

Analysis of Pretrial Services Processes related to Indigent Assessment

Currently, Pretrial Services conducts indigent assessment interviews in conjunction with personal bond interviews. Not all defendants booked and incarcerated in Travis County require both interviews; some defendants will not require either interview, depending on their circumstances. In order to determine which interviews are appropriate for each defendant, Pretrial Services goes through a set process of generating and reviewing key reports and forms. This process is perpetual and is repeated consistently throughout the day and across work shifts.

Interview Preparation Process

Worksheets

The preparation process begins with a Pretrial Services officer generating what are referred to as worksheets. As the name implies, the worksheets serve as an on-going work list that officers use to determine what interviews each defendant will require.

Generation of worksheets is based on the last booking number utilized from the previous day or shift. Staff utilizes a clipboard log to determine the next available (“starting”) booking number. Work is done at one of two common use workstations in the Pretrial Services Office. The workstations are equipped with Crystal Reports. Using a specific Crystal Report, officers input parameters (the starting booking number and an infinite booking number) to execute a query and generate the worksheet report. The report is printed and the officer updates the log with the last booking number and the next starting booking number, based on the report. Based on training and experience, the officer will screen the list to identify defendants with cases that may have been reduced or enhanced. The officer will also scan and screen the list to mark out defendants that are ineligible for personal bond release as well as those defendants that will not require personal bond or indigence interviews, based on their circumstances. For instances in which the defendant will require neither interview, the respective booking number column is crossed out with an ‘X’. For instances in which the defendant will not receive a personal bond interview, but will still receive an indigence status interview, an ‘X’ is placed in the area left of the booking number column.

As mentioned, for various reasons and circumstances, defendants may not require personal bond interviews. Based on the type of case (such as ATRP, bond forfeitures and bond increases), defendants are deemed ineligible for personal bond interview. Defendants that have secured bonds other than personal bonds (such as cash or surety bonds) also do not require personal bond interviews. Based on the amount of the personal bond, defendants may also not be interviewed. Pretrial Services can only interview defendants with bonds equal to or less than \$25,000. For each of these reasons and circumstances, defendants will not be interviewed for personal bond release, but will be interviewed to determine indigent status and related eligibility for attorney appointment. A green sheet will subsequently be completed for each of these defendants, which signifies that the defendant will not receive a personal bond interview, but will still receive an indigent status interview.

Based on circumstances, various defendants will not require either the personal bond interview or the indigent status interview. These include defendants with only out of county charges, defendants facing parole violation, defendants with only commitments, defendants with only bench warrants and those that have already been marked as released from jail. For these defendants, no additional follow-up work will be performed (including no Tiburon APS entry) and no paperwork beyond the worksheet will be completed.

After screening and marking the list, the officer will perform input into Tiburon APS. This entry is referred to as “pre-filling.” Based on the entry of the booking number into the APS main query screen, the application generates a system record pre-filled with booking information and assigns a Pretrial (PT) number. The officer writes the PT number onto the worksheet for the corresponding defendant. Each defendant receives only one PT number, regardless of the number of related booking charges.

Personal Bond Applications

Once information has been pre-filled through the APS entry, the officer utilizes the range of Pretrial numbers (“first red to last red”) as the query parameters in Tiburon APS for printing out the actual personal bond applications. Special bond paper is inserted into the printer tray and the personal bond applications are printed out. The system pulls information that was pre-filled from the booking information. The system handles the print job as a batch job.

The system generates one personal bond application document per charge. In some cases, no charges may be filed for a particular offense arrest or the charges may be modified (enhanced or reduced). In these situations, it is possible that multiple personal bond application documents may be printed through the batch job, but not all may be valid. If this is the case, the invalid personal bond applications are shredded.

Green sheets

Officers then generate “green sheets,” aptly named for the color of paper on which they are printed. As previously discussed, the purpose of these forms is to identify defendants which will not receive a personal bond interview, but will still receive an indigence status interview. To generate these sheets, officers access a special Crystal Report through a desktop icon on the shared workstation. For each defendant, a PT number is inputted as the query parameter and a green sheet report is generated. If all information is present, the green sheet report is printed. In some cases, charge status may fail to be present within the report. In this case, officers will research the case within CMS to determine what charges are applicable and input that information into the report, prior to printing. One green sheet, which includes all charges, is generated per defendant. Prior to printing, green paper is loaded into the printer.

Housing Rosters

Housing roster reports are then generated from the Tiburon CMS application. These reports are canned reports provided by the CMS system. The reports, sorted by Central

Booking area, list defendants in alphabetical order. Officers utilize the location information from the housing roster to sort the forms and divide assignments by location.

Warning or Magistration Lists

Warning or magistration lists are generated periodically by the Sheriff's Office and are provided to Pretrial Services in their distribution box at Central Booking. A magistration list consists of: booking name, charge description, date of birth, bail amount, booking number and a cause number.

In some instances, this document may not have been delivered to Pretrial Services, in which case the officer will have to work with the Sheriff's office to locate the form. Since a judge cannot sign a personal bond until it includes a cause number and bond amount, Pretrial relies on these lists of magistrated defendants to determine when this information has been completed. That is, the list provides Pretrial a notification that the paperwork is now ready to be taken to the judge for signature, as the cause number, bail amount and charges are now listed.

Routinely, a Pretrial Services support staff member or the officer (if support staff is unavailable) will review the magistration lists. Using the information provided, the office specialist or officer will input the cause number and bond amount into Tiburon APS, based on PT number. The office specialist or officer will then check off those completed on the magistration list. Additionally, a Pretrial supervisor will review the magistration lists as necessary.

Interviews

Interviews are currently conducted primarily within Central Booking at posts 1, 2 and 3 as well as within the Central Booking holding area. Posts 1 and 2, where male inmates are held, are located within the CJC; post 3, where female inmates are held, is located in the older TCJ area. On occasion, officers will also be called to conduct interviews at the JP 5 magistration court as well as within other areas of the Travis County Jail (TCJ).

As appropriate, officers will interview defendants for personal bonds and/or indigent status. Officers are given latitude to decide which interview they wish to conduct first. However, most officers perform the personal bond interview first and then the indigent status interview next, as the personal bond interviews often produce background information that is useful for the indigent status interview.

Personal Bond Interview

Personal bond interviews consist primarily of verifying the pre-filled information on the personal bond application. The officer will verify the listed information: place of residence, personal identifiers, place of birth and charges. The officer will note other information such as references, closest relative and employment on the bond and investigation sheet. In turn, the defendant will sign the application, stating that the information provided is correct and signifying their request for release by personal bond.

In-depth coverage of the personal bond interview is not provided within this assessment.

Indigent Status Interview

In accordance with the Texas Fair Defense Act, Pretrial Services officers conduct the indigent status interviews. Officers begin by filling out basic information on the form including: the defendant's name, the defendant's date of birth (DOB) and the booking number.

If charges have been filed, and are known at the time of the interview, the officer will fill in the cause numbers in the field at the top right of the form. If charges have not been filed yet, the officer will determine the highest level of charges (either felony or misdemeanor) - based on the booking information listed on either the personal bond application or green sheet – and fill in either F (for felony) or M (for misdemeanor) in the cause number field.

Defendants are first asked whether or not they or their family will retain an attorney for them.

If the defendant responds “yes”, then the defendant is asked to sign and date at the top of the form, where it states, “I will retain my own attorney.” No additional information is collected from the defendant.

If the defendant responds “no”, then the officer continues with the indigent status interview. Defendants are next asked about their family and dependents, including the dependent's name, age and relationship. Defendants are then asked if they meet any of the automatic qualifiers. These include if the defendant or a defendant's dependent is receiving: food stamps, Medicaid, Temporary Assistance for Needy Families (TANF), SSDI, SSI or public housing. If any of these automatic qualifiers apply, the officer writes on the form which qualifier is applicable and the corresponding support amount.

If no automatic qualifiers apply, the defendant is asked to provide basic monthly income information, in terms of salary and basic expenses information, in terms of amounts spent on rent or mortgage, utilities, transportation, clothing, child care, medical expenses, credit cards, court-ordered monies and child support. Based on the information collected for income and expenses, the officer will later calculate to determine if the defendant qualifies for attorney appointment, based on set eligibility requirements that are tied to the Federal Poverty Guidelines.

The defendant is then asked to sign and date near the bottom of the form, where a paragraph statement attests to several items, including the fact that the information provided is true and to the fact that they are thereby requesting appointment.

If the defendant refuses to sign the document, the officer makes a notation to that effect.

If defendants are unwilling to provide adequate information or responses to the indigence qualification questions, the officer will mark the assessment as “undetermined.” Additionally, if the officer believes that the defendant's incarceration will prevent them

from earning an income, based on information provided, then the assessment is also marked undetermined.

There are various reasons why defendant interviews will not be completed during the first attempt or at all, in some cases. These include defendants that are being held in medical isolation, other types of isolation, as well as defendants that are in court at the time of the first attempt. Depending on the situation, a post-it note will be applied to the forms (personal bond application or green sheet) to note that the interview was not conducted. Further attempts, usually later in the shift, will be made for those that are deemed capable of being interviewed. As necessary, defendant interviews will be passed on to an officer on the next shift for interview, though this practice is strongly discouraged.

Once all of the assigned interviews are completed, officers return to the Pretrial Services office.

Post Interview work at the office

Back at the Pretrial Services office, following the interviews, officers input Tiburon APS information, finish indigency qualification calculations and complete attorney appointment information. They also conduct various reference checks and criminal history checks related to the personal bond application and make recommendations, which are not covered as part of this assessment.

Tiburon APS Input

Inputted APS information includes: updating the case records to note the initials of the interviewing officer, attorney status, type of interview (IA, PR, ATTP, NONE), and date of interview. The attorney status information inputted into the system has recently been changed to provide more meaningful and useful information to the Tiburon IDB system.

Indigence qualification calculations

Indigence qualification calculations are finished back at the office. Based on collected information, such as automatic qualifications, income vs. expense information, the officer will attempt to make a determination of indigence status and will mark the appropriate determination field on the form (yes, no or undetermined).

Attorney appointment forms

The appointment of attorney form is currently on the reverse side of the Indigence Assessment form. It is filled out with the defendant's name, date of birth (DOB) and any available cause numbers, unless the defendant has stated that they will retain their own attorney.

Once completed the paper work is placed in one of two baskets in the Court Services area - felony or misdemeanor - based on the corresponding offense type. Each form is time stamped upon submission. Deadline for submission of forms for defendants interviewed in the morning is 11:30 AM.

Pretrial Court Services

At least twice a day, in the morning and in the afternoon, the Pretrial legal secretary generates a "Court Services Report for Indigence Forms." This report contains the following data field items: booking number, defendant name, date of birth, charge, warrant or cause number, disposition, and date of disposition. This report is generated from Crystal Reports using a starting and ending booking number as query inputs. The report accesses the Tiburon IDB system. The legal secretary maintains a log to determine the next starting number. The report is used by Pretrial as an auditing tool to verify that indigence forms exist for all interviewed eligible defendants. Essentially, each of the defendants on the Court Services Crystal Report, that is eligible for interview, should have a corresponding indigence form. Instances may occur when a defendant initially was presented with charges that made him or her ineligible for interview. Subsequently, the charges may have been modified, and the defendant now faces charges that make him or her eligible. Pretrial Services uses this report to identify those defendants and follow-up with the appropriate interview.

Based on the report, the Pretrial Court Services support staff will also identify which defendants have bonded out, and as such, filters out defendants that no longer require attorney appointment. Indigence forms for these defendants are pulled out of the stack that is provided to Criminal Courts Administration and instead are sent directly to the appropriate County or District Criminal Clerk's Office.

According to Pretrial Services, Criminal Courts Administration currently picks up completed indigence forms twice daily by 9:00 AM and by 2:00 PM.

Audit / Reviews

During the week, Monday through Friday, between 7:00 AM to 6:00 PM, Pretrial Officer III's (PTO III's) review forms from the misdemeanor and felony basket for completion. On weekends, PTO III's will review forms when possible. However, due to frequent interaction with attorneys and the general public, the level III officers are often unable to provide sufficient time for review. As a result, on Monday, the Pretrial Central Booking Manager will review forms that were completed between Friday evening and Monday morning.

In addition to the other types of check points mentioned, Pretrial Services generates reports such as the "24 hour move report" which allows Pretrial to verify that they have personal bonds or green sheets for everyone currently in jail that is eligible for interview.

* * *

During the morning shift, one Pretrial Services officer reports at 6:00 AM (7:00 AM on Sundays) and begins the process of generating worksheets, personal bond applications, green sheets and housing rosters.

At 7:00 AM, (7:00 AM and 7:30AM on Sundays) two additional Pretrial Services officers join the first officer. As necessary, the officers will assist with paperwork and

form preparation. Once the paperwork is generated and sorted – generally between 7:00 AM and 7:30 AM (7:30 AM and 8:00 AM on Sundays) – all three will begin performing defendant interviews.

Based on staff availability and workload, at 8:00 AM, additional officers may report directly to the jail to perform interviews. A PTO III, who serves as a senior officer / mid management, also reports at this time. The PTO III will begin by reviewing warning / magistration lists.

Based on the number of the interviews for that day, but on average around 10:00 AM, officers that began conducting interviews that morning between 7:00 AM and 8:00 AM will return to the office to complete paper work. This includes inputting Tiburon APS information, finishing indigency qualification calculations and completing attorney appointment information. Officers then begin their investigation for personal bond release.

At 11:30 AM, one Pretrial Services officer reports for the afternoon shift and once more executes the process of generating worksheets, “green sheets”, personal bonds and housing rosters. Again, reports are based on the last booking number and/or PT number utilized from the previous shift. This officer also performs follow-up on cases as appropriate.

At 1:00 PM, one Pretrial Services officer reports for the 1:00 PM to 10:00 PM night shift. The reporting officer follows the same rotation of duties as listed before – generating the appropriate forms, conducting interviews and monitoring magistration lists.

At 6:30 PM, one officer reports for the night shift. The reporting officer follows the same rotation of duties as listed before – generating the appropriate forms, conducting interviews and monitoring magistration lists.

* * *

PRETRIAL SERVICES HOURS

Monday through Wednesday

6:00 AM - 10:00 PM (Pilot hours are 6:00 AM - 2:30 AM)

Thursday through Saturday

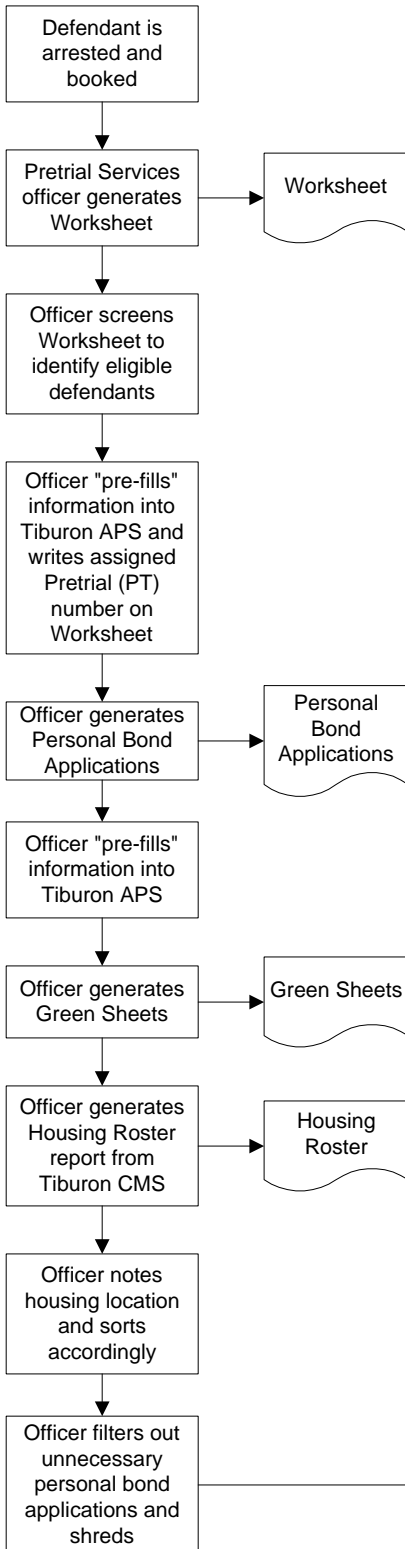
6:00 AM - 2:30 AM

Sunday

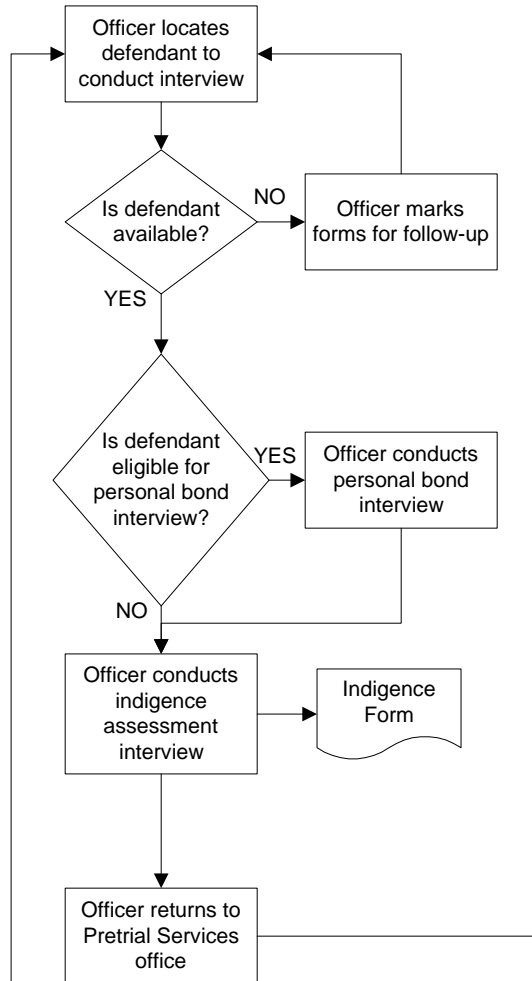
7:00 AM - 10:00 PM

Pretrial Services Indigence Assessment

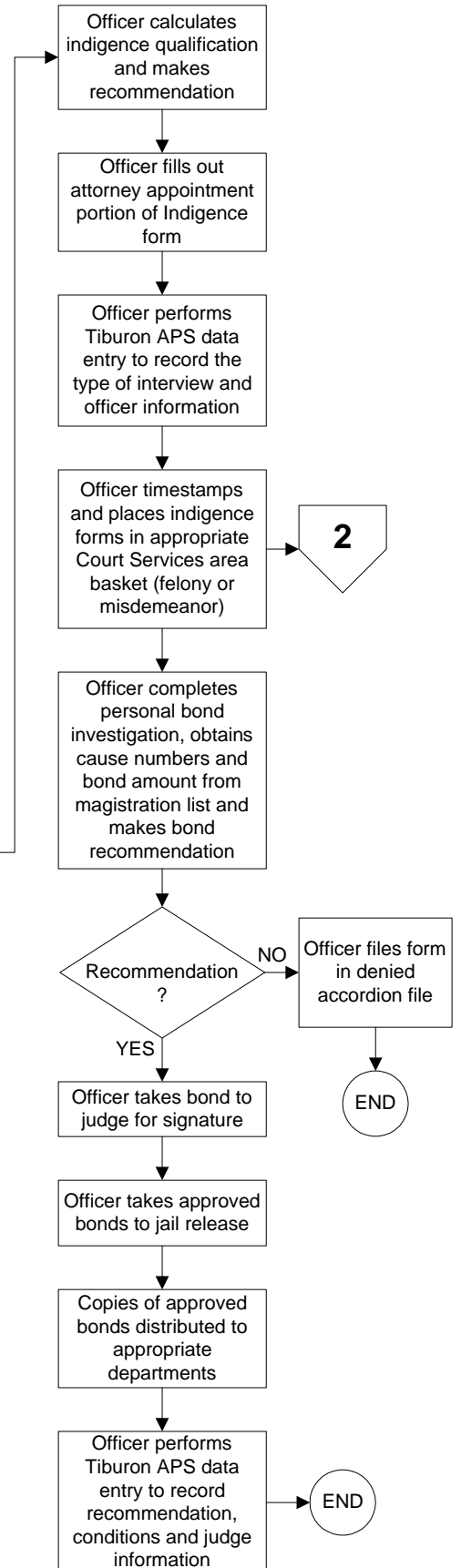
Pre-Interview



Interview



Post-Interview



Pretrial Services Court Services Review

