



**CRIMINAL JUSTICE PROCESS STUDY:  
MIDLAND COUNTY**

**July 2007**

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## **Executive Summary**

### ***Background***

On February 14, 2007, the Office of Court Administration (OCA) received a request for assistance from Midland County Judge Mike Bradford to study jail crowding in Midland County. Specifically, in preparation for planning a future expansion of jail capacity in their county, he asked for an evaluation of their local jail facilities and the criminal justice practices affecting the jail population along with recommendations for improvement of practices affecting the incarceration of offenders.

This report begins to examine the criminal justice processes affecting the size and composition of Midland County's incarcerated population, using observations from onsite visits, and data analysis, and offers recommendations that should assist the Midland County Commissioners Court, and the community of criminal justice actors.

### ***Key Recommendations***

- 1) Pursue an integrated information system, making the following initial steps:
  - Designation of a staff project manager and formation of a steering committee.
  - Review of sources cited in this report.
  - Further discussions with OCA and Carl Griffith & Associates.
  - Contact with the TechShare project of the Conference of Urban Counties; and the County Information Resources Agency
  - Peer-to-peer contact with officials in Texas counties utilizing some form of direct filing.
- 2) Undertake sustained communication between Midland Police Department and other arresting authorities, and the District Attorney, to identify opportunities to reduce delay in filing offense reports.
- 3) Consider providing magistration more than once daily, at least on higher volume days.
- 4) Consider judicial adoption of a formal bond schedule(s) for felony and misdemeanor offenses.
- 5) Ensure pretrial services has sufficient resources to serve the misdemeanor population and to conduct more pre-magistration interviews.
- 6) Implement shared grand juries and increase the number of grand jury days.
- 7) Develop an interim solution (short of integrated justice) for electronic transmittal of court requests to the jail.
- 8) Conduct misdemeanor arraignment at least twice per week.
- 9) If it is determined that parole revocation hearings are not being held in accordance with the requirements established by statute, present the issue to the Parole Division of the Texas Department of Criminal Justice.

## *Other Observations*

### *Factors Increasing Pressures on Jail Capacity*

- Criminal case filings have increased by more than 20 percent during the last five years.
- More time is required to move cases from filing to disposition. This is evidenced in both the district courts and the county courts at law by:
  - Increases in percent of incarcerated population in pretrial stages of adjudication;
  - Increases in percent of cases disposed in 91 or more days;
  - Decreases in case clearance rates.

### *Factors Decreasing Pressures on Jail Capacity*

- There has been a marked decrease in the number of community supervision terms being revoked.

## *Acknowledgement*

The Office of Court Administration would like to express our gratitude to Judge Bradford for inviting our study, and to all the other officials and staff in Midland County for their patience and assistance. Requesting and participating in such a study is a courageous act by public officials who in good faith seek ways to discharge their duties more effectively.

## **1. Introduction**

On February 14, 2007, the Office of Court Administration (OCA) received a request for assistance from Midland County Judge Michael Bradford to study jail crowding in Midland County. Specifically, in preparation for planning a future expansion of jail capacity in their county, he asked for an evaluation of their local jail facilities and the criminal justice practices affecting the jail population along with recommendations for improvement of practices affecting the incarceration of offenders. The County Commissioners Court also separately engaged Carl Griffith and Associates to conduct a study of the jail and potential diversion programs, working in collaboration with OCA.

The problem facing Midland County is a jail population that has exceeded locally available capacity continuously since the summer of 2005. The Midland County jail facility currently has 306 beds, and the number of beds has consistently remained at just over 300 since the summer of 2005. During the same span, Midland County's average daily inmate population has exceeded the available number of beds by an average of about 50 inmates.

## **2. Project Scope and Methodology**

OCA focused primarily on processes involving criminal case adjudication leading up to sentencing, with internal jail operational issues addressed by Carl Griffith & Associates. However, jail operations could not be excluded from OCA's consideration, given the overarching and continuous involvement of jail operations in all local criminal justice matters involving incarcerated individuals.

The study was conducted in earnest for about 90 days, and even combined with the work of Carl Griffith and Associates, only marks a beginning point in a process of improvement. The observations and recommendations presented in this report are by design limited to process issues. There has not been an assessment of the ability of Midland County to implement suggested changes in terms of staffing or infrastructure investments. However, such evaluations should be included as part of the continuing effort to make process improvements. Unless otherwise indicated, all observations and recommendations are intended as a package, rather than stand-alone changes. Focusing on one problem, whether personality or process driven, will not adequately address the overall system improvements sought by Midland County.

OCA staff included representation from the Task Force on Indigent Defense, which is a division of OCA as well as a statutory standing committee of the Texas Judicial Council.<sup>1</sup> Their focus was on practices related to compliance with the Fair Defense Act, the subject of a separate report in the future. Their observations and involvement should be credited in this report as well.

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<sup>1</sup> See generally, Chapter 71, Texas Government Code.

A variety of approaches were utilized in an effort to build a quick but robust understanding of the Midland County criminal justice system. The study included analysis of available criminal justice data, from Midland and comparable counties; questionnaires sent to various agents<sup>2</sup> within the criminal justice system; and three separate site visits to Midland by five OCA staff members.<sup>3</sup> Personal, telephonic or email interactions occurred with:

- Law enforcement personnel;
- Jail personnel;
- Judges and court coordinators;
- Pretrial services office;
- Community supervision & corrections department;
- District Clerk and County Clerk;
- District Attorney;
- Commissioners Court members; and
- County technology officer.

### **3. Criminal Justice Processes**

All criminal justice systems are in essence a collection of practices and procedures carried out by many independent agents. These agents, although separate, are nonetheless bound by one overarching goal – to effectively and efficiently administer justice. As such, it is often the relationships between the various agents that ultimately determine how effectively and efficiently justice is administered. These realities make collaboration among the agencies critical.<sup>4</sup>

This section focuses on the various agents involved in the Midland County criminal justice system and how the functions performed by the agents impact the administration of justice.

#### ***3.1 Case Flow Diagrams***

Figures 1 and 2 illustrate the movement of an alleged offender through the criminal justice system in Midland County. Figure 1 depicts the criminal justice system processes from arrest to the point at which charges are ready to be filed by the District Attorney.

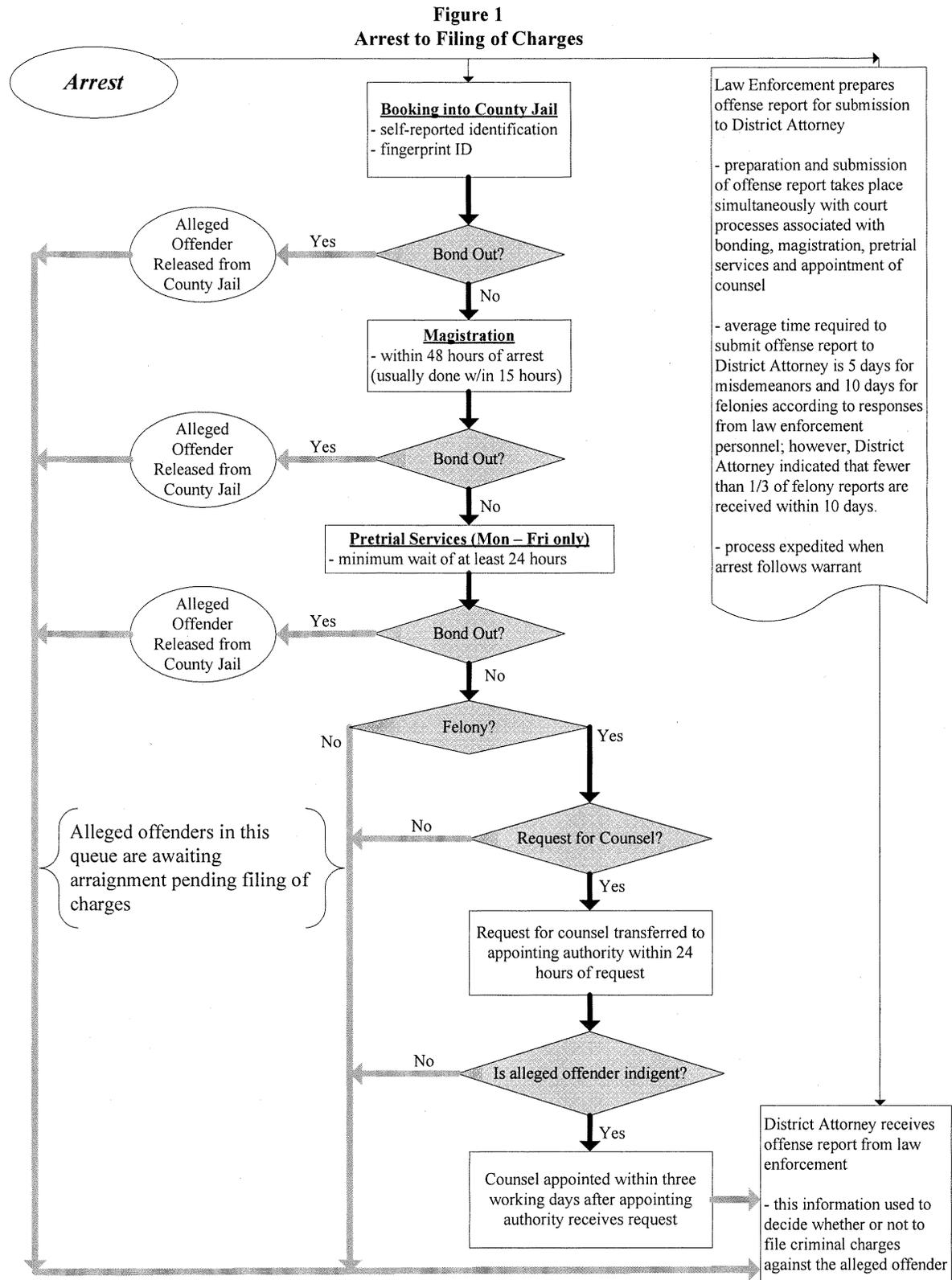
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<sup>2</sup> In this report the terms *agent* and *agency* are used broadly and include law enforcement, jails, courts, pretrial services, adult probation, district and county clerks, and any other personnel and organizations involved in criminal justice matters in a significant manner such as information resources departments. Unless otherwise indicated, the terms refer strictly to Midland County personnel and organizations.

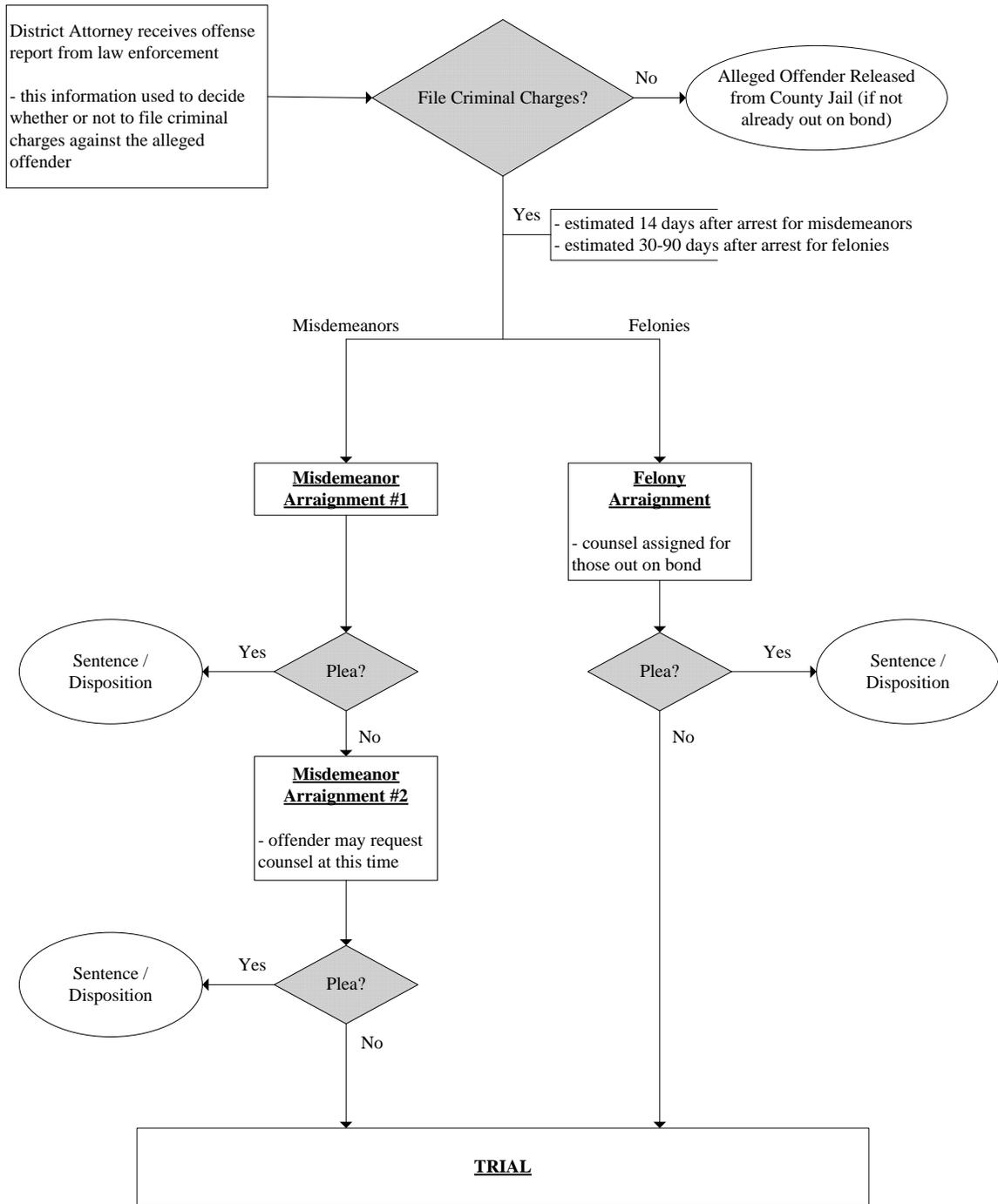
<sup>3</sup> See Appendix A.

<sup>4</sup> See generally, “A Comprehensive, Integrated Justice Information Management System for Texas Counties” (June 1, 2007), County Information Resources Agency; Brian J. Ostrom and Roger A. Hanson, “Efficiency, Timeliness, and Quality: A New Perspective from Nine State Criminal Trial Courts” (1999), National Center for State Courts, p.79; and “A Second Look at Alleviating Jail Crowding” (October 2000), Bureau of Justice Assistance.

Figure 2 illustrates the processes that take place after formal charges have been filed against an alleged offender.



**Figure 2**  
**Filing of Charges to Case Disposition**



Multiple agents are directly involved in many of the significant events and processes associated with the movement of criminal cases through the criminal justice system. Figure 3 illustrates this dynamic as observed through current practice in Midland County.

**Figure 3**  
**Criminal Justice Events / Processes and Practitioners**

<p><b><u>Event / Process:</u></b>            - Arrest</p> <p><b><u>Agents Involved:</u></b>            - Law Enforcement (arresting agent)            - Courts (if warrant issued prior to arrest)</p>	<p><b><u>Event / Process:</u></b>            - Booking into County Jail</p> <p><b><u>Agents Involved:</u></b>            - Law Enforcement (arresting agent)            - Sheriff's Office (jail operations)</p>
<p><b><u>Event / Process:</u></b>            - Bonding prior to Magistration</p> <p><b><u>Agents Involved:</u></b>            - Sheriff's Office (jail operations)</p>	<p><b><u>Event / Process:</u></b>            - Magistration</p> <p><b><u>Agents Involved:</u></b>            - Sheriff's Office (jail operations)            - Courts (JPs)</p>
<p><b><u>Event / Process:</u></b>            - Pretrial Services</p> <p><b><u>Agents Involved:</u></b>            - Sheriff's Office (jail operations)            - Pretrial Services</p>	<p><b><u>Event / Process:</u></b>            - Filing of Charges</p> <p><b><u>Agents Involved:</u></b>            - District Attorney            - Clerk's Office</p>
<p><b><u>Event / Process:</u></b>            - Arraignment</p> <p><b><u>Agents Involved:</u></b>            - Sheriff's Office (jail operations)            - District Attorney            - Defense Attorney            - Courts</p>	<p><b><u>Event / Process:</u></b>            - Trial and other post-arraignment proceedings</p> <p><b><u>Agents Involved:</u></b>            - Sheriff's Office (jail operations)            - District Attorney            - Defense Attorney            - Courts</p>

For example, when booking a defendant into the jail, the arresting law enforcement officer – typically city police officer - must transport the defendant to the custody of the sheriff's county jail for incarceration. When formal charges are filed against a defendant, the District Attorney files those charges with either the District or County Clerk, as appropriate. The jail operations department in the Sheriff's Office is pivotally involved in all court events when the defendant is incarcerated; arrangements must be made with the Sheriff's Office to ensure that inmates are available for scheduled court appearances.

### 3.2 Systems Integration

At each major event depicted in the preceding illustrations, some level of record creation and retention takes place, often involving the accumulation of the same basic information about a defendant. All criminal justice agents interviewed indicated that their office utilizes some form of computerized information management system. However, none were able to provide data in formats allowing for computer-aided research and analysis. All data provided was in paper format and would have required extensive data entry to conduct any meaningful analysis. Any system that cannot provide data in a format that can be readily brought into spreadsheet form does not take full advantage of what a database can provide.

The vast majority of information technology services available to Midland County's criminal justice agents are provided by private vendors. These services do not provide reporting of data in distinct columns and rows as in a spreadsheet. Such data exports can be done with all operating systems, including Microsoft, Macintosh or UNIX. The omission is in the software provided to Midland County by its vendors.

Ideally, relevant data points would be made available electronically to each agency, either through a fully integrated criminal justice information system or through a well-designed process of file sharing. Sharing information, where appropriate and permissible, improves overall system efficiency, and improves the accuracy of the information itself. *Ideally, each "owner" of the data in an integrated system retains control over "their" information, but can rely on information from further "upstream" in the system, and can access the information they need to do their job, at the time they need it.*

Under a scenario with full integration of all criminal justice system information, numerous instances where there is duplication of effort would be removed. Although certain levels of data entry will still be necessary, considerable staff time would be saved by having certain common pieces of information entered only once into the larger information system.<sup>5</sup>

Enormous efficiency improvements could be gained if the information gathered by the arresting officer, pretrial services office, and the jail personnel were entered into an information system accessible, as appropriate, by all members of the local criminal justice system<sup>6</sup> With integrated information sharing:

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<sup>5</sup> See generally, the Integrated Justice Information Systems Resource Guide by the National Center for State Courts at <http://www.ncsconline.org/wc/CourTopics/ResourceGuide.asp?topic=IJIS> ; "Integrated Criminal Justice Information Systems" (National Conference of State Legislatures, 2007), available at <http://www.ncsl.org/programs/lis/intjust/report01.htm#Introduction> ; and "A Comprehensive, Integrated Justice Information Management System for Texas Counties" (June 1, 2007), County Information Resources Agency.

<sup>6</sup> For an extensive discussion of the benefits of "direct filing" of criminal cases in three Texas counties, see "Evaluating the Impact of Direct Electronic Filing in Criminal Cases: Closing the Paper Trap," (2006) by the Public Policy Research Institute at Texas A&M, for the Task Force on Indigent Defense, available at: <http://www.courts.state.tx.us/tfid/pdf/FinalReport7-12-06wackn.pdf>

- The time required submitting offense reports to the District Attorney would be dramatically shortened from the time it currently takes for several people to handle paper, including a courier service.
- The District Attorney would be able to import from law enforcement an offender's identifying and arrest information as well as criminal history in preparation for deciding whether or not to file charges. There would be less time waiting for staff to enter the information from the offense reports before the attorney decision-making process actually begins.
- The District or County Clerk would be able to import the filing information and populate a newly opened case with basic information, when a decision to file criminal charges is made by the District Attorney.
- Court coordinators could view basic information about custody status of the defendant and could initiate an immediate electronic request to the Sheriff's Office to make transportation arrangements for offenders to appear in court.
- By sharing data in an electronic format, collection of numerous conflicting versions of the same information by the different agents would be minimized by removing the need for someone to re-enter information that had already been entered at an earlier point in the process.

For any system improvements planned by the criminal justice agencies, a fully integrated information system is a key component to realizing the objectives of the initiatives adopted by Midland County. At a minimum, an integrated information system will provide tremendous assistance to Midland County in their efforts to at least ensure that inefficient business practices are not causing the need for jail space.<sup>7</sup> With access to various criminal justice data, the criminal justice agents in Midland County can develop methods for monitoring vital indicators about the system's operations. As such, various operational and performance baselines could be established. With these baselines, Midland County will also be prepared to gauge the successes of their future efforts by having something against which to compare and measure.

All criminal justice agents interviewed expressed a desire to have a fully integrated criminal justice information system throughout Midland County.

***Recommendation:***

Pursue an integrated information system, making the following initial steps:

- Designation of a staff project manager and formation of a steering committee.
- Review of sources cited in this report.
- Further discussions with OCA and Carl Griffith & Associates.
- Contact with the TechShare project of the Conference of Urban Counties; and the County Information Resources Agency
- Peer-to-peer contact with officials in Texas counties utilizing some form of direct filing.

<sup>7</sup> Efficiency improvements are generally much less costly than other methods of relieving pressure for jail space. See "A Second Look at Alleviating Jail Crowding" (October 2000), Bureau of Justice Assistance, p. 12.

### ***3.3 Arrest, Booking and Submission of Offense Reports***

When an arrest is made the arresting officer provides the probable cause affidavit, with the defendant's name and charge, to the jail. A booking sheet is created by the jail with additional information, including the defendant's driver's license number, social security number and jail number.

An offense report is created by the arresting officer after transferring the alleged offender to the county jail for booking. The arresting officer creates the offense report in an electronic database environment; however, the offense report is actually printed out in paper form before being submitted to the District Attorney.

According to interviews with law enforcement personnel, it takes approximately one hour to generate an offense report for both felonies and misdemeanors. However, the District Attorney's office indicates that only about one-third of felony offense reports are received within ten days of arrest. If the difference is explained by delays in movement of paper, as much as a week or more could be saved with electronic submission of this information to prosecuting authorities. However, it seems unlikely that the time required to send a paper offense report from one office to another would fully account for the difference between one hour and 10 days. More communication between the offices might yield a firmer resolution to this question, and suggest further improvements that could be mutually achieved.

***Recommendation:***

Undertake sustained communication between Midland Police Department and other arresting authorities, and the District Attorney, to identify opportunities to reduce delay in filing offense reports.

### ***3.4 Magistration, Bonding, and Pretrial Services***

All "magistration"<sup>8</sup> in Midland County is handled by the Justice Courts, and occurs once each day, seven days a week. Paper-based case information on new jail inmates from the previous day is obtained from the jail each morning. Defendants arrested in the morning hours and not processed sufficiently to appear in that day's magistration may wait longer than 24 hours before receiving magistration. Based on a sample of arrest records, magistration usually happens about 15 hours after arrest on average.

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<sup>8</sup> Texas law requires that any individual detained in custody be given an opportunity to appear before a magistrate promptly after arrest. Guidelines for this post-arrest proceeding, informally referred to as the "magistration," are specified in Article 15.17, Code of Criminal Procedure. Though the term "magistration" is not actually found in the law, it is commonly used to describe the Article 15.17 hearing. A magistration is distinct from an "arraignment," though the expressions are sometimes incorrectly used interchangeably. Article 26.02, Code of Criminal Procedure specifies that an arraignment takes place for the purpose of fixing the identity of the accused and taking his or her plea. The terms "initial appearance" or "probable cause hearing" more accurately describe the Article 15.17 hearing but are seldom used.

There is a possibility for misdemeanor defendants to bond out of jail prior to magistration through the use of a peace officer's bond. Generally, felony defendants must appear before a magistrate prior to bonding out. Interviewees indicated there is no formal bond schedule in place. However, there is an informal guide for new judges, but ultimately the magistrates are allowed to set bond as they see fit according to the details of the case before them.

The pretrial services office will usually see incarcerated defendants one day after magistration. This is another opportunity for defendants to bond out of jail. Pretrial services also are the first opportunity for felony defendants to request court appointed counsel. Felony defendants requesting counsel who are determined eligible usually are appointed counsel within four days after the request is placed with pretrial services.

Although pretrial services indicated they do have the authority to release arrestees prior to the first court appearance, they only sometimes interview arrestees prior to the first court appearance. The potential to release an inmate prior to magistration is one reason to see inmates prior to magistration, but there are other benefits to interviewing defendants as soon as possible, such as having a more complete assessment of the issues pertinent to the case at hand when magistration does occur.<sup>9</sup>

***Recommendations:***

- Consider providing magistration more than once daily, at least on higher volume days.
- Consider judicial adoption of a formal bond schedule(s) for felony and misdemeanor offenses.
- Ensure pretrial services has sufficient resources to serve the misdemeanor population and to conduct more pre-magistration interviews.

### ***3.5 Filing of Charges, Arraignment and Other Court Proceedings***

As noted previously, all offense reports submitted to the District Attorney are in paper format. Reportedly only about one percent of both felony and misdemeanor cases are rejected. A misdemeanor information is usually filed by the District Attorney within two weeks after arrest. A felony indictment is usually filed by the District Attorney within 30 to 90 days after arrest, with more complicated cases taking as long as 6 or 7 months to file. In drug cases, lab test results may contribute to delay.

Judges expressed concern over the amount of time that passes before felony indictments are filed by the District Attorney, even for drug cases, and particularly in sexual assault cases. One factor that may affect the time to filing is that the District Attorney attempts

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<sup>9</sup> See "Pretrial Services Operating at the Optimum: A Self Assessment Guide" (March 2000), Pretrial Services Resource Center, p.3; available at: <http://www.pretrial.org/Pretrial%20Services%20Operating%20at%20the%20Optimum.pdf>.

to align grand jury proceedings with the district court where the case was filed. However, the district judges indicate this is not necessary. They are willing to share their grand juries, and doing so would improve efficiency in handing down indictments. It is important that filing of charges be done as efficiently as possible in order to help preserve the aims of more efficient case disposition, and ultimately, fewer days spent in jail for inmates.<sup>10</sup>

Arraignment is the first opportunity for misdemeanor defendants to request counsel.<sup>11</sup> However, the request is only heard at a subsequent hearing if there is no plea at arraignment. It should be made clear that there is no statutory preclusion to resolving request for counsel issues at arraignment.<sup>12</sup> Arraignment for misdemeanor cases is held every Thursday.

Court coordinators contact the jail to arrange for defendants to be brought to court for arraignment. There are different perceptions among judges and court coordinators about the frequency of rescheduling hearings because a defendant was unable to make it to an originally scheduled proceeding due to incarceration in an outlying county jail. The different perceptions may be partly the result of the process whereby scheduled court appearances are communicated to the jail operations.

According to interviews with court personnel, all court orders are transferred by hand from the courts to the jail by the bailiff. There are reported problems of orders being lost, and court coordinators indicate a frequent need to check on the delivery status of court orders. It is not uncommon for court orders to have to be resent to the jail. This system of communication is inadequate and should be done through electronic sharing of information. This would greatly reduce the chance for lost orders and allow for more proactive communication with the jail.

***Recommendations:***

- Implement shared grand juries and increase the number of grand jury days.
- Develop an interim solution (short of integrated justice) for electronic transmittal of court requests to the jail.
- Conduct misdemeanor arraignment at least twice per week.

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<sup>10</sup> See “Evaluating the Impact of Direct Electronic Filing in Criminal Cases: Closing the Paper Trap,” (2006) by the Public Policy Research Institute at Texas A&M, for the Task Force on Indigent Defense, available at: <http://www.courts.state.tx.us/tfid/pdf/FinalReport7-12-06wackn.pdf>

<sup>11</sup> Article 26.02, Code of Criminal Procedure, specifies that an arraignment takes place for the purpose of fixing the identity of the accused and taking his or her plea.

<sup>12</sup> Article 1.051, Code of Criminal Procedure, specifies that “...if an indigent defendant is entitled to and requests appointed counsel and if adversarial judicial proceedings have been initiated against the defendant, a court or the courts’ designee authorized under Article 26.04 to appoint counsel for indigent defendants in the county shall appoint counsel as soon as possible . . . .”

### ***3.6 Jail Operations***

When a defendant enters the county jail, identification is made by numerous means, including live-scan prints. All incoming inmates are also assessed by medical staff for medical and psychological issues. It is unknown how much of the gathered information is stored in a database versus paper records. Ideally, all information gathered should be stored in a database.

According to jail operations personnel, a classification system is used to determine which inmates are incarcerated locally and which inmates are transferred to an outlying county's facilities. Reportedly, inmates further along in the criminal justice system are housed in other counties whereas those inmates in the earlier stages of the criminal justice process are kept locally, because those in the earlier stages will have to make appearances before the court more frequently. The stated classification system is at odds with the contention by some judges that defendants frequently miss scheduled hearings due to incarceration in other county jails.<sup>13</sup> In turn, the Sheriff's Office staff expressed a need for greater lead time in advising the jail of scheduled court hearings requiring transportation of incarcerated defendants to the court.

Jail operations personnel and judges indicated that the wait for parole violators' cases to be heard by the Board of Pardons and Paroles is very lengthy, which increases the use of available jail space by the state without any reimbursement to the county. This is not an uncommon complaint by county officials, and is an area the legislature has attempted to define in Sections 508.281, 508.2811, and 508.282 of the Government Code.

***Recommendation:***

If it is determined that parole revocation hearings are not being held in accordance with the requirements established by statute, Midland County should present the issue to the Parole Division of the Texas Department of Criminal Justice.

## **4. Midland and Comparable Counties, Data Analysis, 2002-Present**

Part of managing any system is having diagnostics that gauge the health of the system. In criminal justice, those diagnostics include data on incarcerated populations, arrests by law enforcement, and general measures of court case processing activity in terms of efficiency and disposition types. When evaluated individually, these diagnostics provide limited utility. But when assessed as a whole, the same diagnostic data can be much more powerful in terms of illustrating potential process improvements.

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<sup>13</sup> This disagreement was an example of a pattern of comments detected by OCA and Carl Griffith & Associates, directed at Jail Captain Sexton, for being uncooperative and unwilling to share information with others in the system. Personality differences often come to light in this kind of study, but the consistency of this pattern suggested that it should be brought to the attention of the County.

As demonstrated in section 3, in the jail context, population is a function of the interplay between processes that result in confinement, such as arrest, probation revocation, and sentencing, and processes that result in release, such as bail, probation, and sentence completion.

In an attempt to fully explore and understand the dynamics associated with criminal case processing in Midland County, this researcher sought a considerable variety of data. Much of the data were known to be readily available from state agencies charged with tracking certain summary data by county. The availability of other data was dependent on the ability of Midland County to provide the specific information about their criminal justice operations.

Midland County provided virtually none of the requested information in formats conducive to analysis. All information was provided in paper format or in an electronic version of the paper document. For analysis, data must be ultimately formatted into research cases with separate rows and columns. To have accomplished the necessary formatting from the data provided would have required numerous hours of rote data entry by hand into a spreadsheet.

The following list highlights a few essential data sets that were unavailable:

- Time from arrest to filing;
- Time from filing to disposition for cases by general offense levels (drug, property, etc.);
- Number of days incarcerated in county jail for disposed cases by general offense levels (drug, property, etc.);
- Types of case disposition by general offense levels (drug, property, etc.);
- Frequency of having to reschedule court appearances or hearings;
- Number of court cases pending without arraignment;
- Data on county jail populations provided in formats conducive to analysis.

To illustrate the importance of data analysis, consider the aforementioned example of “Types of case disposition by general offense levels.” If Midland County could distinguish convictions with a sentence of incarceration from convictions with a fine as the only punishment, a metric could be created that regularly monitors case dispositions involving a sanction of some kind that immediately increases the demand for jail space versus dispositions involving a sanction that does not immediately increase the demand for jail space. The requisite data needed to build such a metric would be dispositions of probation and dispositions of conviction with fine only versus those dispositions with a conviction and term of incarceration or revocation of probation.

For example, assume a court had 50 misdemeanor convictions with a term of incarceration, 10 misdemeanor convictions with a fine only, 15 probation revocations, and 25 probation placements for a total of 100 criminal dispositions (excluding rare dismissals and acquittals). 65% of the dispositions (50 convictions with incarceration plus 15 probation revocations) would place an immediate demand on jail space. This

percentage could be monitored regularly to track how disposition trends are affecting the need for jail space.

The data presented in this section address various criminal justice trends in Midland County going back to 2002. All data are summary counts maintained by state agencies charged with monitoring certain county statistics. For purposes of this report, all fiscal years are from September through August. In Midland County, felony cases are processed by the district courts and misdemeanor cases are processed by the county courts at law (CCL).

Also in this section, various demographic and criminal justice trends will be compared between Midland County and five other similarly-sized counties: Ector, Potter, Randall, Taylor and Tom Green counties (see Table 1). All counties in the following comparisons had between 4 and 5 percent increases in population over the last 5 years, except that Taylor and Tom Green counties had flat growth rates.

**Table 1**  
**County Population: Midland and Similarly - Sized Counties**

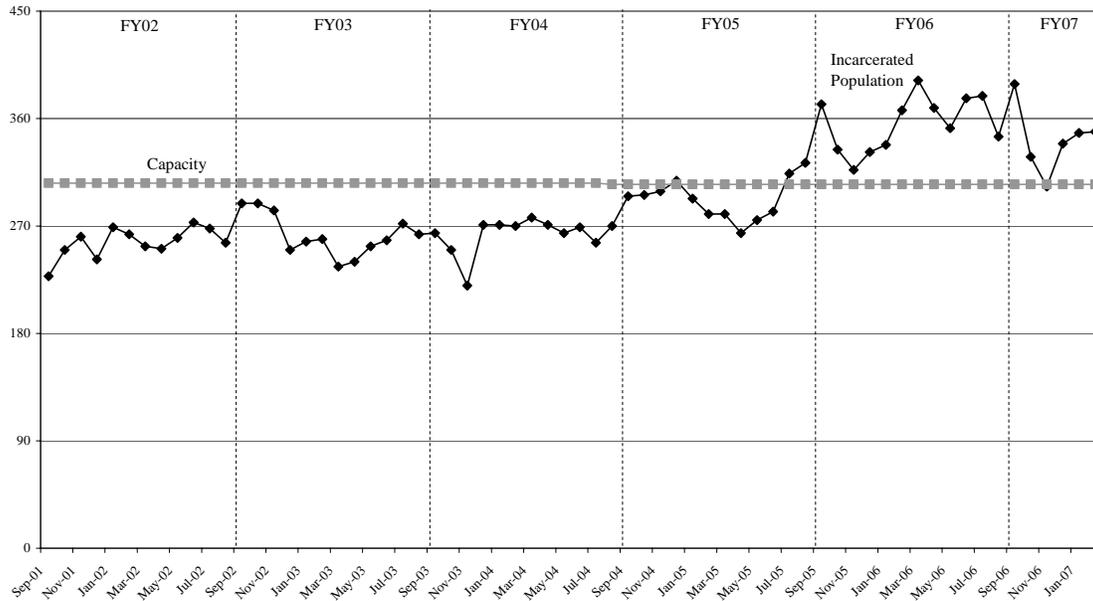
Year	Ector	Taylor	Midland	Potter	Randall	Tom Green
2002	120,866	125,287	<b>116,043</b>	114,569	105,555	103,452
2003	122,361	124,917	<b>117,401</b>	115,670	106,345	103,481
2004	122,948	124,852	<b>118,757</b>	117,599	107,269	103,908
2005	124,293	125,091	<b>120,014</b>	118,324	108,744	103,809
2006	125,339	125,039	<b>121,371</b>	119,852	110,053	103,611
FY02 - FY06 % Change	3.7%	-0.2%	<b>4.6%</b>	4.6%	4.3%	0.2%

Source: U. S. Census Bureau

#### ***4.1 Jail Populations***

The number of incarcerated individuals first exceeded available capacity in December 2004 (see Figure 4). Available capacity has been surpassed by demand continuously since July 2005, forcing Midland County to contract with surrounding counties to house Midland's inmates.

**Figure 4**  
**Midland County Jail Capacity and Inmates (Locally and Elsewhere)**



Source: Texas Commission on Jail Standards

Midland County has roughly half the available jail space per capita compared to comparable counties, with the exception of Randall County (see Table 2).

**Table 2**  
**County Jail Capacity: Total and per 1,000 County Population**

	Ector		Taylor		Midland		Potter		Randall		Tom Green	
	Capacity	Per Capita	Capacity	Per Capita	Capacity	Per Capita	Capacity	Per Capita	Capacity	Per Capita	Capacity	Per Capita
FY 2002	667	5.5	662	5.3	<b>306</b>	<b>2.6</b>	598	5.2	341	3.2	436	4.2
FY 2003	667	5.5	662	5.3	<b>306</b>	<b>2.6</b>	598	5.2	488	4.6	449	4.3
FY 2004	667	5.4	662	5.3	<b>306</b>	<b>2.6</b>	596	5.1	488	4.5	449	4.3
FY 2005	667	5.4	662	5.3	<b>305</b>	<b>2.5</b>	598	5.1	340	3.1	449	4.3
FY 2006	667	5.3	662	5.3	<b>305</b>	<b>2.5</b>	598	5.0	310	2.8	449	4.3
FY 2007*	667	na	662	na	<b>305</b>	<b>na</b>	598	na	310	na	449	na

\* FY 2007 is September 2006 through February 2007

Sources: U.S. Census Bureau and Texas Commission on Jail Standards

In absolute terms, Midland County also has a lower inmate population than the other counties, with Randall County again the exception (see Table 3). Midland County is the only county of those listed with an incarcerated population in excess of locally available jail space.

**Table 3**  
**County Jail Populations: County Inmates Housed Locally and Elsewhere**

	Ector	Taylor	Midland	Potter	Randall	Tom Green
FY 2002	433	390	<b>256</b>	517	205	285
FY 2003	463	454	<b>262</b>	531	213	345
FY 2004	454	445	<b>263</b>	519	228	376
FY 2005	449	478	<b>292</b>	518	232	413
FY 2006	470	545	<b>356</b>	542	246	450
FY 2007*	515	525	<b>343</b>	538	228	405

\* FY 2007 is September 2006 through February 2007

Source: Texas Commission on Jail Standards

Examining Midland County's inmate population, the proportion in the pretrial stage of confinement has shown a steady increase. The average daily jail population in the pretrial phase in fiscal year 2004 was 55 percent, and in fiscal year 2007 has risen to 59 percent (see Table 4). This suggests that there may be decreased efficiency moving cases from filing to disposition, to be explored further in section 4.3 on court activity data.

**Table 4**  
**Midland County Inmates - Pretrial, Convicted and Parole Violators**

	Midland Co. Inmates Incarcerated Locally or Elsewhere	Midland County Pretrial Defendants Incarcerated Locally or Elsewhere		Midland County Convicted Offenders Incarcerated Locally or Elsewhere		Midland County Parole Violators Incarcerated Locally or Elsewhere	
		#	% of Midland Co. Inmates	#	% of Midland Co. Inmates	#	% of Midland Co. Inmates
FY 2002	256	125	48.6%	74	28.9%	45	17.6%
FY 2003	262	122	46.6%	86	32.7%	35	13.1%
FY 2004	263	144	54.8%	78	29.5%	27	10.3%
FY 2005	292	166	56.8%	74	25.3%	37	12.6%
FY 2006	356	205	57.6%	94	26.4%	46	12.8%
FY 2007*	343	203	59.3%	74	21.5%	47	13.7%

\* FY 2007 is September 2006 through February 2007

Source: Texas Commission on Jail Standards

Although it has increased over time, the percent of Midland County's inmates in the pretrial stage of case adjudication is still lower than all but one of the comparison counties (see Table 5).

**Table 5**  
**County Jail Populations: Percent Pretrial**

	Ector	Taylor	Midland	Potter	Randall	Tom Green
FY 2002	49.8%	55.2%	<b>48.6%</b>	51.6%	81.9%	51.5%
FY 2003	53.2%	56.5%	<b>46.6%</b>	57.6%	75.9%	54.8%
FY 2004	55.3%	60.9%	<b>54.8%</b>	54.6%	76.2%	59.5%
FY 2005	58.1%	63.4%	<b>56.8%</b>	59.2%	81.6%	62.5%
FY 2006	58.0%	60.0%	<b>57.6%</b>	61.5%	78.8%	64.9%
FY 2007*	64.9%	56.5%	<b>59.3%</b>	60.8%	65.0%	62.4%

\* FY 2007 is September 2006 through February 2007

Source: Texas Commission on Jail Standards

The best data for analyzing duration in jail are Length of Confinement (“LOC”) data.<sup>14</sup> These statistics would calculate the difference between date of entry into the county jail and date of exit from jail. By regularly monitoring the changing trends in LOC, jail administrators and other criminal justice agents can arm themselves with valuable diagnostics for indicating slight trending changes. Often the monitoring of these data can allow criminal justice managers to act preemptively and address all possible operational areas in an effort to bring LOC to within manageable limits.

Midland County provided no data on jail LOC, even though OCA was led to believe that such data in fact resides in the database used by the Sheriff’s Office. The inability to provide the data may be due to any number of reasons, but with minimum programming, any modern database system can calculate differences between entry and exit dates and provide such data in formats conducive to analysis.

#### ***4.2 Reported Arrests***

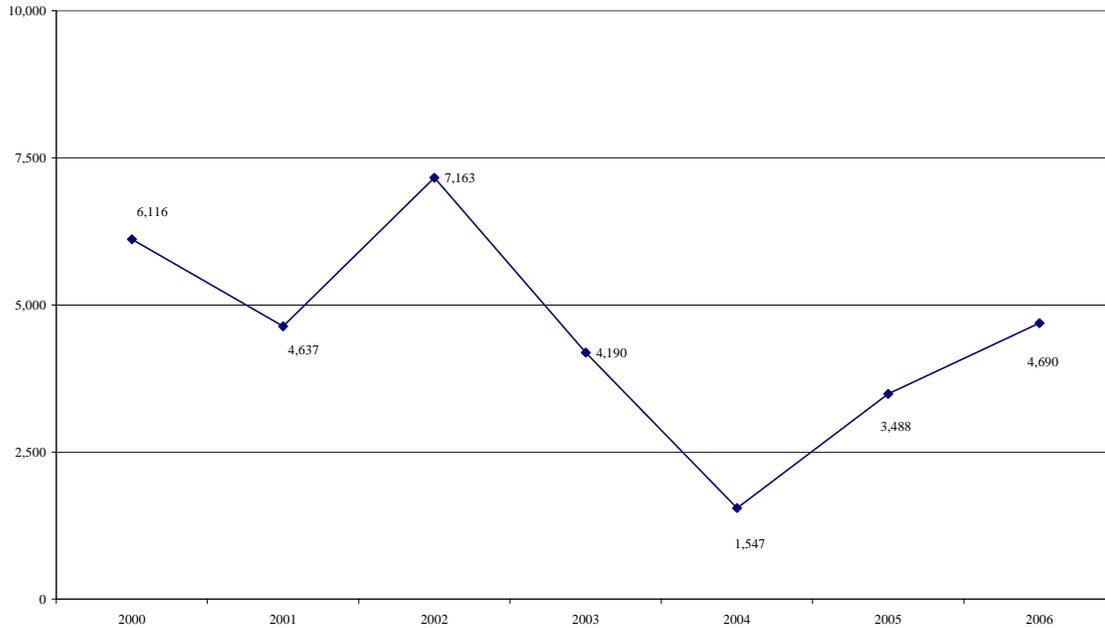
Prior to late fiscal year 2005, the number of inmates had been stable, averaging less than 275 total inmates per day (see Figure 4). Increased arrests would be one explanation for the rather sudden increase in demand for jail beds. However, available arrest data do not support any causal relationship between the number of arrests and the number of inmates. Moreover, the fluctuations in volume of arrests reported by Midland County to the Texas Department of Public Safety (DPS) make the data difficult to use for analytical purposes. As indicated in Figure 5, the volume of reported arrests has fluctuated considerably during the past five years, marked by a particularly low point in 2004, possibly indicating a period of under-reporting.

Arrest data provide little insight into the upward spike in demand for jail capacity. For example, the arrests for the years preceding 2002 were considerably higher than the volume reported during 2005 when the demand for jail beds began outpacing the available capacity.

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<sup>14</sup> See “A Second Look at Alleviating Jail Crowding” (October 2000), Bureau of Justice Assistance, p.12.

**Figure 5**  
**Midland County Adult Arrests, 2000 through 2006**



Source: Texas Department of Public Safety

Furthermore, the fluctuating number of arrests is reflected across the major contributing offense types and not driven by changing trends in specific categories of criminal arrests (see Table 6).

- Percent change in **total adult arrests**, 2002 through 2006: **-35%**
  - % change in larceny arrests, 2002 through 2006: **-55%**
  - % change in drug arrests, 2002 through 2006: **+16%**
  - % change in DWI arrests, 2002 through 2006: **-61%**
  - % change in liquor laws/drunkenness arrests, 2002 through 2006: **+8%**

**Table 6**  
**Midland County Adult Arrests by Select Offense Types**

Calendar Year	Total Arrests		Larceny / Theft		Drug		DWI		Liquor Laws / Drunkenness	
	#	% chg	#	% of tot	#	% of tot	#	% of tot	#	% of tot
2000	<b>6,116</b>	---	689	11.3%	475	7.8%	1,323	21.6%	851	13.9%
2001	<b>4,637</b>	<b>-24.2%</b>	420	9.1%	333	7.2%	709	15.3%	954	20.6%
2002	<b>7,163</b>	<b>54.5%</b>	801	11.2%	660	9.2%	1,123	15.7%	1,076	15.0%
2003	<b>4,190</b>	<b>-41.5%</b>	684	16.3%	510	12.2%	594	14.2%	829	19.8%
2004	<b>1,547</b>	<b>-63.1%</b>	134	8.7%	226	14.6%	234	15.1%	410	26.5%
2005	<b>3,488</b>	<b>125.5%</b>	401	11.5%	493	14.1%	420	12.0%	934	26.8%
2006	<b>4,690</b>	<b>34.5%</b>	358	7.6%	767	16.4%	439	9.4%	1,161	24.8%
<b>FY02 - FY06</b>										
<b>% Change</b>	<b>-34.5%</b>		<b>-55.3%</b>		<b>16.2%</b>		<b>-60.9%</b>		<b>7.9%</b>	

Source: Texas Department of Public Safety

Comparing arrest data can be difficult given the variety and complexity of factors contributing to crime. However, it is worthwhile to note some of the contrasting observations from analyzing the arrest data (see Table 7).

- Midland and Taylor counties are the only counties to have experienced a decrease in arrests from 2002 to 2006.
- Although Taylor County also experienced a considerable decrease in reported arrests from 2002 to 2006, Midland County is the only county with the drastic drop in 2004.

**Table 7**  
**Total Adult Arrests**

Calendar Year	Ector	Taylor	Midland	Potter	Randall	Tom Green
2000	13,300	5,111	<b>6,116</b>	8,113	2,175	4,720
2001	11,959	5,246	<b>4,637</b>	6,247	2,257	4,996
2002	9,800	4,918	<b>7,163</b>	6,927	1,915	3,861
2003	10,747	5,046	<b>4,190</b>	7,249	2,340	3,962
2004	10,075	5,372	<b>1,547</b>	10,570	2,664	4,337
2005	9,575	4,186	<b>3,488</b>	9,013	3,164	4,961
2006	10,336	3,403	<b>4,690</b>	8,811	2,627	5,281
FY02 - FY06 % Change	5.5%	-30.8%	<b>-34.5%</b>	27.2%	37.2%	36.8%

Source: Texas Department of Public Safety

### ***4.3 Criminal Filings***

Despite the inconsistent trends in arrests, criminal case filings in the district courts and county courts at law have shown steady increases over the past few years (see Table 8). Although the reasons are not presently known, the arrest data clearly are not good leading indicators of criminal case filings in Midland County.

- Percent change in total adult arrests, 2002 through 2006: **-35%**
- Percent change in criminal filings, 2002 through 2006: **+23%**

**Table 8**  
**Midland County District Courts and County Courts at Law**  
**Average Monthly Criminal Case Filing Activity**

	District Court Filings		County Court at Law Filings		Total Criminal Filings	
	Avg Monthly #	% Change	Avg Monthly #	% Change	Avg Monthly #	% Change
FY 2002	123	---	373	---	496	---
FY 2003	131	6.3%	377	1.1%	508	2.4%
FY 2004	131	0.0%	394	4.5%	525	3.4%
FY 2005	136	3.6%	451	14.5%	587	11.8%
FY 2006	156	15.0%	456	0.9%	612	4.2%
FY 2007*	158	1.4%	454	-0.3%	612	0.1%
<b>FY02 - FY07 % Change</b>	<b>28.4%</b>		<b>21.8%</b>		<b>23.5%</b>	

\* FY 2007 is September 2006 through February 2007

Source: Office of Court Administration

Midland County is the only county to have filing trends in direct contrast to arrest trends. Despite a near 35% decrease in arrests, Midland County had a near 25% increase in criminal case filings (see Table 9).

- Potter County did have a decrease in filings despite an increase in reported arrests, but this could potentially be explained by changes in filing practices reducing the number of cases filed following an arrest.
- It is counter-intuitive to have filings growing while arrests are declining as in Midland County.

**Table 9**  
**Total Average Monthly Criminal Case Filings**

	Ector	Taylor	Midland	Potter	Randall	Tom Green
FY 2002	556	548	<b>496</b>	560	275	443
FY 2003	603	582	<b>508</b>	581	279	472
FY 2004	591	571	<b>525</b>	600	320	474
FY 2005	644	620	<b>587</b>	569	320	456
FY 2006	652	596	<b>612</b>	616	320	580
FY 2007*	674	499	<b>612</b>	545	318	513
<b>FY02 - FY07 % Change</b>	21.2%	-9.0%	<b>23.5%</b>	-2.8%	15.7%	15.8%

\* FY 2007 is September 2006 through February 2007

Source: Office of Court Administration

The growth in filings is still present even when factoring in county population growth. Criminal case filings per 1,000 county residents have increased nearly 18 percent since fiscal year 2002 (see Table 10).

**Table 10**  
**Midland County District Courts and County Courts at Law**  
**Per Capita Criminal Case Filings**

	County Population	Annual Filings	Filings per 1,000 Population	% Change
FY 2002	116,043	5,952	<b>51.3</b>	---
FY 2003	117,401	6,094	<b>51.9</b>	1.2%
FY 2004	118,757	6,299	<b>53.0</b>	2.2%
FY 2005	120,014	7,043	<b>58.7</b>	10.6%
FY 2006	121,371	7,338	<b>60.5</b>	3.0%
FY 2007*	na	3,674	na	na
<b>FY02 - FY06 % Change</b>	<b>4.6%</b>	<b>23.3%</b>	<b>17.9%</b>	

\* FY 2007 is September 2006 through February 2007

Sources: U.S. Census Bureau and Office of Court Administration

With the exception of Randall County, the per capita filing rate in Midland County is in line with the other comparison counties (see Table 11).

**Table 11**  
**Criminal Case Filings per 1,000 County Population**

	Ector	Taylor	Midland	Potter	Randall	Tom Green
FY 2002	55.2	52.5	<b>51.3</b>	58.7	31.3	51.4
FY 2003	59.1	55.9	<b>51.9</b>	60.3	31.5	54.8
FY 2004	57.7	54.9	<b>53.0</b>	61.2	35.8	54.7
FY 2005	62.2	59.5	<b>58.7</b>	57.7	35.4	52.7
FY 2006	62.4	57.2	<b>60.5</b>	61.7	34.9	67.2
FY 2007	na	na	<b>na</b>	na	na	na
<b>FY02 - FY06 % Change</b>	<b>13.1%</b>	<b>8.9%</b>	<b>17.9%</b>	<b>5.2%</b>	<b>11.7%</b>	<b>30.8%</b>

Sources: U.S. Census Bureau and Office of Court Administration

#### ***4.4 Criminal Dispositions***

As indicated in section 4.1, the increase in the proportion of inmates in the pretrial stage may be due to a decrease in the efficiency with which criminal cases are processed.

Based on the time to disposition data provided to OCA, case processing is indeed taking longer (see Table 12).

- Criminal cases disposed in 91 days or more: FY05 = 54%, FY07 = 59%

**Table 12**  
**Midland County District Courts and County Courts at Law**  
**Age of Criminal Cases Disposed**

Criminal Case Dispositions	Total Cases Disposed	% of Cases Disposed in 60 days or less	% of Cases Disposed in 61 to 90 days	% of Cases Disposed in 91 to 120 days	% of Cases Disposed in over 120 days	% of Dispositions Over 90 Days
<i>District Courts</i>						
FY 2002	<b>1,487</b>	26.5%	18.4%	15.3%	39.8%	<b>55.1%</b>
FY 2003	<b>1,508</b>	25.4%	18.2%	14.3%	42.0%	<b>56.4%</b>
FY 2004	<b>1,560</b>	25.7%	22.2%	12.9%	39.2%	<b>52.1%</b>
FY 2005	<b>1,544</b>	24.8%	19.3%	12.5%	43.4%	<b>55.9%</b>
FY 2006	<b>1,728</b>	23.2%	22.4%	13.3%	41.1%	<b>54.4%</b>
FY 2007*	<b>752</b>	20.9%	22.7%	14.6%	41.8%	<b>56.4%</b>
<i>County Level Courts</i>						
FY 2002	<b>4,184</b>	9.3%	7.7%	5.1%	77.9%	<b>83.0%</b>
FY 2003	<b>3,966</b>	27.7%	8.9%	6.5%	56.9%	<b>63.4%</b>
FY 2004	<b>4,263</b>	34.7%	7.3%	7.0%	51.1%	<b>58.0%</b>
FY 2005	<b>4,740</b>	38.8%	7.7%	5.4%	48.1%	<b>53.5%</b>
FY 2006	<b>5,167</b>	38.6%	6.4%	4.5%	50.6%	<b>55.0%</b>
FY 2007*	<b>2,179</b>	32.8%	7.9%	6.0%	53.4%	<b>59.3%</b>
<i>All Criminal Cases</i>						
FY 2002	<b>5,671</b>	13.8%	10.5%	7.8%	67.9%	<b>75.7%</b>
FY 2003	<b>5,474</b>	27.0%	11.5%	8.6%	52.8%	<b>61.5%</b>
FY 2004	<b>5,823</b>	32.3%	11.3%	8.6%	47.9%	<b>56.4%</b>
FY 2005	<b>6,284</b>	35.4%	10.5%	7.1%	46.9%	<b>54.1%</b>
FY 2006	<b>6,895</b>	34.7%	10.4%	6.7%	48.2%	<b>54.9%</b>
FY 2007*	<b>2,931</b>	29.7%	11.7%	8.2%	50.4%	<b>58.6%</b>

\* FY 2007 is September 2006 through February 2007

Source: Office of Court Administration

Although the changes are not dramatic, they nonetheless point to gradual losses in efficiency. The decrease in the criminal case processing efficiency in Midland County is true for both the district courts and county courts at law. This trend becomes very clear when analyzing criminal case clearance rates – the number of cases disposed as a percent of cases filed (see Table 13).

- District Courts case clearance rates: FY04 = 100%, FY07 = 80%
- County Courts at Law case clearance rates: FY04 = 90%, FY07 = 80%

**Table 13**  
**Midland County District Courts and County Courts at Law**  
**Criminal Case Clearance Rates**

	District Courts			County Courts at Law		
	Annual Filings	Annual Dispositions	<i>Clearance Rate</i>	Annual Filings	Annual Dispositions	<i>Clearance Rate</i>
FY 2002	1,478	1,487	<b>100.6%</b>	4,474	4,184	<b>93.5%</b>
FY 2003	1,571	1,508	<b>96.0%</b>	4,523	3,966	<b>87.7%</b>
FY 2004	1,571	1,560	<b>99.3%</b>	4,728	4,263	<b>90.2%</b>
FY 2005	1,628	1,544	<b>94.8%</b>	5,415	4,740	<b>87.5%</b>
FY 2006	1,872	1,728	<b>92.3%</b>	5,466	5,167	<b>94.5%</b>
FY 2007*	949	752	<b>79.2%</b>	2,725	2,179	<b>80.0%</b>

\* FY 2007 is September 2006 through February 2007

Source: Office of Court Administration

Case clearance rates are above 90 percent for all the comparison counties except for Ector County. As previously stated, clearance rates are a measure of case processing efficiency. Table 14 presents the clearance rates for each of the similarly-sized comparison counties.

**Table 14**  
**Criminal Case Clearance Rates**

	Ector	Taylor	Midland	Potter	Randall	Tom Green
FY 2002	96.0%	103.4%	<b>95.3%</b>	97.8%	93.1%	92.9%
FY 2003	98.1%	103.5%	<b>89.8%</b>	99.1%	95.0%	98.3%
FY 2004	96.3%	104.1%	<b>92.4%</b>	113.6%	98.0%	94.7%
FY 2005	103.9%	97.7%	<b>89.2%</b>	101.3%	109.9%	111.5%
FY 2006	99.4%	109.0%	<b>94.0%</b>	103.5%	110.5%	90.0%
FY 2007*	51.9%	116.8%	<b>79.8%</b>	99.7%	91.9%	106.4%

\* FY 2007 is September 2006 through February 2007

Source: Office of Court Administration

*Use of Probation*

When looking at the demand for jail space, it is important to evaluate the use of probation<sup>15</sup> as a form of disposition. By placing an offender on probation, a county can avoid the need for jail space, at least in the short term. However, probation placements do have an indirect potential for incarceration in the event an offender does not adhere to the conditions of his/her probation. In such instances, a motion to revoke probation is filed requesting that the offender be formally sentenced to a term of incarceration.

According to data provided by the Texas Department of Criminal Justice Community Justice Assistance Division (CJAD), Midland County has experienced a decrease in probation revocations in recent years (see Table 15).

<sup>15</sup> "Community supervision" is the proper term under article 42.12, Texas Code of Criminal Procedure, but this report retains the vernacular use of "probation."

- Percent of probation terminations due to revocation: FY04 = 36%, FY07 = 21%

**Table 15**  
**Midland County Probation Trends**

	Total Placements	Total Terminations	Revocations	<i>Revocations as % of Terminations</i>
FY 2002	na	na	na	na
FY 2003	na	na	na	na
FY 2004	1,286	1,154	410	<b>35.5%</b>
FY 2005	1,238	1,633	398	<b>24.4%</b>
FY 2006	1,344	1,668	343	<b>20.6%</b>
FY 2007	na	na	na	na

Source: Texas Department of Criminal Justice Community Justice Assistance Division

Given that the number of cases in which the defendant is sentenced to probation has not declined, the decrease in both the volume and rate of revocations during fiscal years 2005 and 2006 indicates that Midland County probationers are doing better at completing probation successfully.

Of the cases in which probation has been revoked, 60 percent were revoked for reasons other than new offense convictions or arrests (see Table 16).

- Revocation reasons are reported to CJAD in three specific categories: new conviction, subsequent arrest/offense, or other.

**Table 16**  
**Midland County Probation Revocation Trends**

	Total Revocations	New Conviction Revocations	Subsequent Offense/ Arrest Revocations	Other Revocations	<i>Other as % of Revocations</i>
FY 2002	na	na	na	na	na
FY 2003	na	na	na	na	na
FY 2004	410	68	98	244	<b>59.5%</b>
FY 2005	398	41	90	267	<b>67.1%</b>
FY 2006	343	39	100	204	<b>59.5%</b>
FY 2007	na	na	na	na	na

Source: Texas Department of Criminal Justice Community Justice Assistance Division

Midland County has the lowest rate of probation terminations due to revocation (see Table 17), but they have the highest rate of revocations for “other” reasons (see Table 18).

**Table 17**  
**Probation Revocations as Percent of All Probation Terminations**

	Ector	Taylor	Midland	Potter / Randall*	Tom Green
FY 2004	40.8%	27.1%	<b>35.5%</b>	45.8%	28.5%
FY 2005	28.0%	20.7%	<b>24.4%</b>	44.8%	21.5%
FY 2006	26.6%	23.5%	<b>20.6%</b>	28.3%	21.4%

\* Potter and Randall counties share one adult probation department

Source: Texas Department of Criminal Justice - Community Justice Assistance Division

**Table 18**  
**Percent of Probation Revocations Due to "Other" Reasons**

	Ector	Taylor	Midland	Potter / Randall*	Tom Green
FY 2004	59.8%	52.5%	<b>59.5%</b>	50.7%	56.8%
FY 2005	50.4%	51.8%	<b>67.1%</b>	48.9%	54.4%
FY 2006	53.2%	42.2%	<b>59.5%</b>	48.3%	50.6%

\* Potter and Randall counties share one adult probation department

Source: Texas Department of Criminal Justice - Community Justice Assistance Division

#### ***4.5 Summary of Data Analyses***

After evaluating the available data about Midland County's criminal justice system, a number of observations can be made about pressures on available jail space. There are a number of pressures that clearly drive the need for more jail space. However, there are also indicators of practices that serve to decrease, or offset pressures driving the need for jail space. A brief summary of these observations is listed below.

##### ***Factors Increasing Pressures on Jail Capacity***

- Criminal case filings have increased by more than 20 percent during the last five years.
- More time is required to move cases from filing to disposition. This is evidenced in both the district courts and the county courts at law by:
  - Increases in percent of incarcerated population in pretrial stages of adjudication;
  - Increases in percent of cases disposed in 91 or more days;
  - Decreases in case clearance rates.

##### ***Factors Decreasing Pressures on Jail Capacity***

- There has been a marked decrease in the number of community supervision terms being revoked.

Due to the volatility in data reported, arrests are an unreliable indicator of pressure on Midland County's available jail capacity and case filing activity in the criminal courts.

Without sacrificing public safety and the goals of justice, the aim of Midland County should be to maximize the factors that decrease pressure on jail space and reduce those factors placing demands on available jail space.

## **5. Concluding Remarks**

In summary, there are key areas where improvements can be made in terms of the efficiency of criminal justice processes in Midland County. As evidenced from interviews with various agents and analysis of available data, it is taking longer to process individuals through the system. These time factors certainly impact the need for additional jail space. However, the needs can be partly addressed by focusing on issues such as the time to submission of offense reports and to file charges by the District Attorney. Additionally, more frequent magistration generally and additional weekly arraignment proceedings for misdemeanors should also help make the criminal justice process more efficient.

One of the most critical long-term issues for Midland County is the need for a more fully integrated criminal justice information management system in order to better facilitate the information needs of the various criminal justice agencies. Such a system will save countless personnel hours by removing duplicate data entry, reducing potential for incorrect information and fostering a more collaborative approach among the various criminal justice agencies.

The Office of Court Administration would like to express our gratitude to Judge Bradford for inviting our study, and to all the other officials and staff in Midland County for their patience and assistance. Requesting and participating in such a study is a courageous act by public officials who in good faith seek ways to discharge their duties more effectively.

## Appendices

### *Appendix A: OCA Project Team Members*

**Carl Reynolds** is an attorney with extensive experience in all three branches of Texas state government. He is currently the Director of the Office of Court Administration in the judicial branch. From 1997 to 2005 he was General Counsel for the Texas Department of Criminal Justice, and from 1993 to 1997, he was General Counsel to the Texas Board of Criminal Justice, the governing body for TDCJ. Prior to 1993, he was the Executive Director of the Texas Punishment Standards Commission (a blue-ribbon legislative agency charged with reforming the State's sentencing laws and corrections resources), General Counsel to the Texas Senate Committee on Criminal Justice, Director of the Senate's redistricting staff, and a briefing attorney for the Texas Court of Criminal Appeals.

**Mary Cowherd** is the Deputy Director of the Office of Court Administration and the Director of the Research and Court Services Division. She has been at the Office of Court Administration for nearly 18 years. Prior to her current position, Ms. Cowherd was the agency's Chief Staff Attorney. Ms. Cowherd has also worked for the Texas House of Representatives as a Chief Committee Clerk and was briefly in private law practice. Before moving to Texas, Ms. Cowherd worked for the Los Angeles County Clerk's Office and the Clerk of the Los Angeles Municipal Court. Ms. Cowherd is a 1987 graduate of the University of Texas Law School. She also earned a master's degree in Judicial Administration, and a bachelor's degree in political science, at the University of Southern California.

**Jim Bethke** has 14 years of experience working with Texas courts. He joined the Office of Court Administration legal division in 1998 after serving as general counsel from 1993 to 1998 for the Texas Municipal Courts Education Center. Before that he was chief prosecutor for the Lubbock City Attorney's Office. Since 2002, he has served as the director of the State Task Force on Indigent Defense charged with implementing a statewide system of standards, financing and other resources for criminal defendants unable to hire attorneys. His division of the Office of Court Administration is responsible for distributing and accounting for approximately \$15 million in state funds yearly to county government. His office also collects, reviews, and maintains all county expenditure data and plan information relating to county indigent defense services for each of the 254 counties. He is a U.S. Army veteran from the 101st Airborne Division and a graduate of the University of Texas at Tyler and the Texas Tech University law school. He is a past-chair of the Juvenile Law Section of the State Bar of Texas and Juvenile Law Exam Commission for the Texas Board of Legal Specialization.

**Joel Lieurance** serves as the Research Specialist for the Task Force. The purpose of this position is to promote local compliance and accountability with the core requirements of the Fair Defense Act through evidence-based practices. He is responsible for analyzing data collected at the local level, reviewing local county indigent defense plans and practices, and then to report his findings to the Task Force on Indigent Defense. He acts as an enabler to local government by noting factors driving successful indigent defense

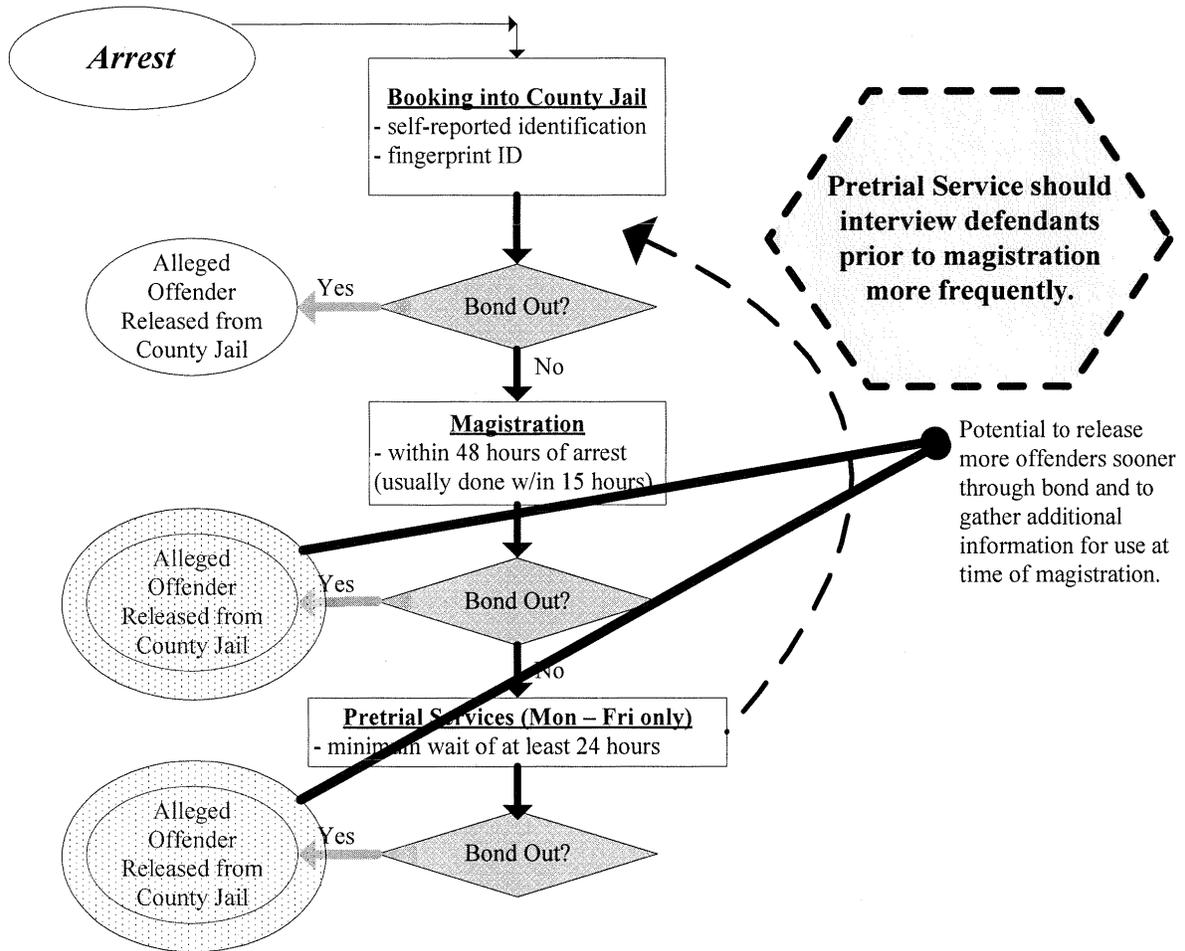
*Appendix A: OCA Project Team Members (continued)*

service levels in the individual counties and by showing how county indigent defense services could be improved through utilizing best practices followed in counties across the State. He has past experience in the software industry, working as a quality assurance engineer and as a build manager. He has a law degree from Texas Tech University, a M.S. in Management from North Carolina State University, and a B.S. in Electrical Engineering from North Carolina State University.

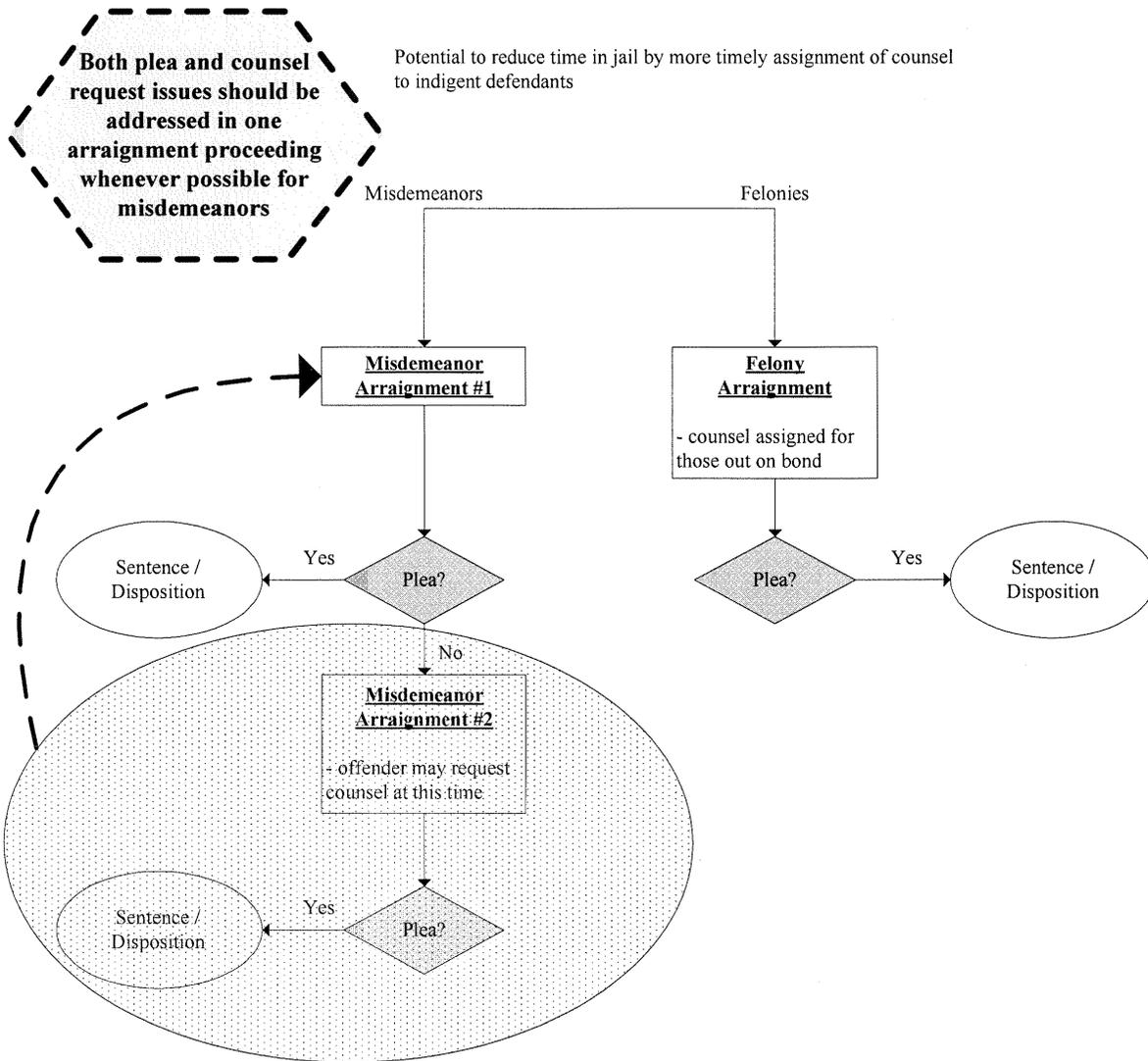
**Eva Walla** has over 10 years of court administration experience. She is the former District Court Administrator for the 33rd and 424th District Courts and is also certified in Trial Court Coordination, Trial Court Management and Trial Court Administration by the Texas Center for the Judiciary. She is the co-founder and former Vice-President of the Texas Rural Association for Court Administration, a member of the Texas Association for Court Administration, and a member of the National Association for Court Management. She has over 20 years of legal experience working with various state agencies and private law firms.

**Andy Barbee** serves as the Research Specialist for the Office of Court Administration. He has over 8 years experience overseeing research and evaluation projects in Texas government. Prior to his current position, Mr. Barbee worked with the Texas Health and Human Services Commission as the manager of all forecasting on behalf of the Texas Department of Family and Protective Services. From 1999 to 2003, Mr. Barbee worked with the Texas Criminal Justice Policy Council as the lead forecaster for all adult criminal justice populations in Texas. He has extensive experience in system-wide evaluations of large operations, including database audits for adult probation and outcome evaluations of various criminal justice initiatives adopted in Texas. Mr. Barbee earned a master's degree in criminal justice from Sam Houston State University and a bachelor's degree in criminal justice from St. Edward's University.

**Appendix B: Earlier Intervention by Pretrial Services**



## Appendix C: Consolidation of Misdemeanor Arraignment Proceedings



***Appendix D: Midland County Representatives Participating in Study***

***County Commissioners Court***

County Judge Michael Bradford  
Commissioner Jimmy Smith  
Commissioner Randy Prude

***District Courts***

Judge George David Gilles, 142<sup>nd</sup> District Court  
Judge John Gary Hyde, 238<sup>th</sup> District Court  
Judge Dean Rucker, 318<sup>th</sup> District Court  
Judge Robin Malone Darr, 385<sup>th</sup> District Court  
Ana O'Bryant, Court Coordinator, 318<sup>th</sup> District Court

***District Clerk's Office***

Vivian Wood, District Clerk

***County Courts at Law***

Judge Al Walvoord, Jr., County Court at Law No.1  
Judge Marvin Lee Moore, County Court at Law No. 2  
Fonda Love, Court Coordinator, County Courts at Law No.1 and 2

***County Clerk's Office***

Shauna Brown, County Clerk  
Pat Spurgeon, Criminal Lead Clerk

***District Attorney's Office***

Al Schorre, District Attorney  
Sandra Edge, Felony Office  
Bob Stevens, Misdemeanor Division

***Sheriff's Office***

Ed Krevitt, Chief Deputy  
Richard Sexton, Jail Captain

***Midland Police Department***

Lieutenant Berny Kraft  
Karrie Bragg

***Pretrial Services Office***

Tim Long, Director

***Justices of the Peace***

Judge Joe Matlock, Precinct 1  
Judge David Cobos, Precinct 2

*Appendix D: Midland County Representatives (continued)*

*Justices of the Peace (continued)*

Judge Billy Johnson, Precinct 3

*Constables*

Charles Hall, Precinct 4 Constable

*County Auditor*

Veronica Morales, Auditor

*Defense Attorneys*

Tom Morgan

Danna Gallegos

*County Information Systems*

Daniel Ochoa, Director