



## Academy of Criminal Justice Sciences Corrections Section

### Judge in Houston Strikes Down Harris County's Bail System

*Eli Rosenberg*

*New York Times (reprinted April 29, 2017)*

A federal judge in Houston has overturned the county's bail system for people charged with low-level crimes after finding that it disproportionately affected indigent residents and violated the Constitution.

The judge, Lee H. Rosenthal of Federal District Court, ordered Harris County to stop keeping people who have been arrested on misdemeanor charges in jail because they cannot pay bail.

The ruling, part of a civil rights lawsuit against the county, came Friday in a case that began when a woman was arrested on a charge of driving without a license because she could not post \$2,500 in bail.

Judge Rosenthal wrote in the ruling, "Harris County's policy is to detain indigent misdemeanor defendants before trial, violating equal protection rights against wealth-based discrimination and violating due process protections against pretrial detention." She cited statistics showing that 40 percent of people arrested on misdemeanor charges in the county had been detained until their cases were resolved.

The order is not final; it is a temporary measure as the larger case works its way through the courts. But legal scholars and the groups that brought the case said the ruling was a victory in the movement to overhaul the bail system that has been growing around the country. Judge Rosenthal's order came after eight days of witness testimony and the presentation of volumes of evidence—300 written exhibits, and

2,300 video recordings of hearings in which bail was set.

The judge wrote that the plaintiffs had "demonstrated a clear likelihood of success" on the merits of their claims against Harris County.

"I think it represents a real change in our legal system," said Alec Karakatsanis, the executive director of Civil Rights Corps, a legal nonprofit based in Washington, which brought the case along with another nonprofit, the Texas Fair Defense Project, as well as the private law firm Susman Godfrey. Mr. Karakatsanis described the ruling as a "comprehensive and robust condemnation of the existing money bail system" that would reverberate beyond Texas.

Harris County is not alone in its bail procedures, but its size and prominence—Houston, the county seat, is the fourth largest city in the United States, and its county jail system is the third largest—make the ruling particularly significant, said Fred Smith Jr., an assistant professor at Berkeley Law School.

"If a judge is willing to take the time to have the hearing and put out a 193-page order, it's sort of hard to imagine her coming out the other way down the line," Mr. Smith said.

Christina Swarns, the litigation director of the NAACP Legal Defense and Educational Fund, who had filed a brief in support of the plaintiffs, called it "a shot across the bow to other metropolitan areas."

Robert Soard, as assistant county attorney for Harris County, said the county was reviewing the court's decision and had not decided whether to appeal.

The practice of demanding money as bail is standard in the majority of jurisdictions in the United States. But a series of lawsuits and a growing body of research has led to questions about its efficacy and potential disparities based on race and income. In January, New Jersey dropped its money bail system for minor crimes, and Colorado has changes its bail systems. The discussion has been [percolating in other states](#), as well.

The challenge in Harris County has drawn the support of the new sheriff, Ed Gonzalez, a Democrat, and one of the 16 criminal court judges who are defendants in the case, Darrell Jordan, also a Democrat. The other 15 judges, all Republicans, continue to oppose it, a spokesman said. The county [has retained](#) Charles J. Cooper, a high-profile conservative litigator, to help in its defense.

Lawyers for Harris County have pointed out that it has already started making substantial changes to its bail system, including a planned switch to more

#### Inside this issue:

Message from the Chair	2
Section Journal Call for	2
Section News	2
Associate Editor Search	2
2017 Section Award &	3
NOLA news	4



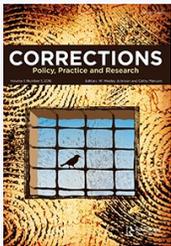
## Spring 2017 - Corrections Now

### Message from the Chair

As your Spring 2017 semesters come to a close, I hope things are going well for you and you have plans for a nice, relaxing summer. I wanted to quickly highlight a couple of important points for you to ponder this summer as you're relaxing on the beach, spending time at your lake cabin, or lying on your porch swing enjoying a lazy summer afternoon (I have heard that professors and students do this, although I have yet to see it

live :-). First, please consider nominating yourself or a colleague for the role of editor for our section journal, *Corrections: Policy, Practice, and Research*. Wes Johnson, Cathy Marcum, and the editorial board are doing a great job but transitions do occur, and Wes will be rolling out of the editor office soon. As Cathy rolls into the editor role, she will need a capable scholar to assist her— you might be that person. Furthermore, please

consider running for one of our vacant offices and, just as importantly, nominating one of our outstanding colleagues for one of the awards. There are lots of deserving folks— please help us find them and honor them. Finally, remember to send your work to our journal— it's off to a great start, but we need your work to continue the momentum. Have a safe and enjoyable summer break!  
~ Dave



### Corrections: Policy, Practice, and Research — Call for Papers!

**CPPR** is a peer-reviewed journal with a broad correctional focus encompassing a wide range of relevant topics and innovative approaches from new theoretical perspectives and research findings to their implications for improving policy and practice. Both national and international in scope, the journal will address these issues and challenges as

they relate to sentencing, prisons, jails, and community corrections.

Manuscripts should be submitted electronically. The online submission website is: <https://mc.manuscriptcentral.com/cppr>.

Manuscripts should be no more than 40 double-spaced pages,

Times New Roman, 12 point font, 1" margins. **No color** pictures, graphs or tables should be included. Authors should follow all formatting guidelines of the APA Publication Manual, 6<sup>th</sup> Edition.

### Corrections Section News



#### Corrections: Policy, Practice, and Research Associate Editor Search:

Nominations are due via email to the Chair of the Associate Editor Search Committee by **September 1, 2017**. The new associate editor will be selected by November 1, 2017 and will begin the transition to Associate Editor on January 1, 2018.

For more information, contact: Dr. Natalie Goulette, Chair, Search Committee for CPPR Associate Editor, at [ngoulette@uwf.edu](mailto:ngoulette@uwf.edu).

#### Executive Board Positions Available:

Interested in Getting Involved?

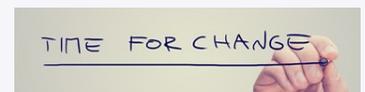
The Executive Board is currently accepting nominations for the following positions:

**Vice Chair**  
**Secretary/Treasurer (2 yr term)**  
**Executive Counselor (3 yr term)**

**If interested, please contact David May at [dmay@soc.msstate.edu](mailto:dmay@soc.msstate.edu) for more information.**

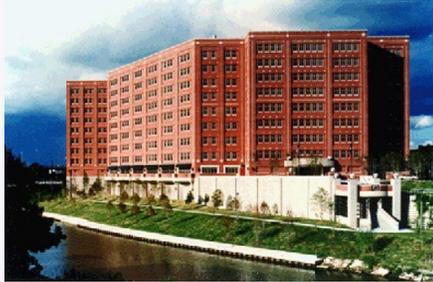
#### Local Donation

The 2017 recipient of the Corrections Section's charitable donation was the Second Chance Risk Reduction Center of Kansas City, MO. Second Chance assists ex-offenders as they reenter society. Information and contacts are provided on its website: <http://www.secondchancekc.org/who-we-are/meet-the-team/>



## Judge in Houston Strikes Down Harris County's Bail System...continued

sophisticated method of setting bail that takes into account how likely an arrestee is to flee or commit a new crime. And they have argued that the county's policies adhere to Texas' laws on criminal procedure law, that they do not violate the Constitution and that they are not intended to needlessly detain arrestees.



The order issued on Friday takes effect on May 15. People arrested on misdemeanor charges are to be interviewed about their financial conditions for an affidavit. Those who have been deemed eligible for release at a hearing will have the option of being released within 24 hours of their arrest, regardless of whether they can afford bail.

Heidi Li Feldman, a professor at Georgetown University Law Center, said the ruling indicated that the lawsuit could open the door to expensive litigation against the county.

"This gives tremendous force to those pushing for the reforms because they can say, 'Look it's not just an unwise use of county resources, but the lawsuit has cleared the first hurdle of there being a viable extensive money damages claim,'" Professor Feldman said. "The judge has written an extraordinarily thorough, comprehensive, carefully reasoned memorandum in support of the order. Any challenge to it from either side is going to take a serious amount of work

and expenditure."

The lawsuit was filed in May 2016 on behalf of Maranda Lynn O'Donnell, who spent more than two days in jail because she could not afford to pay her \$2,500 bond after she was arrested on charges of driving with an invalid license. It was soon merged with another lawsuit filed by Loetha Shanta McGruder—a mother of two who was pregnant when she was arrested and held because she could not pay a \$5,000 bail—and Robert Ryan Ford.

Lawyers for the plaintiffs have contended that about 500 people arrested on misdemeanor charges are detained in the Harris County Jail system on an average night.

## 2017 Section Awards and Scholarships

Nominations for the 2018 awards and scholarships are being accepted now through **October 1, 2017**. Nominations can be sent to ACJS.Corrections@gamil.com. Please check the Corrections Section website for further information.

### John Howard Award



The nominee **MUST** have made significant contributions to practice, but also can have made significant contributions in scholarship, teaching, policy, or service.

### Outstanding Section Member

Requires membership in and preferably contribution to the ACJS Corrections Section; and significant research and/or scholarship in the field of corrections. Self nominations are allowed and encouraged.

### Dr. Kelly Cheeseman Student Paper Travel Scholarship

Students presenting papers at the ACJS annual conference are encouraged to submit their papers to the Awards committee for consideration for receipt of the travel scholarship. A letter of recommendation/support from a faculty advisor is advised.



---

## MARK YOUR CALENDARS!

The 55th annual meeting of ACJS will be held **February 13-17, 2018, at the Hilton New Orleans Riverside, New Orleans, LA.**

The conference theme is “So What? Understanding What It All Means.”

Paper and poster submissions are due **September 15, 2017** with a

final deadline of September 30, 2017.

The Section encourages faculty, students and professionals in the field to submit a paper or poster presentation. Also do not forget to submit conference papers for student travel funds!

Suggestions are welcome for a **corrections-related charitable organization** in the New Orleans area. Please inform the E-Board via email:

**ACJS.Corrections@gmail.com** for consideration of a donation made on behalf of the Section **by December 1.**



See you in New Orleans!!!!

---

### Corrections Section Purpose

The purpose of the Corrections Section is to bring together academy members who have a particular interest in corrections, to facilitate and encourage research and theory development related to corrections, to encourage appropriate and effective teaching techniques and practices for corrections courses, to serve as a resource network for and encourage interaction among academic, research, practitioner and policy-making sectors in order to further knowledge about corrections, and to encourage the organization of corrections-related conference activities.

**Solicitations for op-eds or research items are welcome for the next edition of the newsletter!! Email us!**

### Catch Us on Social Media!!

**LinkedIn:** ACJS Corrections Section

**Facebook Community:** ACJS Corrections Section

<https://www.facebook.com/ACJSCS/?fref=ts>

**Twitter:** @ACJS\_CS

### Executive Board

David May, Chair

Deborah Vegh, Vice Chair

Natalie Goulette, Secretary

Jeff Bouffard, Immediate Past Chair

Executive Counselors:

Stacy Parker

Adam Matz

Patricia Dahl