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Consultants say Midland has inordinate number of jailed misdemeanor violators

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-Commissioners' Court to hear reports from consulting firm, Office of Court Administration regarding recommendations to improve efficiency of justice system and reduce jail overcrowding.

The Texas Commission on Jail Standards' June population report shows that Midland County held approximately 48 pre-trial misdemeanants per 100,000 residents, nearly five times the average rate of pre-trial misdemeanants held in the state's three largest counties.

The commission's report shows that as of June 1 inmates charged with misdemeanor violations who yet to go to trial accounted for about 17.8 percent of the county's inmate population, roughly the same percentage of inmates that the county is paying to house in other counties at a cost estimated by Sheriff Gary Painter to reach \$1 million.

By contrast, Harris County had about 11 pre-trial misdemeanants per 100,000 residents, Tarrant County had about 16 pre-trial misdemeanants per 100,000 residents, and Dallas County, which reported only nine pre-trial misdemeanants in custody, had about 0.38 pre-trial misdemeanants per 100,000 residents.

Monday, the Commissioners' Court will hear reports from the consulting firm Griffith & Associates and from the Office of Court Administration including recommendations for changes in several areas of the criminal justice system to improve efficiency and reduce jail overcrowding. County Judge Mike Bradford said the reports are likely to include recommendations for addressing the number of alleged misdemeanor violators being held at the jail.

"You're going to hear a great deal of detail on that issue," Bradford said. "Both parties have called to tell me about that. Their preliminary view is we have an inordinate amount of misdemeanants in jail."

For the past seven years the county has had a pre-trial services program intended to help inmates eligible for bond, but unable to afford it, get out of jail as quickly as possible, and according to Painter most of the misdemeanants being held in the jail are people that need to be there.

"Most are in for a few hours at a time," he said. "There are a large number of pre-trial detainees -- parole and probation violators, aggravated assault arrestees, major felons -- that you don't want them on the street and we still need to protect the public," Painter said.

County Court-at-Law 1 Judge Marvin Moore told the Reporter-Telegram that bonds for Class A and Class B misdemeanors are pre-set at \$500 in Midland County, though on occasion judges set higher bonds if they feel the defendant is a flight risk or there are other reasons justifying a higher bond. If an inmate cannot afford to pay the full bond or pay the fee for a bondsman to bail them out, they have the option of using the county's pre-trial services to bond out at a cost of 3 percent of the bond or \$20, whichever is higher.

However, Moore said, the county requires a 24-hour wait before inmates may use the pre-trial services.

"They give bondsmen 24 hours to bond folks out, then (Pretrial Services Director Tim Long) will start looking at them," Moore said.

"Usually we look at low-risk offenders and non-violent offenders and if they've had failures to appear," Long said.

Long told the Reporter-Telegram that there are currently about 65 inmates released from jail through his department being monitored with ankle bracelets using Global Positioning System technology to keep track of their whereabouts. Long said defendants are required to pay for the cost of the equipment so there is no cost to the county.

By contrast, housing an inmate in the Midland County Detention Center or at a jail in another county can cost between \$30 to \$60 per day. In exchange for release from jail, Long said, inmates are required to agree to requirements that can be more restrictive than conditions for inmates who have bonded out.

"What's unique about our personal bonds is there are conditions of release," he said. "Bonding companies are not subject to conditions. It's a stricter type of bond release ... we can require drug testing and daily or weekly reporting. We have alcohol monitoring devices -- there are several tools we have."

Bradford told the Reporter-Telegram that one suggestion likely to be made Monday is an update to software used by various departments to enter inmate data. Bradford said over a period of several years and several administrations there have been no updates made to some

software used and there are nine different types of programs in use, some which cannot interact with each other.

Consequently, he said, inmate data must be hand-entered up to five times in some instances. This can lead to errors and delay the process of getting an inmate booked, bonded and out of jail. The purchase of more efficient software could reduce the amount of time misdemeanants must spend in jail, he said.

Painter said a recently passed law, which will take effect Sept. 1, may also help reduce the number of pre-trial misdemeanants being incarcerated in Midland County by providing law enforcement officers with more discretion to issue citations instead of arresting someone for a misdemeanor offense. As an example, he said law enforcement officers will have the option to issue a citation and summons for the possession of small amounts of marijuana. Whether Midland County Sheriff's Department deputies utilize this discretion may depend on the individual, Painter indicated.

"Some people are just stupid and need to spend some time in jail," Painter said. "Other people we need to bring in for fingerprinting."

Marc Levin, director of the Center for Effective Justice at the Texas Public Policy Foundation, told the Reporter-Telegram another strategy implemented in some counties to reduce the amount of time misdemeanor offenders spend in jail is an offender-victim mediation program. Levin said this type of program, which usually focuses on offenders who have committed a minor property crime such as petty theft, offers offenders the opportunity to negotiate appropriate restitution to the victim and to perform community service in lieu of a jail sentence. He said these types of programs save court costs, which eat into the amount of restitution victims are able to recover, and save counties money by reducing the number of low-level offenders being incarcerated.

"It refocuses on the victim and reduces recidivism because (offenders) realize they harmed another person, rather than just violating a statute," he said. "The other big thing is many offenders are indigent so the county has to pay for their counsel."

Additionally, Levin said, if first-time offenders go through the mediation process and are able to keep the offense off their record it is easier for them to find a job, which makes it easier for them to pay restitution.

In Travis County, he said, law students and members of the community volunteer at the mediation center, so there is little cost to the county. Levin added there are hundreds of similar programs throughout the country. The Texas Public Policy Foundation works to encourage more Texas counties to adopt mediation by pushing for legislation to ensure offenders meeting the conditions of negotiated agreements are not later prosecuted for the offense.

Midland County Jail population:

Total in county: 283

Percent capacity: 92.79

Inmates housed in other counties: 55

Inmate status Percentage of Midland County inmates

Felons:

Pretrial: 103, 30.4 percent

Convicted: 58, 17.1 percent

Convicted county jail: 4, 1.2 percent

Parole violators:

Violators: 10, 2.9 percent

New charge: 25, 7.4 percent

Misdemeanor violators:

Pretrial: 60, 17.8 percent

Convicted: 21, 6.2 percent

Bench warrant: 6, 1.8 percent

Federal: 0, 0 percent

State jail felons:

Pretrial: 36, 10.7 percent

Convicted county jail: 0, 0 percent

Convicted state jail: 12, 3.6 percent

Others: 3, 0.9 percent

Source: Texas Commission on Jail Standards June 1, 2007 jail population report

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