

# TEXAS VOTERS WANT COMMONSENSE PRETRIAL JUSTICE REFORM

Nearly three-fourths of the people in Texas jails have not been convicted of the charges against them, costing local governments more than \$905 million each year to house these individuals.<sup>1</sup> Dallas, Harris, and Galveston counties, which together represent over a quarter of the state's population, are being sued for their pretrial practices.<sup>2</sup> In a 2017 Pretrial Justice Institute (PJI) report titled "The State of Pretrial Justice in America," Texas was one of 12 states to receive a grade of D.<sup>3</sup> The Texas Judicial Council, chaired by the Chief Justice of the Texas Supreme Court Nathan Hecht, has recommended that the pretrial system be reformed.<sup>4</sup>

A new poll from PJI, Right on Crime and Texas Applesseed shows Texas voters strongly support changes in how the pretrial stage—the front door—of their criminal justice system operates.<sup>5</sup>

## TEXAS VOTERS ARE READY FOR CHANGE

- 90 percent of registered Texas voters are dissatisfied with the criminal justice system overall; 55 percent want either a complete overhaul or major reforms. Ninety percent of Republicans, 93 percent of Democrats, and 89 percent of independents think some change to the criminal justice system is needed.
- 81 percent of Texas voters believe the wealthy enjoy substantially better outcomes in the criminal justice system than do poor and working-class people, including 71 percent of Republicans, 87 percent of Democrats and 83 percent of independents.

80% favor   
education and  
counseling

 86% favor  
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services

## TEXAS VOTERS SUPPORT DETENTION ONLY WHEN IT PROTECTS PUBLIC SAFETY

- When asked which should be the deciding factor in pretrial detention decisions, Texas voters overwhelmingly favored using an assessment that takes into account public safety (72 percent).
- When given a menu of what courts and judges should consider in making the decision to release or detain someone pretrial, respondents overwhelmingly chose the seriousness of the charge combined with the outcome of a pretrial assessment instrument (59%).

## TEXAS VOTERS WANT COMMUNITY-BASED SUPPORTS

- 82 percent of voters would provide court reminders or supervision for people awaiting trial in the community.
- Texas voters endorse services for people who are awaiting trial in the community:
  - 80 percent favor education and counseling to help people appear in court and not get arrested on new charges.
  - 86 percent favor services for people with mental health needs.



**TEXAS VOTERS FAVOR COMMONSENSE PRETRIAL REFORMS**

- Eight in 10 Texas voters would reduce jail populations by issuing citations for low-level, nonviolent offenses rather than taking people to jail.
- Instead of requiring people to pay money upfront to be released from jail before trial, three in five voters support the use of unsecured bonds, which is a promise to pay a fine for failing to show up for trial.
- Most Texas voters (75 percent) would limit how long a person charged with a non-serious offense could be jailed before trial.

Unnecessary pretrial detention due to a person's inability to pay money bail has serious consequences. It can cost people their jobs, housing, education, health—even custody of children. As [few as three days in jail](#) can make some people more likely to offend in the future.

**Endnotes**

1. Texas Judicial Council, [Criminal Justice Committee Report & Recommendations, Pretrial Decision-Making Practices](#) (October 2016).
2. See, McCullough, Jolie. "[Federal Judge Rules against Dallas County Bail Practices.](#)" The Texas Tribune, Texas Tribune, 21 Sept. 2018; McCullough, Jolie. "[Appeals Court Largely Upholds Ruling against Harris County Bail Practices, Reins Back Orders.](#)" The Texas Tribune, Texas Tribune, 14 Feb. 2018; Blakinger, Keri, and Nick Powell. "[Galveston County Hit with Bail Lawsuit Similar to Harris County Case.](#)" Houston Chronicle, Houston Chronicle, 9 Apr. 2018.
3. Pretrial Justice Institute, [State of Pretrial Justice in America](#) (November 2017).
4. See, State of Texas Resolution of the Texas Judicial Council, [Criminal Justice Committee Recommendations](#) for the 85th Legislative Session; Public Policy Research Institute at Texas A&M University and Texas Indigent Defense Commission, [Liberty and Justice: Pretrial Practices in Texas](#) (conducted at the request of the Texas State Office of Court Administration) (March 2017) demonstrated that pretrial reforms could result in safer Texas communities in conjunction with cost savings to local governments [http://www.txcourts.gov/media/1437499/170308\_bond-study-report.pdf].
5. The survey was conducted by phone using professional interviewers and reached 606 Texas voters (unweighted); the results were then weighted into the base sample to represent their natural distribution in the electorate (N=560). The survey was conducted May 2-17, 2018. Respondents in the poll identified as follows: Democrat (39 percent); Republican (36 percent) and independent (13 percent). The remaining respondents (12%) volunteered "other" or "don't know".

