Timing

LEVEL	FUNCTION	FREQUENCY	TIMING PER MONTH
SL-1			
	EM Activities	1 per day	240 minutes
	Client Reporting (Telephone)	1 per month	5 minutes
	Drug Test Documentation	2 per month	16 minutes
	SL-1 DEFENDANT UNIT TOTAL		261 minutes
SL-2			
	EM Activities	1 per day	240 minutes
	Client Reporting (Telephone)	1 per month	5 minutes
	Client Reporting (In-person)	1 per month	10 minutes
	Drug Test Documentation	2 per month	16 minutes
	SL-2 DEFENDANT UNIT TOTAL		271 minutes
SL-3			
	EM Activities	1 per day	240 minutes
	Client Reporting (Telephone)	2 per month	10 minutes
	Client Reporting (In-person)	2 per month	20 minutes
	Drug Test Documentation	2 per month	16 minutes
	SL-3 DEFENDANT UNIT TOTAL		286 minutes

These calculated defendant unit measures and current supervision levels distribution yield the following staff needs:

$$\frac{(261 \times 22) + (271 \times 1744) + (286 \times 238)}{5400} = 101.19$$

Based on JMI's calculations, the Electronic Monitoring Unit requires a staff of 101 PSO's to supervise its current caseload.

Alcohol Monitoring

DMD's Alcohol Monitoring Unit (AM) supervised 3,634 defendants as of October 2020. Nearly 98 percent of defendants (n=3,550) were supervised at the SL2 level, requiring once-monthly telephone and in-person reporting requirements along with daily alcohol monitoring surveillance. (By HCPS policy, AM Unit defendants must be supervised at either SL2 or SL3.) Supervision includes monitoring by portable alcohol device (n=1,522 or 41.9% of AM defendants), ignition interlock (n=3,116, 85.7%), or SCRAM (n=358, 9.9%) technologies. SCRAM defendants are supervised by a specialized group of PTO's within AM.

According to Delphi survey results and follow-ups with the AM Unit supervisor, alcohol monitoring activities required an average 10 minutes to receive, verify, and respond to daily

defendant compliance alerts from the monitoring vendor. The range of timing here did not vary as much as with EM given that typical alerts did not require as much intense effort for verification.

Given the unit's policy of SL2-SL3 level supervision, JMI only considered these levels in our caseload ratio estimates:

EXHIBIT 8: AM Functions and Timing

LEVEL	FUNCTION	FREQUENCY	TIMING PER MONTH
SL-2			
	Alcohol Monitoring Activities	1 per day	200 minutes
	Client Reporting (Telephone)	1 per month	5 minutes
	Client Reporting (In-person)	1 per month	10 minutes
	Drug Test Documentation	2 per month	16 minutes
	SL-2 DEFENDANT UNIT TOTAL		231 minutes
SL-3			
	EM Activities	1 per day	200 minutes
	Client Reporting (Telephone)	2 per month	10 minutes
	Client Reporting (In-person)	2 per month	20 minutes
	Drug Test Documentation	2 per month	16 minutes
	SL-3 DEFENDANT UNIT TOTAL		246 minutes

These calculated defendant unit measures and current supervision levels distribution yield the following staff needs:

AM General Unit:

$$\frac{(231 \times 3552) + (246 \times 47)}{5400} = 154.08$$

AM SCRAM Unit:

$$\frac{(231 \times 345) + (246 \times 13)}{5400} = 15.35$$

Based on JMI's calculations, the Alcohol Monitoring Unit requires a staff of 169 PSO's to supervise its current caseload.

Responsive Interventions for Change (RIC)

The Responsive Interventions for Change Docket (RIC) docket offers pretrial interventions and/or deferred adjudication for defendants charged with possessing up to 4 grams of controlled substances. RIC oversaw 1,288 defendants as of October 2020; nearly 60 percent of whom were at the SL2 level. Given the current approved staff level of three Pretrial Services Officers, the unit's average caseload per officer is 1:429.

EXHIBIT 9: RIC Supervision Levels		
	# of Defendants	Percent RIC Pop.
UNK	1	0.1
SL1	755	58.6
SL2	466	36.2
SL3	66	5.1
Total	1288	100.0

Unit staff's primary functions are similar to those of the Compliance Unit and involve simple supervision and monitoring of the court's bail conditions. PTO's may also work with treatment facilities to provide the court with updated compliance information on treatment conditions and the defendant's status at the treatment facility. However, according to the supervisor overseeing RIC and the Mental Health Unit, these activities do not add significantly to staff time. As with the Compliance Unit, drug testing is a frequent condition and JMI's analysis assumes that requirement for all defendants here.

EXHIBIT 10: RIC Functions and Timing

LEVEL	FUNCTION	FREQUENCY	TIMING PER MONTH
SL-1			
	Client Reporting (Telephone)	1 per month	5 minutes
	Drug Test Documentation	2 per month	16 minutes
	SL-1 DEFENDANT UNIT TOTAL		21 minutes
SL-2			
	Client Reporting (Telephone)	1 per month	5 minutes
	Client Reporting (In-person)	1 per month	10 minutes
	Drug Test Documentation	2 per month	16 minutes
	SL-2 DEFENDANT UNIT TOTAL		31 minutes
SL-3			
	Client Reporting (Telephone)	2 per month	10 minutes
	Client Reporting (In-person)	2 per month	20 minutes
	Drug Test Documentation	2 per month	16 minutes
	SL-3 DEFENDANT UNIT TOTAL		46 minutes

These calculated defendant unit measures and current supervision levels distribution yield the following staff needs:

$$\frac{(21 \times 755) + (31 \times 466) + (46 \times 66)}{5400} = 6.17$$

Based on JMI's calculations, the Compliance Unit requires a staff of six PTOs to supervise its current caseload.

DMD Mental Health

EXHIBIT 11: Mental Health Supervision Levels		
	# of Defendants	Percent Mental Health Unit Pop.
M	43	6.0
SL1	273	38.1
SL2	378	52.7
SL3	23	3.2
Total	717	100.0

The Mental Health Unit oversaw 717 defendants as of October 2020. Just over 72 percent of defendants here were supervised at the Monitored or SL1 levels. The unit's current approved staff level of four PTOs yields DMD's lowest average caseload per officer: 1:179. Similar to RIC, PTOs here mostly monitor and supervise court-ordered conditions. Staff also coordinate compliance reports with mental health vendors, though this does not add significantly to staff time. Again, drug testing is a frequent condition here and our analysis assumes that requirement for all unit defendants. With the exception of ignition interlocking devices (n=73 or 10.2%), the Court did not routinely order higher-level conditions for Mental Health Unit defendants.

EXHIBIT 12: Mental Health Unit Functions and Timing

LEVEL	FUNCTION	FREQUENCY	TIMING PER MONTH
SL-1			
	Client Reporting (Telephone)	1 per month	5 minutes
	Drug Test Documentation	2 per month	16 minutes
	SL-1 DEFENDANT UNIT TOTAL		21 minutes
SL-2			
	Client Reporting (Telephone)	1 per month	5 minutes
	Client Reporting (In-person)	1 per month	10 minutes
	Drug Test Documentation	2 per month	16 minutes
	SL-2 DEFENDANT UNIT TOTAL		31 minutes
SL-3			
	Client Reporting (Telephone)	2 per month	10 minutes
	Client Reporting (In-person)	2 per month	20 minutes
	Drug Test Documentation	2 per month	16 minutes
	SL-3 DEFENDANT UNIT TOTAL		46 minutes

These calculated defendant unit measures and current supervision levels distribution yield the following staff needs:

$$\frac{(21 \times 273) + (31 \times 378) + (46 \times 23)}{5400} = 3.42$$

Based on JMI's calculations, the Compliance Unit requires a staff of three PTOs to supervise its current caseload.

Supervisors

“AS FOR DMD SUPERVISORS, WE WERE NOT GIVEN SPECIFIC TASKS FOR SPECIFIC SUPERVISORS. WE ALL JUST MAINLY HANDLE DAY-TO-DAY WHATEVER NEEDS TO BE DONE RIGHT NOW.”

DMD SUPERVISOR REMARK, NOVEMBER 2020

The Delphi study included assumed functions for PSD and DMD supervisors. Many of these were taken from JMI's workload analysis of Maricopa County's probation and pretrial services department and internal studies conducted by Washington D.C. and the Federal system's pretrial agencies. These included:

1. Unit management.
2. Case manager staffing.
3. Quality assurance of unit and division work.
4. Review of staff reports generated for judicial stakeholders.
5. Unit staff development.
6. Unit staff discipline and adherence to policy.

However, besides unit management, none of these activities were typical for HCPS supervisors. Instead, Delphi participants described a triage-like environment where supervisors attended to the most pressing court need, unit requirement, or training necessity. For example, the DMD Division Manager listed the following tasks (with daily time frames) that were typical to a unit supervisor's day.

- Determine needs for court requests and communicate to staff onsite/Respond to court requests from personnel from 38 criminal courts. (8 hours).
- Review emails sent to specialized case managers. Relay responses via email and/or in person. (8 hours).
- Receive calls or contact from staff regarding unclear conditions, fees, court requests, states motions, clients sent from court without needed paperwork for supervision (5 hours).
- Monitor the call center hold times (4 hours).
- Monitor client wait times in unit office lobbies (4 hours).
- Training for new staff/re-training for old staff (3 hours)
- Complete auditors report (2 hours).

Given these demands, JMI believes that calculating ratios on current supervisor activities would not be beneficial to HCPS.

For guidance in this area, JMI consulted the National Institute of Justice's Pretrial Executive Network. The Network is composed of directors of pretrial services agencies nationwide and is a reference source for best practices in pretrial agency operations. Based on current supervisor functions, the consensus among Network members was for a narrow "span of control" (or the

number of staff to supervisors) of between 1:8 and 1:12. Research also supports the idea of narrower control spans for dynamic workplace environments such as PSD and DMD.²⁴ A narrow span of control also would be in line with HCPS's interim management's proposed changes to PSD and DMD structure, that would emphasize unit adherence to policy and procedure and increased staff training and mentoring. Smaller ratios would allow more coaching, direction and mentoring by supervisors and support new managers by providing them with smaller teams, allowing them to grow into their role.

²⁴ See, for example, Bell, R. R. and McLaughlin, F. S. (1977). Span of control in organizations. *Industrial Management*. Davison, B. (2003). Management span of control: how wide is too wide? *Journal of Business Strategy*. Gupta, A. (2010). Organization's size and span of control. *Practical Management: Transforming Theories into Practice*. Hattrup, G. P. (1993). How to establish the proper span of control for managers. *Industrial Management*. Juneja, H. Span of control in an organization.

Conclusion and Recommendations

“WE DON’T WANT TO THROW WARM BODIES INTO A BAD PROCESS.”

HCPS INTERIM DIRECTOR

Based on its analysis, JMI recommends the following staffing levels and caseload ratios for PSD and DMD:

UNIT	APPROVED STAFF LEVEL	ACTUAL CASELOAD	ACTUAL CASE RATIO	RECOMMENDED STAFF LEVEL	NEW CASE RATIO	STAFFING CHANGE
PSD	69	N/A	N/A	83	N/A	+14
Compliance	21	15,799	1:605	59	1:268	+38
EM	22	2,005	1:91	101	1:20	+79
AM	22	3,634	1:165	169	1:20 (GEN) 1:23 (SCRAM)	+147
MH	4	717	1:179	3	1:239	-1
RIC	3	1,288	1:429	6	1:215	+3
TOTALS:	141	23,443	N/A	421	N/A	+280

Our recommendations highlight that HCPS’s resourcing of mission-critical functions has not kept pace with the system’s demand for these services. The agency appears built for responsibilities that existed before the *O’Donnell* decision and subsequent bail reform initiatives. System demand likely will continue to grow. In 2020, HCPS’s monitoring/supervision caseload grew by an average 833 defendants per month. CSCD supervises thousands of pretrial defendants that eventually will be transferred to HCPS. Finally, an Arnold Ventures, LLC. study validates HCPS’s risk assessment instrument’s predictiveness of pretrial outcomes. This may encourage the court to consider more nonfinancial bail options.

We emphasize, though, that increased staffing alone is not a cure-all for what is now an inefficient, ineffective, and overworked agency. Our analysis identified several policy and procedural shortcomings that are institutionalized into HCPS’s day-to-day operations. Improving agency function in these areas likely would decrease the number of additional staff needed in screening and supervision areas. However, given HCPS’s current and future workload, some significant increase in staffing will still be a must.

Recommendation 1: Create a dedicated court representative team: PTO time in court is inconsistent and court appearances often are unscheduled. Individual staff court time can vary from a few minutes to an entire workday. Some court requirements of PTO’s (for example, filling

out and signing bond orders²⁵) appear to be unique to the local courts' culture. As a result, this demand likely will continue as a major work function—and time drain—for HCPS.

To ensure that the court's desire for PTO coverage is met, but does not affect staff work hours unnecessarily, we recommend HCPS staff a 19-38 person court representative team. Assigned employees would staff a single criminal calendar (38 staff) or share court responsibilities for two or more calendars (19). This specialized team would ensure required court coverage and free up substantial screening and supervision PTO work time.

Recommendation 2: Revise SL1-SL3 reporting requirements: HCPS developed its “differentiated supervision” protocol to support implementation of the PSA. The core of this strategy is defendant reporting requirements that correspond to assessed risk levels. This is a common practice for pretrial services agencies that adopt the PSA and is consistent with the “risk principle”²⁶ and the idea of bail being the least restrictive option needed to ensure court appearance and law-abiding behavior. However, there is no evidence that regular reporting to a pretrial services agency by lower risk defendants improves court appearance rates or promotes law abiding behavior.²⁷ Supervisors participating in the Delphi survey also doubted that the SL1 reporting requirement of one telephone call per month effected pretrial outcomes.

SL1 level defendants are among the lowest risk defendants HCPS supervises. This group comprises 53 percent of Compliance Unit defendants but accounts for nearly 80 percent of the unit's monthly work time. Given the likelihood of this group's pretrial success even with minimum requirements, JMI recommends that HCPS move this group from a regular supervision schedule to pretrial monitoring status. This would require notification of all upcoming court dates, monitoring of any court-imposed condition, and defendant reporting to case managers geared to address noncompliance with other conditions and potential issues with a defendant's

²⁵ This particular requirement exists on some calendars even though these orders can be processed automatically.

²⁶ In community corrections, the risk principle is the idea of delivering more intensive monitoring to persons who are assessed at the highest risk or needs levels and less intensive or no monitoring to those most likely to succeed. Intensity often is determined by reporting method (e.g., face to face, telephone, mail-in) and frequency (e.g., weekly, biweekly, once per month).

²⁷ Lowenkamp, C. T., & VanNostrand, M. (2013). Exploring the impact of supervision on pretrial outcomes. Laura and John Arnold Foundation. https://craftmediabucket.s3.amazonaws.com/uploads/PDFs/LJAF_Report_Supervision_FNL.pdf. (Pretrial monitoring had no impact on pretrial outcomes for those who were assessed as being most likely to succeed pretrial). Goldkamp, J. S. and White, M. D. (2006). Restoring accountability in pretrial release: The Philadelphia pretrial release supervision experiments. *Journal of Experimental Criminology*, 2(2), 143–181. https://www.researchgate.net/publication/225135854_Restoring_Accountability_in_Pretial_Release_The_Philadelphia_Pretial_Release_Supervision_Experiments. (The study randomly assigned lower risk individuals to weekly telephone reporting and higher risk persons to twice-weekly telephone reporting. The authors found that monitoring intensity did not have a statistically significant impact on the likelihood of court appearance or arrest-free behavior.).

ability to make a scheduled court date. This also would significantly reduce the Compliance Unit's workload and the need for substantial staff increases.

Recommendation 3: Discuss with the courts the feasibility of continued high volume drug testing: Drug testing is among the most time consuming of conditions for pretrial staff.

However, the benefits of this condition may not match its cost. In 2019, 60.2 percent of all drug tests yielded negative results. Thirty-two percent of positive tests were positive only for THC. While the literature on the topic is dated, there is no clear association between drug testing and improved pretrial outcomes.²⁸ However, there is ample evidence that low-level defendants—the majority of defendants supervised by the Compliance Unit—are likelier to fail if exposed to high-end interventions such as drug testing. For example, a national study found that lower-level defendants were significantly more likely to fail pretrial if they were released with substance abuse testing as a condition than if they were not.²⁹

JMI recommends that HCPS and the local courts reevaluate the purpose and scope of pretrial drug testing. Specifically, the agency and courts should identify the bail-related objective for drug testing and determine if other options might be less resource demanding and more effective to ensuring court appearance and public safety. As an example, the court could institute an order for drug treatment assessment following a defendant's release. An assessment indicating a treatment need coupled with a medium-to-high level PSA result would then trigger HCPS to place the defendant as appropriate.

Recommendation 4: Limit Electronic Monitoring placements to cases involving significant victim/witness security issues or location restrictions: Similar to regular reporting and drug testing requirements, there is little evidence to correlate electronic monitoring placements to

²⁸ Henry, D. A., & Clark, J. (1999). Pretrial drug testing: An overview of issues and practices. <https://www.ncjrs.gov/pdffiles1/176341.pdf>. Britt, C. L., III, Gottfredson, M. R., & Goldkamp, J. S. (1992). Drug testing and pretrial misconduct: An experiment on the specific deterrent effects of drug monitoring defendants on pretrial release. *Journal of Research in Crime and Delinquency*, 29(1), 62–78. <https://doi.org/10.1177/0022427892029001004>. Goldkamp, J. S., & Jones, P. R. (1992). Pretrial drug-testing experiments in Milwaukee and Prince George's County: The context of implementation. *Journal of Research in Crime and Delinquency*, 29(4), 430–465. <https://doi.org/10.1177/0022427892029004003>. Toborg, M. A., Bellasai, J. P., Yezer, A. M., & Trost, R. P. (1989). Assessment of pretrial urine testing in the District of Columbia (NCJRS 119968). <https://www.ncjrs.gov/pdffiles1/Digitization/119968NCJRS.pdf>. Goldkamp, J. S., Gottfredson, M. R., & Weiland, D. (1990). Pretrial drug testing and defendant risk. *Journal of Criminal Law and Criminology*, 81(3), 585–652. <https://core.ac.uk/download/pdf/205697685.pdf>.
²⁹ VanNostrand & Keebler, 2009; see also: Lowenkamp, C. T., Latessa, E. J., & Holsinger, A. M. (2006). The risk principle in action: What have we learned from 13,676 offenders and 97 correctional programs? *Crime & Delinquency*, 52(1), 77–93. https://mow.fd.org/sites/mow.fd.org/files/training/2015_CLE_Detention_and_Release/The%20Risk%20Principle%20in%20Action%20What%20Have%20We%20Learned%20 article.pdf.

improved pretrial outcomes.³⁰ Moreover, several studies link electronic monitoring to increased technical violations by pretrial defendants.³¹ The developing consensus within the pretrial field is electronic monitoring should not be imposed as a stand-alone condition but rather a means to enforce compliance to other conditions such as stay away from persons and locations, curfews, and house detention.³²

Most of HCPS's court-ordered EM placements have charges that suggest a potential victim or location issue or a need to restrict the defendant's movements. However, a significant group of EM placements are connected to theft, drug possession, and non-domestic violence trespassing offenses that may not require the rigor of EM supervision nor the potential exposure to technical noncompliance for defendants. JMI recommends that HCPS work with the Courts to identify the types of charges, defendant risk levels, and circumstances of a case that would warrant EM as a pretrial condition. We also recommend that HCPS develop internal procedures to recommend suspension of EM in cases not involving victim/witness or location issues and after a sufficient (i.e., 60-day) period of compliance with monitoring requirements.

Recommendation 5: Adopt “step-down” procedures for compliant defendants: HCPS and six judicial calendars are participating in a pilot program sponsored by the Harvard University Kennedy School's Government Performance Lab. The *Incentive-Based Supervision Pilot* would allow PTO's to record and analyze the compliance of select DMD defendants. Officers would

³⁰ See, for example, Coopriders, K. W. and Kerby, J. (1990). A practical application of electronic monitoring at the pretrial stage. *Federal Probation*, 54(1), 28–35. Hatton, R. (2019). Research on the effectiveness of pretrial electronic monitoring. <https://cjlil.sog.unc.edu/files/2019/09/EM-Briefing-Paper-9.26.2019.pdf>; Maxfield, M. G., & Baumer, T. L. (1991). Evaluation of pretrial home detention with electronic monitoring: Brief summary (NCJRS No. 133526). <https://www.ncjrs.gov/pdffiles1/Digitization/133526NCJRS.pdf>. Cadigan, T. P. (1991). Electronic monitoring in federal pretrial release. *Federal Probation*, 55(1), 26–30. <https://www.ncjrs.gov/pdffiles1/Digitization/133410NCJRS.pdf>.

Wolff, K. T., Dozier, C. A., Muller, J. P., Mowry, M., & Hutchinson, B. (2017). The impact of location monitoring among U.S. pretrial defendants in the District of New Jersey. *Federal Probation*, 81(3), 8–14. https://www.uscourts.gov/sites/default/files/81_3_2_0.pdf.

³¹ Coopriders & Kerby, 1990. Wolff et al., 2017. 20. Sainju, K. D., Fahy, S., Hamilton, B. A., Baggaley, K., Baker, A., Minassian, T., & Filippelli, V. (2018). Electronic monitoring for pretrial release: Assessing the impact. *Federal Probation*, 82(3), 3–10. https://www.uscourts.gov/sites/default/files/82_3_1.pdf.

³² Oren M. Gur, Peter R. Ibarra & Edna Erez (2016) Specialization and the Use of GPS for Domestic Violence by Pretrial Programs: Findings from a National Survey of U.S. Practitioners, *Journal of Technology in Human Services*, 34:1, 32–62, DOI: 10.1080/15228835.2016.1139418 To link to this article: <http://dx.doi.org/10.1080/15228835.2016.1139418>. DeMichele, M. T., Payne, B. K., & Matz, A. K. (2011). Community supervision workload considerations for public safety. Report of the American Probation and Parole Association. Retrieved from <https://www.appa-net.org/eweb/docs/APPA/pubs/CSWCFPS.pdf> Dron, J. (2013). Soft is hard and hard is easy: Learning technologies and social media. *Form@re*, 13, 32–43. Retrieved from <http://www.fupress.net/index.php/formare/article/view/12613>. Erez, E., Ibarra, P. R., & Gur, O. M. (2013). Using GPS in domestic violence cases: Lessons from a study of pretrial programs. *Journal of Offender Monitoring*, 25(1), 5–10. Erez, E., Ibarra, P. R., & Lurie, N. A. (2004). Applying electronic monitoring to domestic violence cases: A study of two bilateral programs. *Federal Probation*, 68(1), 15–20.

recommend reductions in supervision (for example, from in-person to remote reporting or reductions in drug testing frequency) for defendants meeting specific levels of supervision success. Among the pilot's goals are to allow PTOs to focus more resources on higher-end cases, increase overall defendant compliance with court conditions, save defendants the costs of in-person reporting to HCPS, and reduce supervision costs for HCPS and Harris County.

The pilot program offers HCPS and the Courts a tool to ensure that supervision levels match observed defendants' pretrial behavior. This is especially important to Harris County: in 2019, only 1.8 percent of misdemeanor and 4.7 percent of felony-charged HCPS defendant violated conditions of supervision.³³ Despite these levels of success, there was no mechanism to move compliant defendants to lower supervision levels or own recognizance bond. JMI supports the Lab's pilot program and recommend that the Courts and HCPS institute a DMD-wide step down protocol if the pilot program shows positive results.

Recommendation 6: Institute strategies to encourage staff retention: From July 2020 to mid-December 2020, 21 staff resigned from HCPS. A JMI survey of HCPS staff satisfaction found that issues correlated to staff loss (such as low pay, perceived lack of respect, the perception of poor management, a feeling of being overworked or stressed, limited opportunities for growth, and poor communication with management)³⁴ were common themes voiced by agency employees. This suggests that staff retention issues go beyond workload to what staff perceive as an uninspiring and unhealthy work environment and culture.

HCPS executive leadership has begun to address staff retention issues, including regular interviews with departing staff to identify reasons for leaving the agency, an "employee viewpoint survey" to gauge staff satisfaction with their jobs and work environments, and establishing administrative positions to increase opportunities for advancement. We recommend that this continue as a priority for future agency management.

³³ HCPS (2020). p. 13.

³⁴ Alex Robinson, "What Makes Good Employees Quit? 16 Most Common Reasons." November 7, 2018. <https://b2b.kununu.com/blog/why-do-good-employees-quit-leave-their-job>

Potts, Dennis (PTS)

From: Sigue, Shone (Constable Precinct 1)
Sent: Monday, March 1, 2021 3:43 PM
To: Potts, Dennis (PTS)
Cc: Davis, Edwin (Constable Precinct 1)
Subject: RE: cost for contract deputy

Good afternoon Dennis,

Chief Shaw wanted me to follow up with you on the MOU for the deputy we have assigned to the 5th floor at CJC. Has the MOU been signed and sent to Commissioner's Court for approval?



Shone Sigue
Operations Lieutenant
Downtown Courthouse Complex
Office of Alan Rosen
Harris County Constable, Pct.1
1200 Congress, Suite 1022
Houston, TX 77002
Office: 713-222-4927

Cell: 281-960-9577
Shone.Sigue@cn1.hctx.net

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From: Sigue, Shone (Constable Precinct 1) <Shone.Sigue@cn1.hctx.net>
Sent: Friday, February 5, 2021 11:27 AM
To: Potts, Dennis (PTS) <Dennis.Potts@pts.hctx.net>
Subject: FW: cost for contract deputy

See below

Sent from my T-Mobile 5G Device

----- Original message -----

From: "Gore, Chris (Constable Precinct 1)" <Chris.Gore@cn1.hctx.net>
Date: 2/5/21 11:20 AM (GMT-06:00)

To: "Herr, William (Constable Precinct 1)" <William.Herr@cn1.hctx.net>, "Sigüe, Shone (Constable Precinct 1)" <Shone.Sigue@cn1.hctx.net>
Cc: "Davis, Edwin (Constable Precinct 1)" <Edwin.Davis@cn1.hctx.net>
Subject: RE: cost for contract deputy

Lt,

The amount has changed for FY2022, effective 3-1-2021

The correct amount is 106,238.00



Chris Gore
Assistant Chief Deputy
Office of Alan Rosen
Harris County Constable, Pct. 1
1302 Preston
Houston, TX 77002
Office 832-927-1518

Chris.gore@cn1.hctx.net



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From: Herr, William (Constable Precinct 1) <William.Herr@cn1.hctx.net>
Sent: Friday, February 05, 2021 10:00 AM
To: Sigüe, Shone (Constable Precinct 1) <Shone.Sigue@cn1.hctx.net>; Gore, Chris (Constable Precinct 1) <Chris.Gore@cn1.hctx.net>
Cc: Davis, Edwin (Constable Precinct 1) <Edwin.Davis@cn1.hctx.net>
Subject: RE: cost for contract deputy

The price of a Contract Deputy for 1 year is \$103,647.00



Bill Herr
Sergeant
Office of Alan Rosen
Harris County Constable, Pct.1
1302 Preston, 5th floor
Houston, TX 77002
(Office) 832-927-1559

William.Herr@cn1.hctx.net

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From: Sigue, Shone (Constable Precinct 1) <Shone.Sigue@cn1.hctx.net>
Sent: Friday, February 05, 2021 9:56 AM
To: Herr, William (Constable Precinct 1) <William.Herr@cn1.hctx.net>; Gore, Chris (Constable Precinct 1) <Chris.Gore@cn1.hctx.net>
Cc: Davis, Edwin (Constable Precinct 1) <Edwin.Davis@cn1.hctx.net>
Subject: cost for contract deputy

Good morning Bill,

What is the cost for one deputy for a contract.

S Sigue

Sent from my T-Mobile 5G Device