



## **Ministers' report sees race bias in bond policies**

### **Release rate for white defendants greater than that for blacks and Hispanics**

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HOUSTON CHRONICLE

March 6, 2011, 8:48PM

More than 15,000 people were collared in Harris County for misdemeanors in the final months of 2010, but 70 percent of white inmates were released on bond before trial, compared to 50 percent or less of Hispanics and [African-Americans](#), a new report critical of detention practices shows.

White criminal defendants also generally had to pay lower bonds for their freedom, according to a report released by the Houston Ministers Against Crime. The group of politically connected pastors claims aggressively locking up those who have been accused - but not yet convicted - for crimes like fighting and trespassing costs taxpayers big bucks and harms poor communities "struggling under the ongoing financial crisis."

Last week alone, more than 840 people accused of misdemeanors remained jailed at a cost of about \$38,000, or \$45 per person daily plus processing expenses, [Harris County Sheriff's Office](#) records show. Many are poor and unwilling or unable to pay fees of \$200 or less to a bondsman.

Houston Ministers Against Crime released the new report to urge county judges and commissioners to correct a racial and socioeconomic imbalance they claim hurts poor people accused of crimes as well as others.

"Due to widespread economic woes, many of our citizens are unable to raise the money necessary to post bonds on even relatively minor cases," the report says. "Even while presumed innocent, they remain in custody as their jobs are lost and their financial troubles worsen. This hardship further undermines their families and communities."

The huge number of pretrial defendants housed in the crowded Harris County [Jail](#) has been the subject of ongoing study by the county's [Criminal Justice](#) Coordinating Council, first formed in July 2009.

Comprising 11 elected county officials, it was created by recommendation of the Justice Management Institute, a Denver-based nonprofit that authored a \$150,000 study of the county's troubled justice system and identified excessive pretrial detention as a problem.

### **'They are discriminating'**

The Rev. Robert Jefferson, a leader in Houston Ministers Against Crime, said he and other activists are frustrated with the slow progress in reducing pretrial detainees in the jail.

"We've got committees of insiders that are looking out for themselves," he said. "They've been doing things that are politically correct instead of what's right. They are violating laws. They are discriminating."

So far, most county officials who received the report had little to say about it.

Four of five county commission members, who received the report on Feb. 22, either had not read it or declined comment. Commissioner Jerry Eversole, released on bond himself while awaiting trial in his pending criminal case, declined to respond. Only Jack Morman and El Franco Lee said they had read it. "We will consider whatever the findings are of the (Criminal Justice Coordinating) Council," said [County Judge](#) Ed Emmett. "They're like a subcommittee, and if they come back and say these changes need to be made, then we'll consider that."

Former Judge Caprice Cosper, director of the county's Office of Criminal Justice Coordination, said the report made good points that deserve further examination.

"I value the communities' input," she said. "I think the issue of pretrial bonds is a very important one and we as a criminal justice system need to look at that issue."

Alan Bernstein, a spokesman for Sheriff Adrian Garcia, said the sheriff welcomed any report aimed at jail safety and savings and pledged to continue "to work with the judiciary and other stakeholders" to get as "close as possible to perfect, equitable justice."

Yet 58 percent of the county's 9,700 current jail inmates remain "pretrial," the week's statistics show.

Among them are disabled adults, teenagers, the mentally ill, substance abusers and first-time offenders who often get mixed in with hard-core felons.

Judges alone could decide to allow more misdemeanor and other nonviolent criminal defendants to remain free before trial if unable to post bond, but Harris County jurists rarely use so-called personal recognizance bonds, other records show.

Harris County District Judge Belinda Hill, the newly elected administrative district judge, said a judge-led group already is collecting information on pretrial detention and she'd like to expand it to include community members.

"This is an important area that judges have begun evaluating and will continue to do so," she said.

## **Volunteers to observe**

In the meantime, Ministers Against Crime members plan to train volunteer ministers to act as in-court observers to see how individual judges make bond decisions and whether jailed criminal defendants' rights are being violated, Jefferson said. The group is working with Janis Bane, director of the new Harris County project for the nonprofit Texas Criminal Justice Coalition.

The ministers' report included data from the pretrial services division, which interviews accused offenders, collects data and provides independent reports to judges who make bond decisions.

[County commissioners](#) on Tuesday will review a request to transfer the pretrial services department, long an independent agency, so that it would be run by judges - a step Jefferson and other system critics oppose and criticized as an effort to muzzle the department and undermine efforts to reduce the incarceration rates of those not yet convicted.

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