



TEXAS JUDICIAL COUNCIL

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Texas Judicial Council Supports Governor Abbott's Proposals to Modernize Texas' Bail System

Texas Judiciary stands ready to help with implementation

MEDIA RELEASE

August 8, 2018

Statement from Chief Justice Nathan Hecht, Texas Supreme Court, Chair of The Texas Judicial Council

AUSTIN – “I applaud Governor Abbott for taking a hard look at a difficult issue that has been a concern of the Judiciary in recent years. Texas law limits judges’ power to detain high-risk defendants, while low-risk defendants are held unjustifiably at taxpayer expense under a faulty bail system. Texas judges lack sufficient information to effectively scrutinize which defendants pose a threat to public safety and those who don’t. Liberty is precious to Americans, and any deprivation must be scrutinized. Twenty years ago, nearly one-third of the state’s jail population was awaiting trial. The number today has risen to three-fourths – costing taxpayers almost \$1 billion annually. In sum, high-risk defendants, a threat to society, are freed; low-risk defendants sit in jail, an unnecessary burden on taxpayers. This makes no sense.

The Texas Judicial Council, the policy-making body of the Judiciary has worked since 2015 on improvements to Texas’ pretrial system. Among its many recommendations is the requirement that judges use a validated risk assessment tool to determine a defendant’s threat of danger to the public and risk of failure to appear in court and to use this information as part of their bail determination. The Judicial Council recently commissioned a public opinion poll where 80% of Texans surveyed said they believe that judges should assess risk factors such as current charge, prior convictions, and age to determine bail for a defendant, yet judges in only six of Texas’ 254 counties have access to this information.

Liberty, public safety, taxpayer burdens, and common sense all demand better solutions. The Texas Judiciary stands ready to work with the Governor and Texas Legislature to make these proposals a reality.” – Chief Justice Nathan Hecht, Texas Supreme Court

Texas Bail Facts

- According to the Texas Commission on Jail Standards, the average cost per day to house an inmate in a county jail is \$60.12.
- As of July 1, 2018, there were 42,943 individuals who have not been convicted being held in Texas Jails, at a cost per day to local governments of \$2,581,733 or nearly \$1 billion annually.
- Nearly 20% of felony cases take more than a year to dispose and more than 50% percent of misdemeanors remain pending over six months – meaning individuals held in jail while awaiting trial stay for considerable amounts of time.
- A 2017 study [Liberty and Justice: Pretrial Practices Conducted in Texas](#) commissioned by the Texas Judicial Council showed that validated risk assessment can successfully predict failure to appear and new criminal activity.
 - Fewer high-risk defendants are released, and fewer low-risk defendants are detained – improving public safety while reducing costs. Where risk isn't considered, defendants commit 20% more crimes, and are over 9 times more likely to commit a new felony or offense with a weapon.
 - Two-thirds of local official respondents said judges rely heavily on their own “gut feeling” when setting bail. 40% of judges surveyed affirmed that they use their own intuition to set bail due to a lack of other reliable tools.
- The Office of Court Administration is developing a validated pretrial risk assessment tool called the Pretrial Risk Assessment Information System for Texas (PRAISTX).
- The Texas Judiciary will host a summit in the Fall of 2018 to work with judges and other county stakeholders in improving bail decision-making process.

Resources

Texas Judicial Council Pretrial Recommendations

2016 – <http://www.txcourts.gov/media/1436204/criminal-justice-committee-pretrial-recommendations-final.pdf>

2018 – <http://www.txcourts.gov/media/1441877/criminal-justice-committee-report.pdf>

Resolution – <http://www.txcourts.gov/media/1436331/criminal-justice-committee-recommendations.pdf>

Liberty and Justice: Pretrial Practices in Texas - http://www.txcourts.gov/media/1437499/170308_bond-study-report.pdf

PRAISTX Website - <http://www.txcourts.gov/programs-services/pretrial-risk-assessment-information-system-for-texas/>

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