

Strategic Implementation Plan 2020 - 2022



Williamson County
Pretrial Services



**Williamson County Pretrial Services
Strategic Implementation Plan
2020-2022**

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Director's Message

The pre-trial stage of any criminal proceeding is significant, and research tells us that the bail decision can have both immediate and long-term impacts on the community, the defendant, and their family. It is for that reason that a well-structured bail process is necessary: one which increases public safety, assures court appearance, and minimizes unnecessary pretrial detention.

In 2019, the Williamson County Commissioner's Court made a significant investment in the justice system by creating a Pretrial Services Department to manage the pre-trial process. This investment reflects the growing national recognition of the impact of the preliminary stages of a criminal case. At its core, Pretrial Services Department has a drive to see that justice is done through promoting an effective and, ultimately, fair bail system. This Strategic Implementation Plan is the blueprint for development of the Pretrial Services Department in Williamson County.

In this document, we lay out our path to implementing best practices at the pretrial stage of criminal cases, from excellence in court management, to incorporating a Risk Assessment tool, from the appropriate and timely appointment of counsel, to risk based post-release supervision. In each of these areas, we have defined goals, and a path to achieve them. Balancing the preservation of public safety with a drive to reduce unnecessary detention, and, fundamentally, promote justice at all stages of the process is the goal of this investment.

I am excited that, over the coming years, we will be building, changing, and learning. Most importantly, I am proud that we are working to support the effective administration of justice in Williamson County.

Leadership

Pretrial Services Executive Leadership

Ronald S. Morgan, Jr.
Director

Maritza Ramirez
Pretrial Services Manager

Pretrial Services Board

Hon. Stacey Mathews
Judge, 277th District Court

Hon. Doug Arnold
Judge, County Court at Law #4

Hon. Alexandra Gauthier
Senior Associate Judge

Hon. Valerie Covey
County Commissioner, Precinct 3

Mission, Vision, Guiding Principles, and Goals

Mission

The mission of Williamson County Pretrial Services is to enhance public safety, contribute to the effective administration of justice, and uphold the Constitution and Laws of the United States and the State of Texas.

Vision

Williamson County Pretrial Services' vision is to serve as a leader in the justice system locally and statewide by promoting a culture of accountability and innovation, and through attracting, developing, and retaining an effective team of professionals committed to our mission, guiding principles, and goals.

Guiding Principles

As a part of the larger criminal justice system in Williamson County, Williamson County Pretrial Services employs the following guiding principles in fulfilling its mission:

- Maximize Community Safety
- Maximize Court Appearance
- Maximize Appropriate Release of Pretrial Defendants

Organizational Goals

The staff of Williamson County Pretrial Services currently provide administrative support to judicial officers, and will provide risk-based bail recommendations, effective post release monitoring, and oversight of the indigent defense process in Williamson County. We accomplish these goals by:

- Providing efficient administrative support to Williamson County Associate Judges. **(current goal)**
- Managing the in-custody Magistration Hearings, Cite and Release Proceedings, and Emergency Protective Order Modification Hearings. **(current goal)**
- Screening and, where eligible, appointing counsel for eligible defendants within the time required by law. **(current goal)**
- Interviewing, prior to Magistration, individuals arrested on local charges. **(future goal)**
- Providing accurate risk and financial screening results and appropriate pretrial release recommendations rooted in best practices to support judicial bail decision-making. **(future goal)**

- Managing the bail process in a way that reduces unnecessary detention through facilitating release under the least restrictive conditions that will assure community safety and court appearance. **(future goal)**
- Providing Court Date Reminders to defendants released on Personal Bond as a means of assuring court appearance **(future goal)**
- Providing effective and appropriate post-release supervision to defendants awaiting trial to assure compliance with court ordered conditions of release. **(future goal)**

“Twenty-five years ago, a third of the jail population was awaiting trial. Now the percentage is three-fourths. Most of those detained are non-violent, unlikely to re-offend, and posing no risk of flight. Many are held because they’re too poor to make bail...(t)hey remain in jail, losing jobs and families, and emerge more likely to re-offend... And on top of that, taxpayers must foot the bill – a staggering \$1 billion per year to jail those who should be released...Not only are people held who should be released, people are released who should be held.[...] It is time – actually, it’s past time – to ensure that defendants who pose no risk to the public are not jailed, and that those who do, are.

- Chief Justice Nathan Hecht
State of the Judiciary Address, February 6, 2019

Williamson County Pretrial Services through Calendar Year 2020

Williamson County Pretrial Services was created during the Budget Process in August of 2019. In their action, the Court shifted functions previously performed by the Personal Bond Office and administrative functions performed by the Magistrates' Office to the new Department.



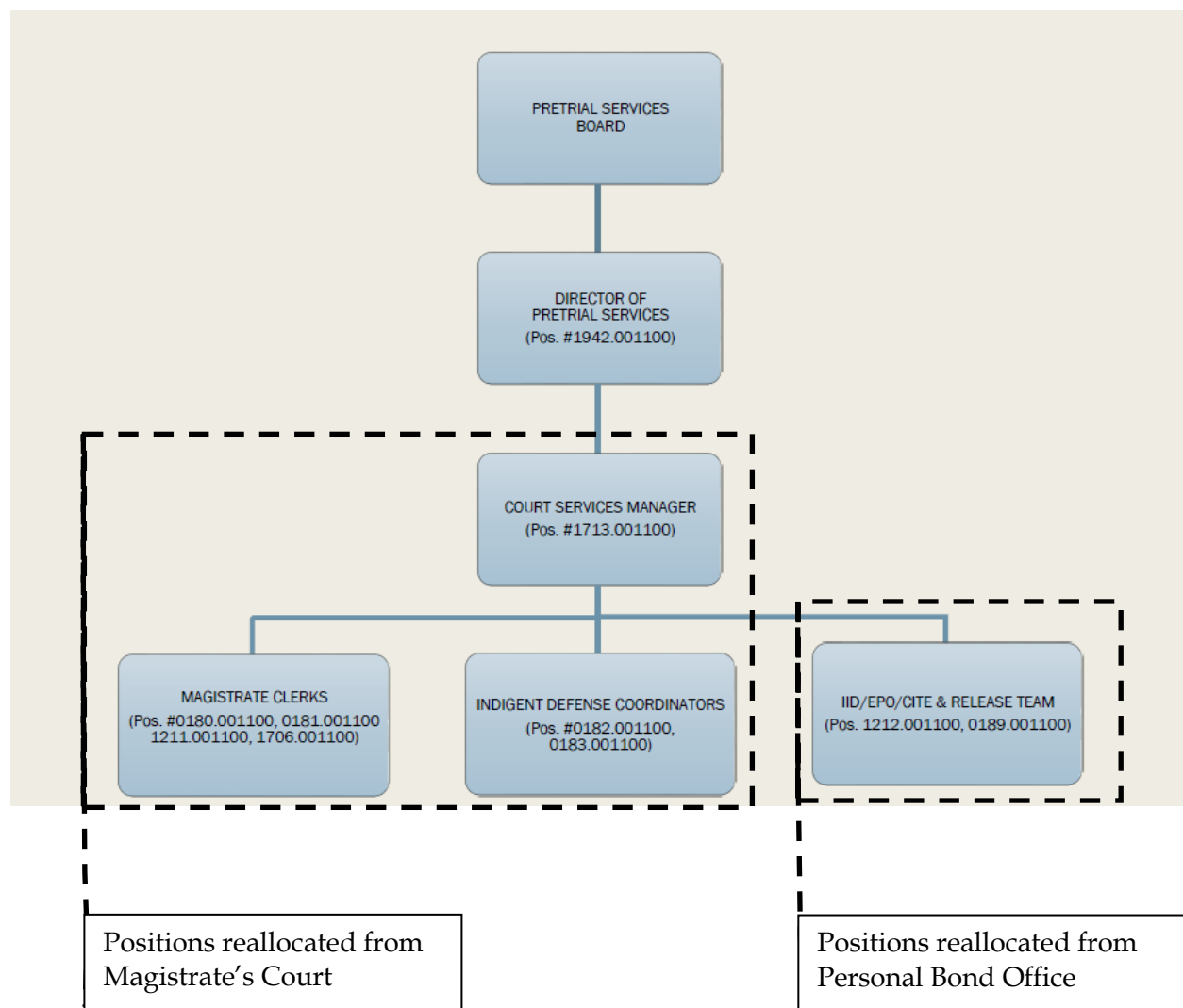
Key Functions of Williamson County Pretrial Services at Establishment

- **Administrative support to Magistrates Court**
Working 7 days per week, 365 days per year, staff manage dockets, draft required paperwork, and facilitate legally required hearings and bond setting for over 11,000 arrestees per year. In addition, they process arrest and blood warrants as well as magistrate's orders of emergency protection. While the primary recipients of administrative support are the Williamson County Magistrate Judges, the interactions by Pretrial Services staff goes far beyond that group. We work closely with a variety of justice-system stakeholders, including law enforcement, prosecutors' offices, the district and county courts-at-law, district and county clerks' offices, municipal courts, and justice courts, and providers such as Bluebonnet Trails (the Local Mental Health Authority).
- **Management of Indigent Defense appointments**
Working 7 days per week, 365 days per year, staff review applications for court appointed counsel for defendants in and out of custody, and receive applications in person and electronically to determine eligibility. Staff appoint attorneys for those defendants who are eligible according to state law and County policy, and appear in Magistrate Court, County Courts at Law and District Court to work with the Judges to ensure that appointed counsel and defendants are notified of the appointments-made.
- **Oversight of Emergency Protective Order Modifications**
Staff schedule and provide support to Judges, the County Attorney's Office, and the District Attorney's Office, and litigants in preparation for and during hearings to modify the requirements of Emergency Protective Orders, issued by the Magistrates Court. These hearings take place during the regular business day, in addition to the 7 day/week operations of the Magistrate's Court.

- Oversight of Cite and Release process
Staff manage dockets that facilitate appearance of individuals who were ordered to appear as a result of being issued a field release citation in lieu of being booked into the County Jail. This collaboration with the County Attorney's Office helps to divert individuals from being booked into the jail, and provides Williamson County with cost-savings on jail-bed days and associated booking costs.
- Administrative support to Courts for alcohol monitoring ordered as a condition of release
Staff review release orders that require alcohol monitoring and ensure that appropriate parties are notified when a defendant has the device installed. They ensure that monitoring reports are routed to the correct court, and collect and deposit administrative fees.

Staff Allocation at Establishment/Current Organizational Chart

When Pretrial Services was created, clerical staff from the Magistrates' Department and the staff of the Personal Bond Office were moved under the Pretrial Services Department. The result was creation of a Department that provides the above current level of services with a total of 10 FTEs.



2020 Looking Forward

Starting in late 2020, the Department will begin the very significant responsibility of implementing major change to the bail process in Williamson County. Over the next two years process improvements such as introduction of a detailed Pretrial Screening Process (to include a Risk Assessment Tool, defendant information verification, and a financial study) and use of risk-based post-release supervision strategies will impact many of the elements of the Justice System in Williamson County. These new functions will be taken on in addition to maintaining the level of service provided through the current workload of the Department.

With an eye toward these upcoming changes, Pretrial Services applied-for and was awarded a technical assistance grant from Advancing Pretrial Policy and Research, an initiative of the National Partnership for Pretrial Justice and the Arnold Foundation. Through this technical assistance grant, Williamson County has become an APPR “Learning Site”. This grant provides coaching and technical assistance that will support a best-practices implementation process for a risk assessment tool and risk-appropriate post-release supervision.

To be successful, system-level change must be managed in a deliberate, well-considered manner. The information presented in this plan illustrates the approach that Pretrial Services will take to successfully enhance the pre-trial process in Williamson County.

“This is the most substantive, heavy lifting that we have done in the arena of collaboration between our Commissioners Court and our legal system in many years[...] because it takes a team to solve a problem.

- County Judge Bill Gravell
August 15, 2019

Bail in Brief

“In our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.”

- Chief Justice William Rehnquist
U.S. v. Salerno, 481 U.S. 739, 755 (1987)

An individual who is arrested is considered innocent until proven guilty, and, after arrest, is entitled to release on bail pending charges. The purpose of bail has been expressed in many ways, but fundamentally it is to assure court appearance¹ and public safety.² In Texas, the bail decision is ordinarily made during the so-called “Article 15.17 Hearing”.³ Here Judicial Officers are called on to make a very impactful decision as to what condition or conditions of release would be appropriate to reasonably assure a defendant’s appearance in court and the safety of the community while trial is pending. In Texas, bail is expressed in money: the Judge sets bail in the amount that will meet the dual considerations articulated above.⁴ The bail may then be satisfied in one of three ways: a defendant can post the entire bond in cash, they can contract with a bailbondsman (“surety bond”)⁵, or they can be released on personal bond⁶, which is when the Judge authorizes a defendant’s release based on their promise to return to Court and (potentially) to comply with certain conditions of release. A key feature of this bail decision is that it is based in the principle of individual consideration: the Judge must determine what bail is sufficient to assure that defendant’s court appearance and the safety of the community should that defendant be released.⁷

Because of the dual purpose of bail, a Judge is ultimately required to identify the least restrictive conditions of release that will reasonably assure the defendants appearance in court and the safety of the community.⁸ Those least restrictive

¹ Tex. Code of Criminal Procedure, Art. 17.01, American Bar Assn., *Standards on Pretrial Release*, Standard 10-1.1 (2008); National Assn of Pretrial Services Agencies, *National Standards on Pretrial Release* Standard 1.1 (2020).

² American Bar Assn., *Standards on Pretrial Release*, Standard. 10-1.1 (2008); National Assn. of Pretrial Services Agencies, *National Standards on Pretrial Release* Standard 1.1 (2020).

³ See Tex. Code of Criminal Procedure, Art. 15.17.

⁴ Tex. Code of Criminal Procedure, Art. 17.01

⁵ Tex. Code of Criminal Procedure, Art. 17.02

⁶ Tex. Code of Criminal Procedure, Art. 17.03

⁷ See *Stack v. Boyle*, 342 U.S. 1 (1951)

⁸ American Bar Assn. *Standards on Pretrial Release*, Standard 10-1.2, National Assn. of Pretrial Services Agencies, *National Standards on Pretrial Release* Standard 3.3(a) (2020).

conditions can range from being released and told to come to court to being released but placed on home confinement. There are also defendants for whom pretrial release would not be appropriate; for them detention is the appropriate outcome. On the spectrum between release with no conditions and detention there exist various tools that a Judge may use to assure community safety and court appearance, including post-release monitoring or supervision, drug testing, location monitoring, and alcohol monitoring.

Traditionally, in Williamson County, the only information available to Judicial Officers at this stage in the process is the probable cause affidavit (a sworn description of the offense for which the defendant is arrested) and the arrestee's criminal history. The newly created Pretrial Services department will assist the Judicial Officers in the discharge of their duties by gathering additional information related to the likelihood of appearance and risk to community safety.

At present, limited post-release supervision and monitoring in felony cases only is provided by Williamson County Community Supervision and Corrections (CSCD). The newly created Pretrial Services Department will modify the approach for this service delivery and provide a resource to the judiciary in making informed release decisions that are risk-based.



Key Agency Goals 2020-2022

Williamson County Pretrial Services has developed and adopted Key Agency Goals (KAG) for 2020-2022 represent the cornerstone of developing an effective Pretrial Services Program, and that will support the bail decision and post-release management of defendants on bail.



KAG 1. Support Judicial Officers in making informed bail decisions [FY 2021 Goal]

Under the Texas⁹ and United States¹⁰ Constitutions individuals are entitled to pretrial release on bail except in very limited circumstances¹¹ (the “limited exceptions” that Chief Justice Rehnquist references in the *Salerno* opinion¹²). Texas law gives a Judge guidance on the factors that are to be considered in making this bail decision¹³, but the Judicial Officer has great discretion in determining what bail is appropriate in a particular case. In this Key Agency Goal, Pretrial Services seeks to provide information to Judicial Officers that will assist them in making the bail decision.

Strategy 1.1. Conduct Pretrial Screening Interview¹⁴

The information that Judges rely on in the setting of bail Pretrial Services Officers will conduct screening interviews with each eligible arrestee. The information collected during the screening interview will be verified, and included in the results of the pretrial investigation then presented to the Court for use in making the bail decision, and verifying that information.¹⁵ Information to be collected and verified will include place of residence, employment status, and criminal history information.

⁹ Tex. Const. art. 1, § 11, § 13.

¹⁰ US Const. amend. VIII.

¹¹ See, e.g., Tex. Const. art. 1 § 11a, *et seq.*, Tex. Code of Criminal Procedure, Art. 17.152, *et seq.*

¹² See “Bail, in brief”, *supra*.

¹³ Tex. Code of Criminal Procedure Art. 17.15.

¹⁴ National Assn of Pretrial Services Agencies, *National Standards on Pretrial Release* Standard 4.3 (2020); American Bar Association Standards on Pretrial Release, Standard 10-1-10(a) (2008).

¹⁵ National Assn. of Pretrial Services Agencies, *National Standards on Pretrial Release* Standard 4.1(b)(i) (2020).

Strategy 1.2. Implement a Risk Assessment Screening Tool¹⁶

Best practices in the Pretrial Services field¹⁷, amplified by the Texas Judicial Council¹⁸ state that bail decisions should be based on a defendant's risk. At the pretrial stage of the justice process, risk is focused on predicting the likelihood of a defendant attending his/her required court settings, and avoiding arrests during the pendency of the case.¹⁹ Use of an actuarial risk instrument as a part of the bail decision has been proven to be more successful²⁰ and fundamentally more fair²¹, in supporting the release decision than making that decision based on qualitative information alone. Consistent with the state of the practice, and responsive to the clear call of various justice system stakeholders²², we will implement an actuarial Risk Assessment Tool in order to promote *risk-informed* bail decision making by judicial officers.

"We are going to be...utilizing risk assessments ...to support the decisions that are being made.

- Commissioner Valerie Covey,
August 15, 2019

This strategy will support Key Agency Goal 1 through implementation of the Public Safety Assessment (PSA) tool, developed by the Arnold Foundation.²³ This will assist judges in identifying the least restrictive conditions of release that will assure community safety and court appearance.

¹⁶ *Id.* at Standard 4.4.

¹⁷ *Id.* at Standard 2.8.

¹⁸ Tex. Judicial Council, Criminal Justice Committee Report and Recommendations, June 2018, p. 5

¹⁹ Desmarais, S. and Lowder, E. "Pretrial Risk Assessment Tools: A Primer for Judges, Prosecutors, and Defense Attorneys", John D. and Catherine T. MacArthur Foundation Safety and Justice Challenge, (2019), p. 3.

²⁰ Mamalian, C. "State of the Science of Pretrial Risk Assessment", Pretrial Justice Institute (2011), pg. 24, Texas A&M Public Policy Research Institute, Liberty and Justice: Pretrial Practices in Texas (2017);

²¹ Texas A&M Public Policy Research Institute, Liberty and Justice: Pretrial Practices in Texas (2017);

²² Tex. Judicial Council, Criminal Justice Committee Report and Recommendations, June 2018, p. 5; American Bar Association Standards on Pretrial Release, Standard 10-1-10; Texas A&M Public Policy Research Institute, Liberty and Justice: Pretrial Practices in Texas (2017); Levin, M. "Prescription for bail reform must include public safety and due process" *The Hill* (June 6, 2020).

²³ See: <https://advancingpretrial.org/psa/about/>

Strategy 1.3. Implement Comprehensive Financial Screening

Under Texas laws related to bail, one of the factors a Judge must consider is the defendant's ability to afford the bail that is set.²⁴ At present, due to staffing constraints, Williamson County Pretrial Services staff conducts an indigence assessment for only those defendants who request the appointment of counsel.

As part of this strategy, the Department will transition to a financial screening during the Pretrial interview that is designed to provide the Judge with an important piece of information needed to set bail in conformance with Texas law *and* assess a defendant's ability to afford counsel, and all of this information will be provided prior to the Art. 15.17 (Magistration) hearing, where it can be best utilized.

Strategy 1.4. Provide a Bail Report and Recommendation to Judicial Officers²⁵

The results of the Pretrial Services interview, investigation, risk assessment, and financial screening will be provided to the Judicial Officer in the form of a written bail report. This summary is, effectively, the "end product" of the pretrial screening and will include a recommendation by Pretrial Services that results from analysis of the information acquired during the process. The recommendation that Pretrial Services will provide speaks to the least restrictive conditions needed to address defendant's risk of failure to appear and risk to community safety, and will be founded in the recognized best practices in the field.²⁶



KAG 2. Provide effective, appropriate post-release supervision and monitoring [FY 2022 Goal]

A risk-based bail decision, in many cases, will result in a defendant's release on bond, and may result in a need for risk-appropriate pretrial monitoring and supervision as an alternative to incarceration. This provides judges with tools for the management of defendants *individually identified* risk factors, a practice consistent with the accepted standards of the Pretrial Services field²⁷ and the identified priorities of justice system stakeholders²⁸.

²⁴ Tex. Code of Criminal Procedure, Art. 17.15(4).

²⁵ National Assn. of Pretrial Services Agencies, *National Standards on Pretrial Release* Standard 4.5 (2020); American Bar Association *Standards on Pretrial Release*, Standard 10-1-10(b) (2008).

²⁶ National Assn. of Pretrial Services Agencies, *National Standards on Pretrial Release* Standard 4.5(b) (2020).

²⁷ *Id.* at Standard 2.9.

²⁸ Tex. Judicial Council, Criminal Justice Committee Report and Recommendations, June 2018, p. 8-9.; Texas A&M Public Policy Research Institute, *Liberty and Justice: Pretrial Practices in Texas* (2017);

Strategy 2.1. Assume responsibility for existing pre-trial, post-release supervision and expand availability of supervision and monitoring where appropriate

As noted above, Williamson County CSCD/Adult Probation currently provides supervision and monitoring to a limited pool of defendants, specifically individuals released on bond in felony cases only. In addition, a limited amount of alcohol monitoring has been provided by the former Personal Bond Office. It is consistent with best practices in the pretrial field nationally that post-release supervision for individuals who have not been convicted of the offense charged should be situated in a dedicated Pretrial Services agency.²⁹ This provides the advantage of an organization focused on the pretrial-related elements of risk that are unique to defendants awaiting disposition of their cases.

Pretrial Services will take on the role of providing all pre-trial supervision and monitoring that is currently provided by CSCD and the former Personal Bond Office. Furthermore, Pretrial Services will provide this supervision and monitoring when appropriate based on judicial determination of risk, regardless of charge level (class B misdemeanor and above).

Strategy 2.2. Develop and implement supervision strategies that are consistent with the principle of risk-appropriate, least restrictive conditions of release³⁰

While there are some similarities, pretrial release is not probation, and the approaches that are used at the pre-trial stage of a criminal case differ significantly. Probation is a program focused on community safety and crime reduction through a variety of strategies³¹ appropriate to a person who is in post-adjudication status, including rehabilitation³² pro-social growth and supporting significant behavioral change to support that growth. At the pretrial release stage, a defendant has not been convicted of the offense charged, and the focus is much more narrow: public safety and court appearance.

The supervision strategies that will be employed will be tailored to be the least-restrictive actions that are needed to assist the defendant in succeeding in the dual

²⁹ See Commentary on: National Assn. of Pretrial Services Agencies, *National Standards on Pretrial Release* Standard 2.7 (2020).

³⁰ National Institute of Corrections. *A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency*. (2017). p. 33.

³¹ See also American Probation and Parole Association, *Position Statement: Probation*. (1997) accessed at https://www.appa-net.org/eweb/Dynamicpage.aspx?site=APPA-3&webcode=IB_PositionStatements.

³² Texas Department of Criminal Justice – Criminal Justice Assistance Division, *Mission Statement* accessed at: <https://www.tdcj.texas.gov/divisions/cjad/index.html>.

focus of pretrial release.³³ For example, a highly effective method to support court appearance is Court Date reminders.³⁴ Pretrial Services will, through leveraging technology, employ a system to generate reminders to defendants using text messaging and telephone calls.

It is necessary to tailor the conditions of release to the specific risk elements posed by the individual defendant. Williamson County Pretrial Services will provide a variety of options so that, based on the judicial determination of risk (informed by the Pretrial investigation discussed above), a defendant may be ordered appropriate conditions of release. Pretrial Services anticipates monitoring conditions of release that range from court date reminders to in-person supervision meetings, to more restrictive forms of alcohol monitoring, location monitoring, and drug testing.

Success at this strategy will require working with vendors and other external stakeholders in order to provide certain services. Pretrial Services anticipates entering into contracts or service agreements with one or more vendors who will provide location monitoring services, alcohol monitoring services, and drug testing services. These external relationships will allow the Department to provide a full range of post-release supervision options to the Court and defendants in a way that is fair, efficient, and cost-effective.

Strategy 2.3. Take appropriate action on failure to comply with court-ordered conditions of release

The justice system only maintains the confidence of the public it serves if the public can reasonably believe that participants are doing all they can to preserve community safety and promote defendant accountability. Because the focus of any conditions of release that are ordered is court appearance and public safety, it is essential that the Department take appropriate action when a defendant fails to comply with these court orders.

To promote confidence in our ability to provide public safety and assure court appearance, Pretrial Services will develop a continuum of responses to address instances where defendants fail to comply with the conditions of release. This continuum will range from internal administrative responses to some violations to notifications to the Court, the prosecutor, and defense counsel for more serious violations. In all instances, the traditional elements of a response to violations

³³ National Assn. of Pretrial Services Agencies, *National Standards on Pretrial Release* Standard 4.6(a)(i) (2020)

³⁴ National Institute of Corrections. *A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency*. (2017). p. 47.

(certainty, swiftness, proportionality, fairness, and individualized response) will be the foundation of addressing alleged failure to comply with release conditions.³⁵



KAG 3. Promote the effective use of county resources through new and existing departmental operations

There are many benefits to the careful management of pretrial release. Key among them is establishing a process that allows for minimizing unnecessary (and costly) pretrial detention and increasing public safety and court appearance.³⁶ Beyond these very visible benefits a well-implemented pretrial release system can *carefully and deliberately* reduce the jail population, allow defendants to be free to maintain employment and pro-social connections, and facilitate better outcomes in the disposition of cases, which can have a positive impact on limited county resources.

As we build capacity within the Department to manage an effective bail process, we must also continue the services that are currently provided. Our intent is to enhance efficiency and serve as good stewards of taxpayer dollars.

Strategy 3.1. Leverage existing resources to support new goals and tasks while ensuring continuity of operations

At inception, Pretrial Services took on various tasks performed by the Magistrate's Court and the former "Personal Bond Office". The current level of service includes 7 day/week support to the Magistrate's Court, and review of applications for appointed counsel, and 5 day/week support for other related hearings and oversight of alcohol-related release conditions. While discussed in greater depth below in the Management Goals section, Pretrial Services recognizes that County resources come at a cost to the taxpayer. Because of this, we have engaged in a review of current processes and seek to re-align resources to achieve the new goals set forth above.

One example of this type of resource reallocation is related to indigence screening is currently ongoing. Indigent Defense Coordinators screen defendants in custody for the appointment of counsel on request. They also provide screening for defendants out of custody. In the FY2021 Budget Process, Pretrial Services is proposing to reclassify the Indigent Defense Coordinator positions into Pretrial Services Officers. Those staff will conduct financial screening responsibilities for all defendants. Results of that screening will both inform the judicial bail decision

³⁵ *Id.* at 56.

³⁶ *Id.* at v.

and, if the defendant meets eligibility criteria, allow for appointment of counsel. The out-of-custody indigence screening is gradually being migrated to an online process, and management of those duties will continue, but in a less resource-intensive manner, which will allow the newly reclassified Pretrial Officers to focus on all elements of pretrial release screening.

As Williamson County Pretrial Services develops over the next two years, responsibilities for current tasks performed will likely continue to shift to maximize efficiencies, and provide the best service possible to justice system stakeholders.

Management Goals 2020-2022

In addition to the Key Agency Goals expressed above, Pretrial Services has adopted Management Goals that are designed to support the Agency Goals. These Management Goals are intended to provide the structure that will allow the Department to succeed in achieving the Key Agency Goals.

MG 1. Acquire necessary technology to track Department operations

Currently, information concerning Department operations is managed in a variety of computer systems and manual processes that are not designed to effectively capture that data. To accurately determine the effectiveness of programming at the pretrial level (discussed in greater depth in Management Goal 6, below), Pretrial Services must acquire technology that will allow for information regarding defendant risk, release status, and post-release compliance, to be obtained, recorded, reported-on, and tracked. The technology should also interact with the Court Management System and the Jail Management System, to maximize efficiencies and reduce duplicated work.

Through work with County IT, and by developing a detailed programmatic specification document, Williamson County Pretrial has identified a potential solution within the Tyler Odyssey suite of software. In the coming months, we look forward to examining the product and, if it is sufficient, implementing it in late FY2020 or early FY2021.

MG 2. Recruit and retain staff qualified to carry out Department mission and function

In order to expand the current workload to include Risk Assessment screenings, bail recommendations, and post-release supervision, Pretrial Services must augment the current level of staffing. The Department has completed a detailed

staffing model that is (initially) designed to be implemented over a two-year plan. Under that model, the first year will support implementation of Risk Assessment screening and bail recommendations (KAG 1), and the second year will support management of post release monitoring and supervision (KAG 2).

To succeed in these areas, Pretrial Services must attract and retain staff who are sufficiently versed in the Justice System and able to align their mindset to the presumption of innocence, the importance of risk-based decision-making, and the principle of least restrictive conditions. This requires identifying and recruiting a qualified workforce with criminal justice education and/or experience. It also requires providing a comprehensive work environment that promotes staff retention.

The Staffing Model that has been developed by Pretrial Services is based on booking trends and projections and CSCD post-release supervision history and suggests a need to increase Department staffing from 10 to 23 employees in the Department over the course of the two-year plan. This would be achieved through a combination of requests for new FTEs and reclassification or realignment of existing FTEs. It is recognized that this is a significant investment for Williamson County to make in the justice system, and given the current economic environment (discussed further below), it may be difficult to achieve this in the two years that this plan contemplates. Accordingly, this is a goal which we hope to fully achieve, but the timeframe of which may need to be reassessed based on the current climate.

MG 3. Provide appropriate initial staff training to enable newly-hired staff to succeed in their work

Individuals who are hired at a Pretrial Services agency will have varying levels of exposure to the principles that underpin our work. Because of this, Pretrial Services must provide training that will support new-hires in learning not just the daily mechanical elements of their jobs, but also the overarching principles that we apply. This is an intensive process that will include developing a deeper understanding of the judicial process, specific to the local setting and in general, and enhancing existing skills in use of technology, analysis of data and other information, writing and public speaking for various audiences.

The Director of Pretrial Services is well-situated to provide or oversee the training required to support staff in their success. This will be augmented by existing staff and the use of resources that are provided by national and statewide organizations and the support provided by APPR (discussed in further depth below).

MG 4. Provide a minimum of 24 hours of continuing training for all staff that will support them in their professional development

Considerable emphasis is placed on initial staff training. At the same time, it is important that all staff have opportunities for ongoing professional development, so that they can continue to contribute to the Department and enjoy professional advancement. The Department has set a goal of 24 hours of ongoing professional development for each employee.

Training under this Management Goal will likely be acquired from outside sources, and will be appropriate to the Employee's role within the organization or designed to help them prepare for a role into which they may transition within the Department.

MG 5. Acquire space that supports Department mission and function

Pretrial Services currently has 10 employees who provide the current level of service, assigned to several different locations. Pre COVID-19, staff worked from a Courtroom in the Williamson County Jail; that space has been replaced by the Jury Impaneling Room in the Justice Center Basement. Staff also use office-space in the Justice Center Attic, and Counsel Conference Rooms on the Justice Center's first floor. As the Department evolves into its intended function, it will become necessary to acquire space that will allow for additional staff to be brought on board, and that will support a 7 day/week operation.

Williamson County Pretrial Services has been collaborating closely with Facilities to identify potentially suitable space for the Department, including developing specifications for space needs that will accommodate the department at various stages through its development. As a baseline, the Department requires space that is secure, and, at a certain level, publicly accessible 7 days per week. Ideally, this would be accomplished through a combination of space in the Justice Center and the Jail. Ultimately, the space should be in or proximate to those two buildings, and will need to allow staff to interact with individuals in the secure setting of the Williamson County Jail, as well as individuals free on bond, attorneys, Judges, and the general public.

MG 6. Identify and make accessible key data points that will allow Department to assess general workload as well as staff fidelity to Risk Assessment Tool procedures, Judicial Acceptance of risk-based Recommendations, and Appearance and Public Safety Rates.

It is critically important that Pretrial Services functions effectively and efficiently. One way to measure program effectiveness and efficiency is through the collection

and evaluation of relevant data. There are several elements of data collection that are required by law once Pretrial Services begins to screen individuals for release on bond, including the Appearance³⁷ and the Public Safety Rates³⁸, and the Department will work to provide that data.

Beyond the legally required data, and to ensure that we are functioning effectively and employing best practices in supporting Judicial release decisions, it will be important to track several other data elements. Experts in the Pretrial Services field have identified several data-points related to program performance and outcome that the Department seeks to track. These include universal screening fidelity³⁹ staff fidelity to risk procedures (through concurrence⁴⁰ or recommendation⁴¹ rate) defendant success rate⁴², detainee length of stay⁴³ as well as the judicial response to recommendations. These, and other, to-be-identified, measures, when taken in concert with legally required reporting, will provide a framework for constant improvement and a drive toward operational excellence.

The APPR Project

In December of 2019, Williamson County applied to the Advancing Pretrial Practices and Research (APPR) project for a Technical Assistance (TA) grant to support implementation of a Risk Assessment tool. The APPR project is a collaboration of the Center for Effective Public Policy and the Arnold Foundation⁴⁴. This is the second round of TA grants being offered by CEPP, and will provide us with support as we work to implement risk based bail decision-making. First-round APPR Technical Assistance Sites included jurisdictions in Alabama, Georgia, North Carolina, and Washington.

With the assistance of our TA provider, Williamson County Pretrial Services will use the APPR implementation model for the PSA. This plan calls for a measured, detailed, 12-month implementation period, during which we will create procedures for use of the PSA in Williamson County, including a Release Conditions Matrix and a PSA Violent Offense List. As importantly, the APPR implementation model calls for developing a collaborative stakeholder team that

³⁷ Tex. Code of Criminal Procedure Art. 17.42, Sec. 5 & Sec. 6

³⁸ *Id.*

³⁹ National Institute of Corrections, *Measuring What Matters: Outcome and Performance Measures for the Pretrial Field*, at 5 (2011).

⁴⁰ *Id.* at 4.

⁴¹ *Id.* at 5

⁴² *Id.* at 4.

⁴³ *Id.* at 4.

⁴⁴ See: <https://advancingpretrial.org/>

will identify pretrial-related justice system goals and that will provide the infrastructure to achieve those goals.

Relationship between APPR Project and Implementation Plan

The easiest way to view the APPR project's relationship to the Implementation Plan that is laid out above is as an overlay. This Plan was developed after a review of the general structure of the APPR model for deploying a risk assessment tool and enhancing justice at the pre-trial level, and incorporates the key principles of the model. The APPR, therefore, would fit over this Implementation plan and APPR and the plan would support each-other. For example, the APPR model proposes a method for tracking program outcomes and results, which is a Management Goal under this Implementation Plan. The APPR project involves developing a stakeholder group composed of individuals who will each bring their unique perspectives to support the development of a Pretrial program; this Plan remains sufficiently flexible to evolve due to developments during the APPR project and recommendations that would come from that stakeholder group.



Key Agency Goals



FY 21: Support Judicial Officers in making informed bail decisions.

Conduct Pretrial Screening Interview.

Implement Risk Assessment Screening Tool.

Implement Comprehensive Financial Screening.

Provide bail report & recommendation to Judicial Officers.



FY 22: Provide effective, appropriate post-release supervision and monitoring

Provide pre-trial, post-release supervision.

Employ supervision strategies that are consistent with a risk-appropriate, least restrictive approach.

Respond appropriately to failure to comply with court-ordered conditions of release.



Ongoing: Promote effective use of County resources through new and existing operations

Leverage existing resources to support new goals and tasks while ensuring continuity of operations.

Advancing Pretrial Practice and Research Project



Acquire Necessary Technology



Recruit and retain qualified staff



Provide appropriate initial staff training



Provide continuing professional development for all staff.



Acquire space that supports the Department's mission.



Identify and track key data-points related to program effectiveness.

Management Goals

The Impact of COVID-19

This plan would be incomplete without acknowledgement of the onset of the Novel Coronavirus Pandemic, which began in Spring 2020. Tragically, COVID-19 has taken the lives many Williamson County residents, and infected thousands more.⁴⁵ Beyond the human toll of lives lost and affected, the Coronavirus has also had a lasting impact on the Justice System in general and on the development of a Pretrial Services program in particular.

When the Supreme Court of Texas, the Court of Criminal Appeals, and the Office of Court Administration began issuing orders related to the provision of justice during these unprecedented times⁴⁶, the staff of Pretrial Services responded by modifying the way current services are provided. The Magistration Process moved out of the Jail Courtroom due to the Jail's quarantine practice, and in the interest of health and safety of staff. This resulted in an increased reliance on technology. Where possible, and depending on their roles within the Department, staff telecommute at varying levels. The process of indigence screening for defendants on bail for the purpose of appointment of counsel has moved online. Defendants submit applications via the internet, and staff respond and, where appropriate, appoint counsel via email. Finally, COVID resulted in collaboration with other County departments that brought multiple Pretrial Services staff members outside of their commonly performed duties.

COVID-19 has caused "forced change" in a rapid period of time. While this posed some challenges, it has had the positive effect of allowing Pretrial Services to explore the degree to which change can be tolerated when there are limited-to-no alternatives and limited resources, and has forced thinking outside the box. This pandemic has provided the department with valuable lessons as we prepare to make major change to the justice system in Williamson County through the implementation of risk-based decision making at the pre-trial stage of the process.

More directly, the pandemic has caused a delay in some of the projected benchmarks for the development of the Pretrial Services program. For example, the APPR project that was due to begin in April of 2020 has been pushed back to late July. This will have a 2-3 month impact on delaying first use of the PSA at bail determination. The pandemic has unquestionably impacted the national economy, and Williamson County is not exempt. Pretrial Services has charted an ambitious 2-year path toward fully standing-up the program. Mindful of the

⁴⁵ <http://www.wcchd.org/COVID-19/dashboard.php> accessed 6/30/2020.

⁴⁶ See, e.g., <https://www.txcourts.gov/court-coronavirus-information/emergency-orders/>,
<https://www.txcourts.gov/court-coronavirus-information/court-guidance/> accessed 6/30/2020.

possible financial constraints, we continue to work closely with the Budget Office and Commissioners Court to acquire needed resources in a responsible way to support the Department's effective contribution to the Justice System.

Conclusion

Making change, in the easiest of circumstances is not a simple process. Making positive changes to a system as integral to our society as the justice system is even more complex. Seizing the opportunity to make real and lasting improvements to the pre-trial stage of the legal process, while maintaining the safety of the community as a primary consideration requires careful coordination and deliberate action. This implementation plan is our means of achieving this positive change in Williamson County, and the Pretrial Board and the Staff of Williamson County Pretrial Services are committed to this important goal.

"These folks are innocent until proven guilty. A lot of them are not dangerous to our community. Those that are, we need...the proper procedures in place (to keep them in jail). Those that aren't, we are handicapping them by keeping them in jail...they are two days away from losing their jobs. And when they sit in jail...not only does it cost the county dollars, but it costs...(them) their livelihoods and the ability to provide for their families."

- Hon. Betsy Lambeth
Judge, 425th District Court
August 15, 2019