



Addressing Jail Use Through Prompt Case Resolution

Housekeeping

- The event is being recorded, and the recording will be posted online afterward.
- Speaker biographies and related materials are available online.
- All participants are muted, but you can type your questions or comments into the Q&A box at any time. We will have a Q&A segment at the end of the session.
- You can hide captions or adjust settings with the Live Transcript button.

March 12, 2026

Addressing Jail Use Through Prompt Case Resolution

Local Lessons on Rethinking Jail Use Webinar Series



Supported by the John D. and Catherine T.
MacArthur Foundation

Session Overview

- Rationale for Rethinking Jail Use
- Clark County Initial Appearance Court
- Harris County Response to Caseload Crisis
- Q&A

Presenters



Jesse Jannetta
Senior Policy Fellow
Urban Institute



Hon. Melisa De La Garza
Chief Judge
Las Vegas Justice Court



Hon. Diana L. Sullivan
Judge
Las Vegas Township
Justice Court



Ed Wells
Court Manager
Harris County Criminal
Courts

Jails Touch Millions of Lives Each Year

- 8 million admissions annually
 - Nearly 70% of the daily jail population is pretrial detainees
 - Significant racial disparities
- Jail incarceration can be criminogenic
 - Even a small amount of pretrial detention is associated with subsequent criminal involvement
- Intersection with mental health and addiction issues
 - SMI 4-6 times more common in jails than in the general population
 - 68% of people in jail have suffered from addiction to drugs, alcohol, or both
- Local jurisdictions spend at least \$22.2 billion annually on jails

Safety and Justice Challenge Overview

- Support to local communities ready to tackle the misuse and overuse of jails
 - Collaborative, data-driven examination of jail population drivers
 - Investments in local change and innovation
- Network of cities, counties, and states rethinking local justice systems
- Safely reduce jail populations, eliminate ineffective and unfair practices, and reduce racial disparities
- Creation of a peer network to share and spread strategies



Many Factors Shape the Jail Population

- Arrest practices and enforcement priorities
- Charging practices
- Role of cash bail
- Pretrial assessment, release and supervision practices
- Court efficiency
- Jail capacity and staffing
- Availability of alternative behavioral health options
- Responses to probation violations

Key Rationales for Timely Case Processing

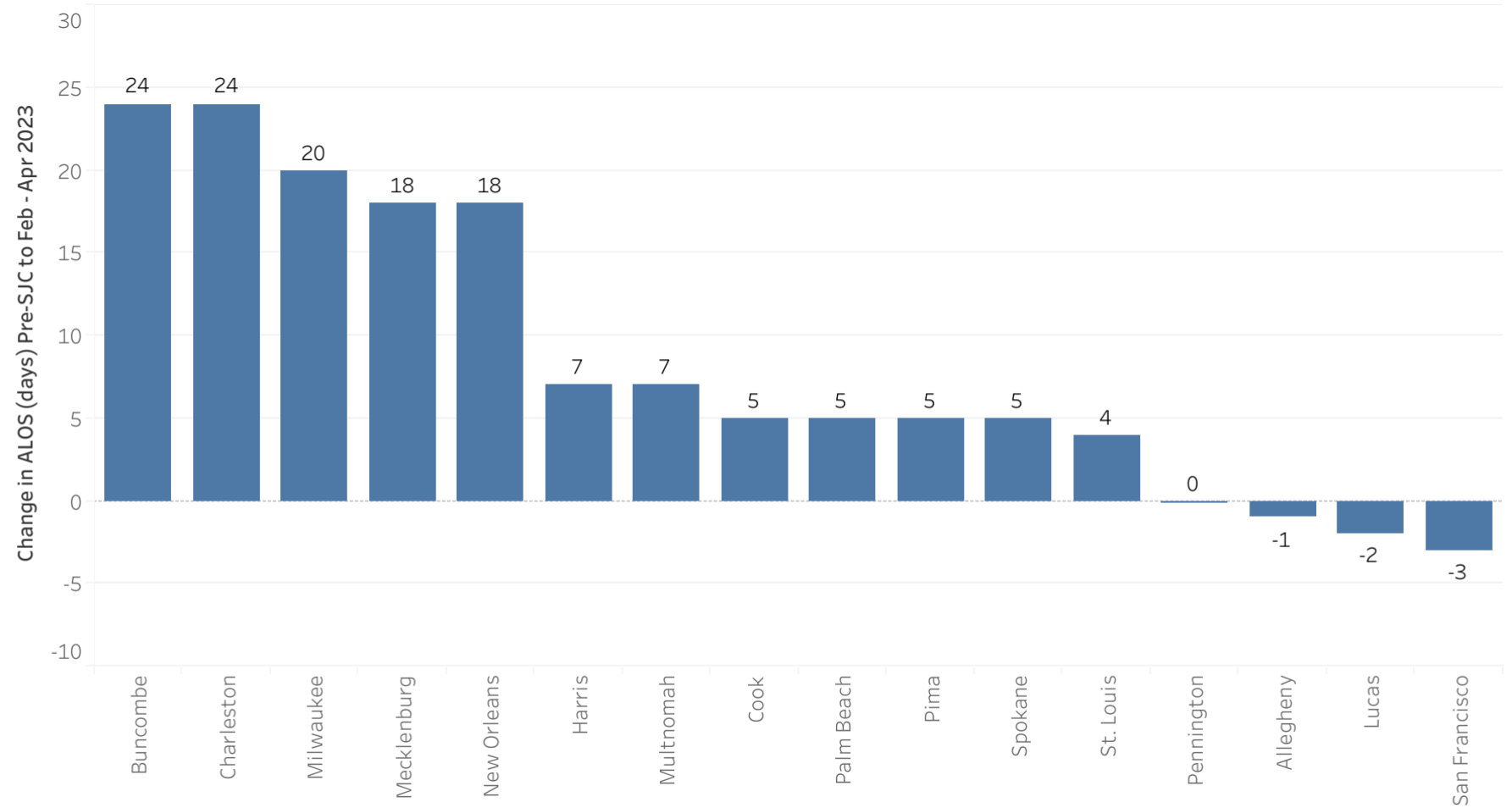
- Lengthy court cases:
 - Cause added hardship for defendants and victims
 - Contribute to court system backlogs
- Extended periods of pretrial detention have adverse consequences for defendants
- Prolonged case processing takes more criminal justice resources
- Delayed case dismissals waste time and resources

Source: prosecutorialperformanceindicators.org

Relevant Findings from Effective Criminal Case Management Study

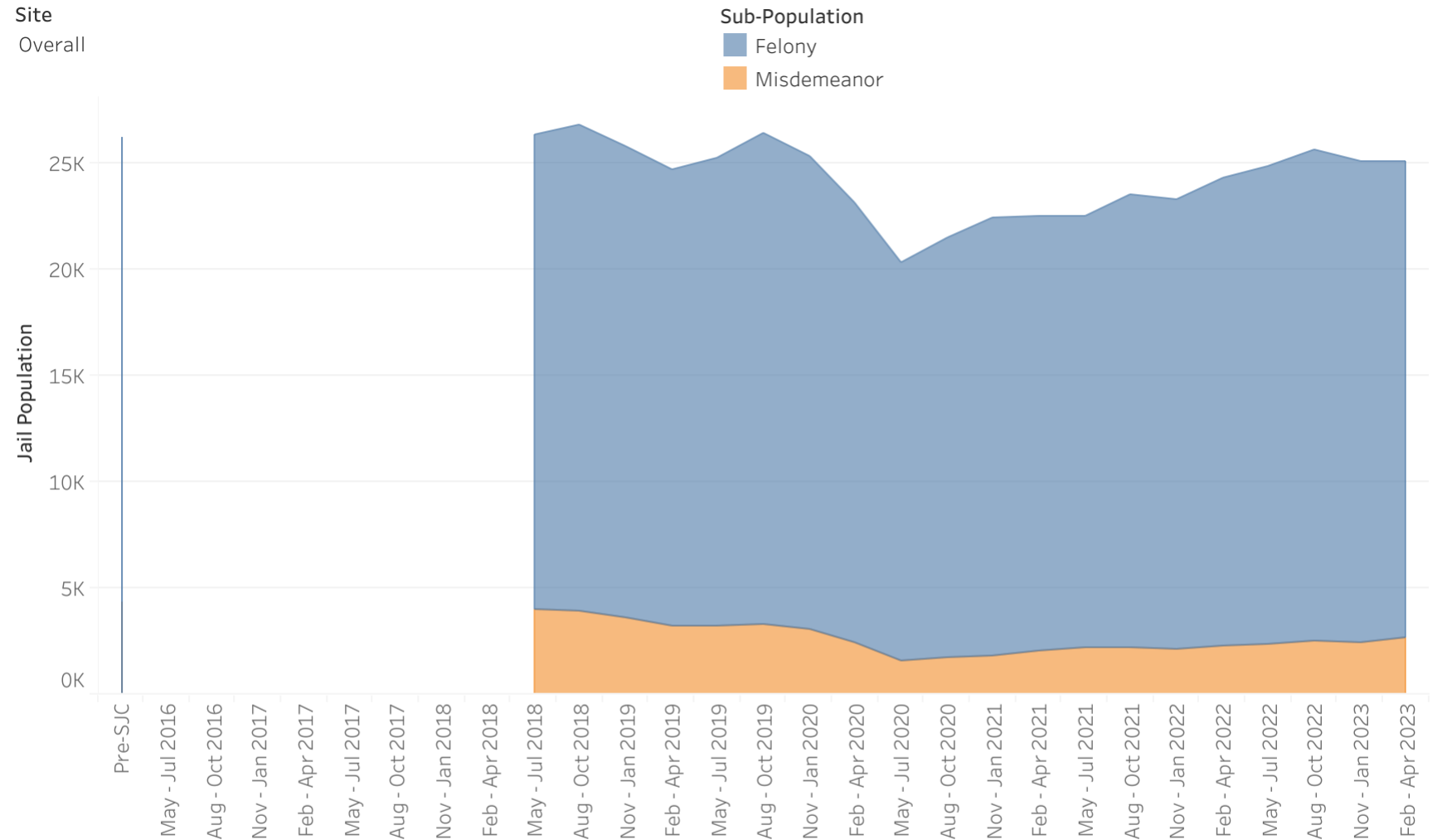
- NCSC research team analyzed case-level data from 1.2 million felony and misdemeanor cases
 - Over 136 courts in 21 states included
- 18% of felony cases and 25% of misdemeanor cases ultimately dismissed
- No court in the study met national time standards
 - ECCM courts resolved 83% of felony cases within 365 days
 - ECCM courts resolved 77% of misdemeanors within 180 days

Length of Stay for Felony Charges



Source:
safetyandjusticechallenge.org

SJC Site Jail Population by Charge Severity



Overall trends are reported only for time periods where all sites reported data. Due to differing implementation dates, the periods between pre-SJC and May-July 2018 are not displayed.

Cook County is excluded from jail population figures, including from the overall chart.

Pima County uses a daily snapshot (three times a day) to produce their jail population figures, while ISLG uses actual admission and release dates to calculate jail population, which do not account for movement in and out of jail (e.g. electronic monitoring). Therefore, ISLG is counting more people in custody than Pima County, resulting in a calculated jail population that is 4-9% higher each month than county reported figures.

Source:
safetyandjusticechallenge.org

CLARK COUNTY INITIAL APPEARANCE COURT

Lessons Learned from the Safety and
Justice Challenge

OVERVIEW OF INITIAL APPEARANCE COURT

- ▶ First judicial review after arrest within 24 hours
- ▶ Purpose: Assess probable cause, inform rights, set bail/release
- ▶ Sessions held twice daily, 7 days/week



Defendants previously waited up to 72 business hours for review



Goals: Timely access to justice, reduce unnecessary detention



Improve efficiency and maintain public safety

**WHY IT
WAS
CREATED**

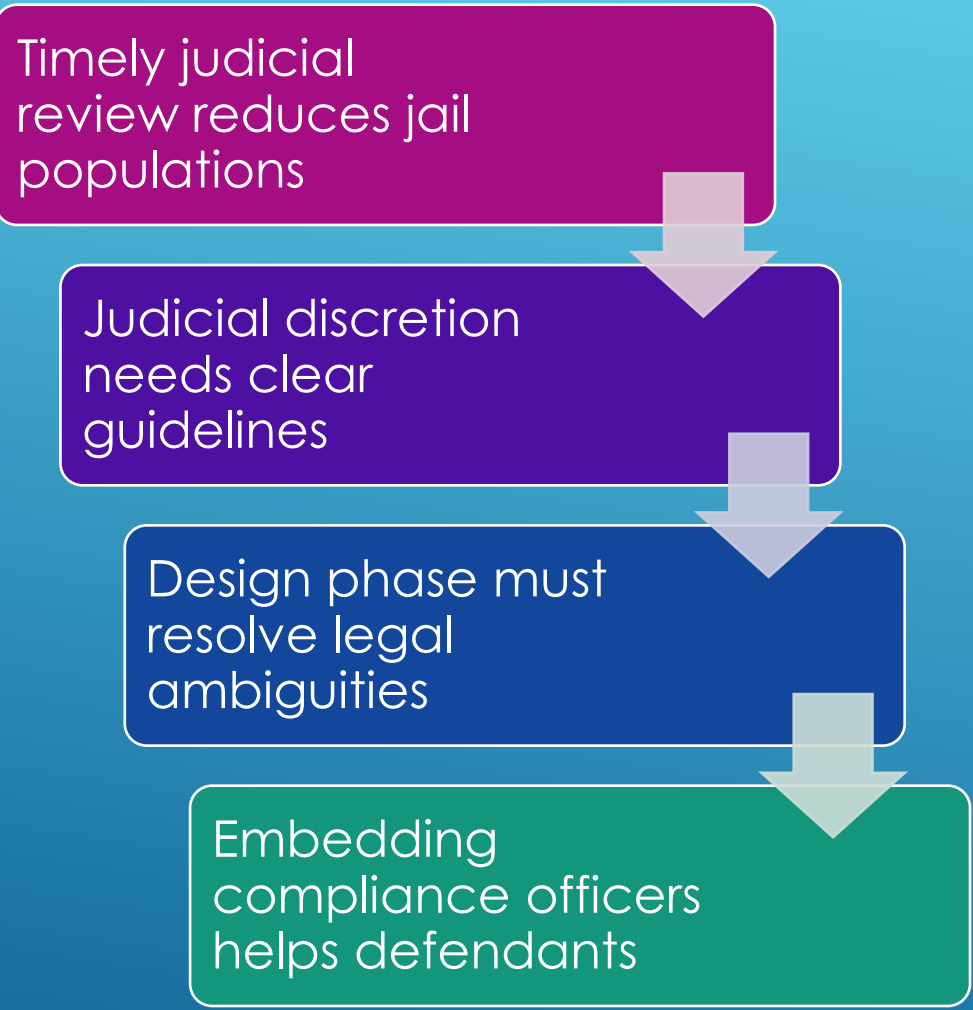
High case
volume and
rapid
turnaround
times

Inconsistent
judicial
discretion
and bail
decisions

Limited
post-
release
support for
defendants

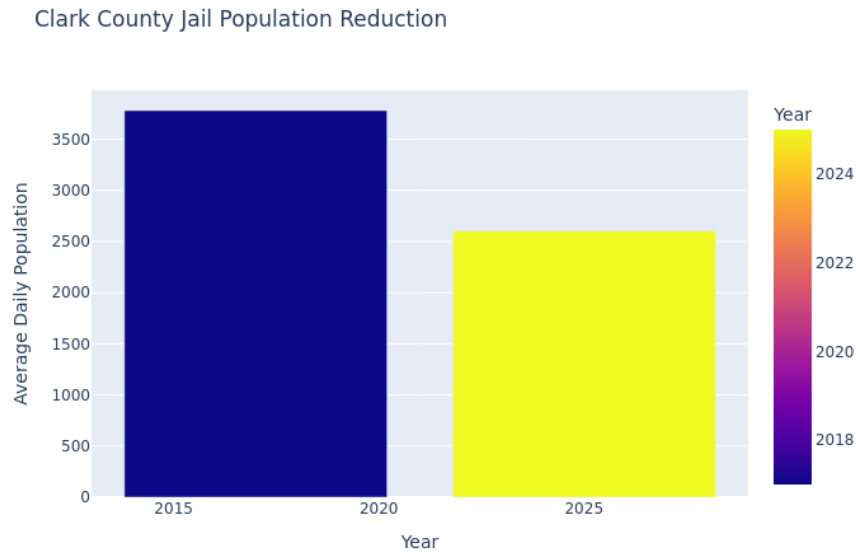
Staffing and
scheduling
difficulties

CHALLENGES



LESSONS LEARNED

SUCCESSSES



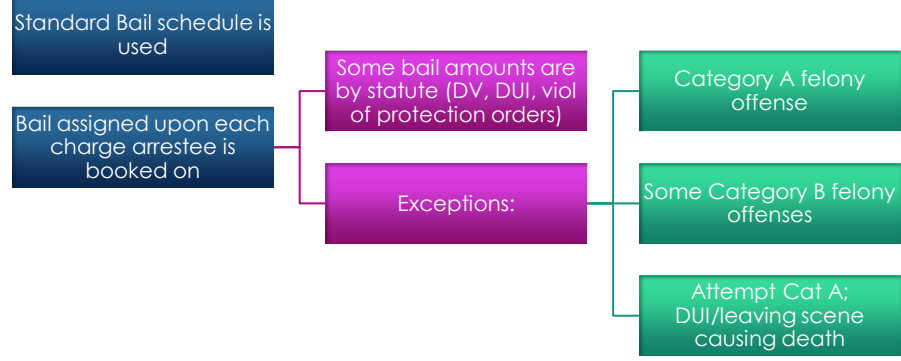
- ▶ Reduced time in jail before seeing a judge
- ▶ Individualized bail determinations
- ▶ Early linkage to housing and behavioral health services
- ▶ Strong interagency collaboration



THE PROCESS

4 TYPES OF RELEASE OPPORTUNITIES

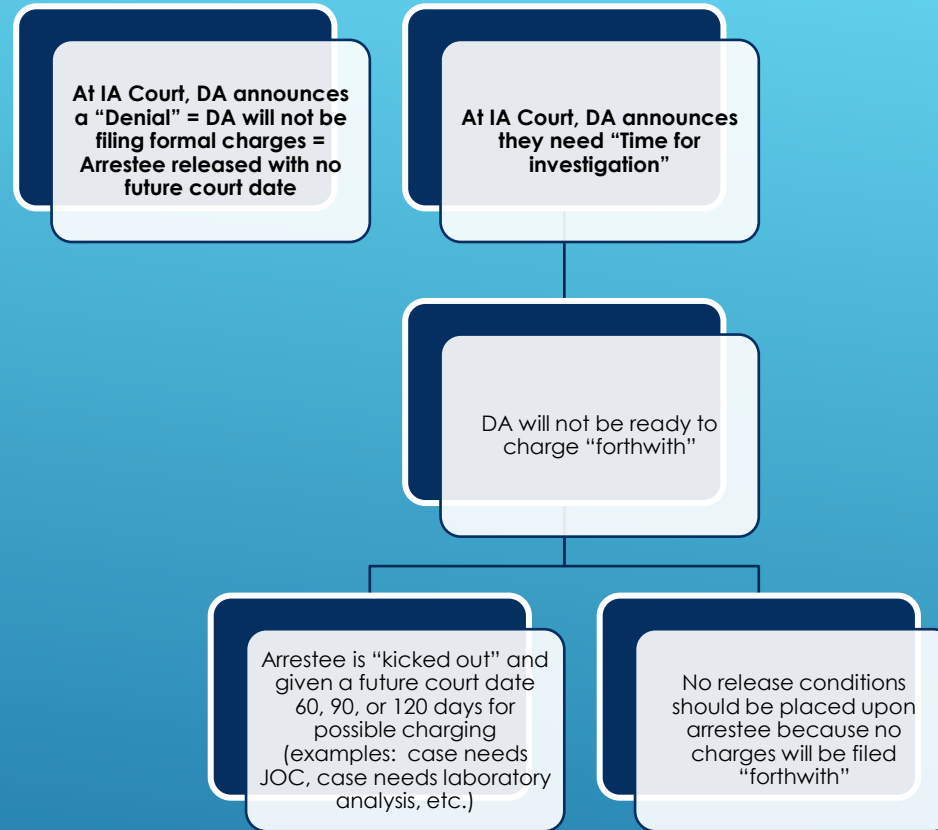
- ▶ Post standard bail upon booking into jail and prior to IA Court
- ▶ Administrative Release
- ▶ Release: DA denies charges or needs time for investigation
- ▶ Release: Court makes a release decision



STANDARD BAIL UPON BOOKING

INITIAL APPEARANCE COURT DOCKET

- ▶ Twice per day/7 days/365 per year
- ▶ Arrestee is scheduled for court within 12-17 hours of booking
- ▶ Judicial Officer (JP or Commissioner) oversees IA Court
- ▶ PD and DA participation in IA Court



INITIAL APPEARANCE COURT – "KICK OUT"

INDIVIDUALIZED PRETRIAL RELEASE HEARING

Judicial officer makes finding of probable cause for arrest

- ❑ If no probable cause found, arrestee released
- ❑ DA can still file charges later

Will the DA be ready to charge in 2 business days?

Is DA seeking monetary or nonmonetary release conditions?

If so, then Individualized Pretrial Release Hearing is held with provisional counsel (PD) appointed.



RELEASE CONSIDERATIONS

1. Legal Presumption of Innocence
2. Consider NRS 178.4849 & NRS 178.4853; Valdez-Jimenez
3. Nevada Pretrial Risk Assessment Score
4. Criminal History and number of FTAs
5. Nature of arresting charges
6. Financial ability to post monetary bail

RELEASE OPTIONS

- Own Recognizance: oral promise to make all court appearances
- Nonmonetary conditions: stay away from a person or area, abstain from alcohol or other substances use, no possession of weapons, pretrial compliance through court
- Nonmonetary conditions affecting liberty:
 - Mid or High level EMP
 - Requires stable housing and working phone
 - Includes bracelet, curfews, GPS tracking, random drug/alcohol testing
- Monetary Bail: Cash or Surety; cash or through bond company
- Combination of above

“DETAIN” OPTIONS: NO BAIL OR RELEASE CONDITIONS GRANTED

- ✓ Arrested for a felony while out pretrial on another case
- ✓ Arrested for a felony while on a suspended jail sentence on another case
- ✓ Arrested for a felony while on probation or parole
- ✓ Arrested for First Degree Murder

DA can still “deny” filing charges =
arrestee released

DA can still request “further
investigation” = arrestee released

Arrestee can still bond out if standard
bail still in place

If Individualized Pretrial Release Hearing
is needed, will be held at a future date
before the assigned judge

ARRESTEE
NOT
PRESENT
IN IA
COURT

NEXT APPEARANCE IN FRONT OF ASSIGNED JUDGE

- ▶ Formal charges likely filed by DA
- ▶ Defendant formally appointed counsel
- ▶ If Felony or Gross: Preliminary Hearing set
 - If Defendant is in-custody: 15 days
 - If Defendant is out-of-custody: may be longer
 - Burden of Proof at PH is slight or marginal evidence that crime(s) have been committed by the Defendant
- ▶ If Misdemeanor: Trial date set within same time frame
 - Burden of proof at trial: Proof beyond a reasonable doubt

PANELIST



Ed Wells

Court Manager, Harris County Criminal Courts

Office of Court Management

HARRIS COUNTY CRIMINAL COURTS AT LAW



About the Courts

- Serves 4.8 million residents
- Trial Court with jurisdiction over misdemeanors where the fine exceeds \$500 and up to one year in the county jail
- 16 Judges elected to four-year terms
- 55,311 Filings Annually; 58,934 Dispositions
- Electronic Case Filing and Access to Several Case Data Systems
- Operating Environment

THE CASELOAD CRISIS

Consistently high-volume court

Hurricane Harvey (2017)

COVID-19 Pandemic (2020)

Shortage of Judges



THE COURT'S RESPONSE

- Focusing on the data
- Use of Case Management Plans & Scheduling Orders
- Use of Continuance Policies
- Case Data Analysts Positions
- Regular Meetings with Judges

SCHEDULING ORDERS

- Written document
- Tailored order issued for each case
- Each party receives a copy of the order at the first court date
- Places each case on a defined track to disposition
- Establishes the dates for all forthcoming court events
- Events are scheduled based on the anticipated time needed between events

WHAT GOES INTO A SCHEDULING ORDER?

- Clear descriptions of case events from filing to disposition
- Dates of Upcoming Court Events
- Rules on Requesting a Variance from the Order
- Signature of the Issuing Judge
- Other Critical Expectations of the Court
- Keep it clear and concise

HARRIS COUNTY CRIMINAL COURTS AT LAW

COURT 9 SCHEDULING ORDER

CAUSE NO. _____

THE STATE OF TEXAS

§

IN THE COUNTY CRIMINAL

v.

§

COURT AT LAW NO. _____

§

HARRIS COUNTY, TEXAS

CASE SCHEDULING ORDER

This matter is assigned to:

- Track A: Non-Complex Misdemeanor**
- Track B: Complex Misdemeanor** (*Judge's Discretion: DWI Blood Cases, Felony Pending Same Transactions, etc.*)

The Defendant, as well as the Attorneys for the State and Defendant, are ordered to appear, unless otherwise ordered by the Court, as follows:

Arraignment (ARRG) Setting: If necessary, the Court will address probable cause, magistrate warnings, bond conditions, and other preliminary matters. If the Defendant is in custody, the Defendant will be appointed an attorney, and bail may be reviewed as appropriate. *Defendant is required to appear.*

Non-Trial (NTRL) Setting: (30 days from Arraignment). Court's Standing Discovery Order *shall* be filed by this setting. *Defendant's appearance is waived and not required to appear.* The Court will hold this setting via Zoom.

Motions (MOTN) Setting: (Track A: 30 days after NTRL/ Track B: 60 days after NTRL). All discovery Motions are ordered to be filed with the Court by this date in accordance with the Texas Code of Criminal Procedure 28.01. *Defendant's appearance is waived and not required to appear.* The Court will hold this setting via Zoom.

Pre-Trial Motion (PTMO) Setting: (Track A: 30 days after MOTN/ Track B: 60 days after MOTN). All discovery and evidence exchange are ordered to be completed by this date, or this setting shall be a Discovery Hearing. Witnesses shall be subpoenaed in the absence of the evidence and ready for this setting. Parties may appear via Zoom. Witnesses must appear in person, unless otherwise agreed to by both parties. *Defendant is required to appear.*

Pre-Trial Conference (PTCR) Setting: (Track A: 30 days after PTMO/ Track B: 30 days after PTMO). All Pre-Trial Intervention and Diversion application processes *shall* be completed by this date. If the case is not resolved prior to this setting and/or if the Court has not otherwise ordered, all parties shall appear at this setting to determine the status of the case. *Defendant is required to appear.*

Anticipated Plea: If the matter is to be disposed by plea at any of the settings above, the plea will be *taken at the time of and in lieu of the events of that setting.* Additionally, upon agreement of both parties a setting to dispose of a case by a plea may be accelerated. Counsel shall have plea paperwork completed and e-filed prior to the scheduled setting. *Defendant is required to appear.*

Additional Settings: Either party may request settings or hearings in addition to the ones listed above for good cause shown. Any additional settings must be approved by the Presiding Judge of the Court.

MAJ/MRP Settings: Motions to Revoke or Adjudicate Community Supervision will be reset for 30 days and then set for a hearing unless good cause is shown. Any additional settings must be approved by the Presiding Judge of the Court. *Defendant is required to appear.*

Date Entered: _____

Judge Presiding
Harris County Criminal Court at Law No. 9

HARRIS COUNTY CRIMINAL COURTS AT LAW, COURT 9 SCHEDULING ORDER

CAUSE NO. _____

THE STATE OF TEXAS

§

IN THE COUNTY CRIMINAL

v.

§

COURT AT LAW NO. _____

§

HARRIS COUNTY, TEXAS

CASE SCHEDULING ORDER

This matter is assigned to:

- Track A: Non-Complex Misdemeanor**
- Track B: Complex Misdemeanor** (*Judge's Discretion: DWI Blood Cases, Felony Pending Same Transactions, etc.*)

HARRIS COUNTY CRIMINAL COURTS AT LAW, COURT 9 SCHEDULING ORDER

The Defendant, as well as the Attorneys for the State and Defendant, are ordered to appear, unless otherwise ordered by the Court, as follows:

Arraignment (ARRG) Setting: If necessary, the Court will address probable cause, magistrate warnings, bond conditions, and other preliminary matters. If the Defendant is in custody, the Defendant will be appointed an attorney, and bail may be reviewed as appropriate. *Defendant is required to appear.*

Non-Trial (NTRL) Setting: (30 days from Arraignment). Court's Standing Discovery Order *shall* be filed by this setting. *Defendant's appearance is waived and not required to appear.* The Court will hold this setting via Zoom.

Motions (MOTN) Setting: (Track A: 30 days after NTRL/ Track B: 60 days after NTRL) All discovery Motions are ordered to be filed with the Court by this date in accordance with the Texas Code of Criminal Procedure 28.01. *Defendant's appearance is waived and not required to appear.* The Court will hold this setting via Zoom.

Pre-Trial Motion (PTMO) Setting: (Track A: 30 days after MOTN/ Track B: 60 days after MOTN). All discovery and evidence exchange are ordered to be completed by this date, or this setting shall be a Discovery Hearing. Witnesses shall be subpoenaed in the absence of the evidence and ready for this setting. Parties may appear via Zoom. Witnesses must appear in person, unless otherwise agreed to by both parties. *Defendant is required to appear.*

Pre-Trial Conference (PTCR) Setting: (Track A: 30 days after PTMO/ Track B: 30 days after PTMO). All Pre-Trial Intervention and Diversion application processes *shall* be completed by this date. If the case is not resolved prior to this setting and/or if the Court has not otherwise ordered, all parties shall appear at this setting to determine the status of the case. *Defendant is required to appear.*

TYPICAL
SETTINGS IN
A CASE

Arraignment

Non-Trial Setting

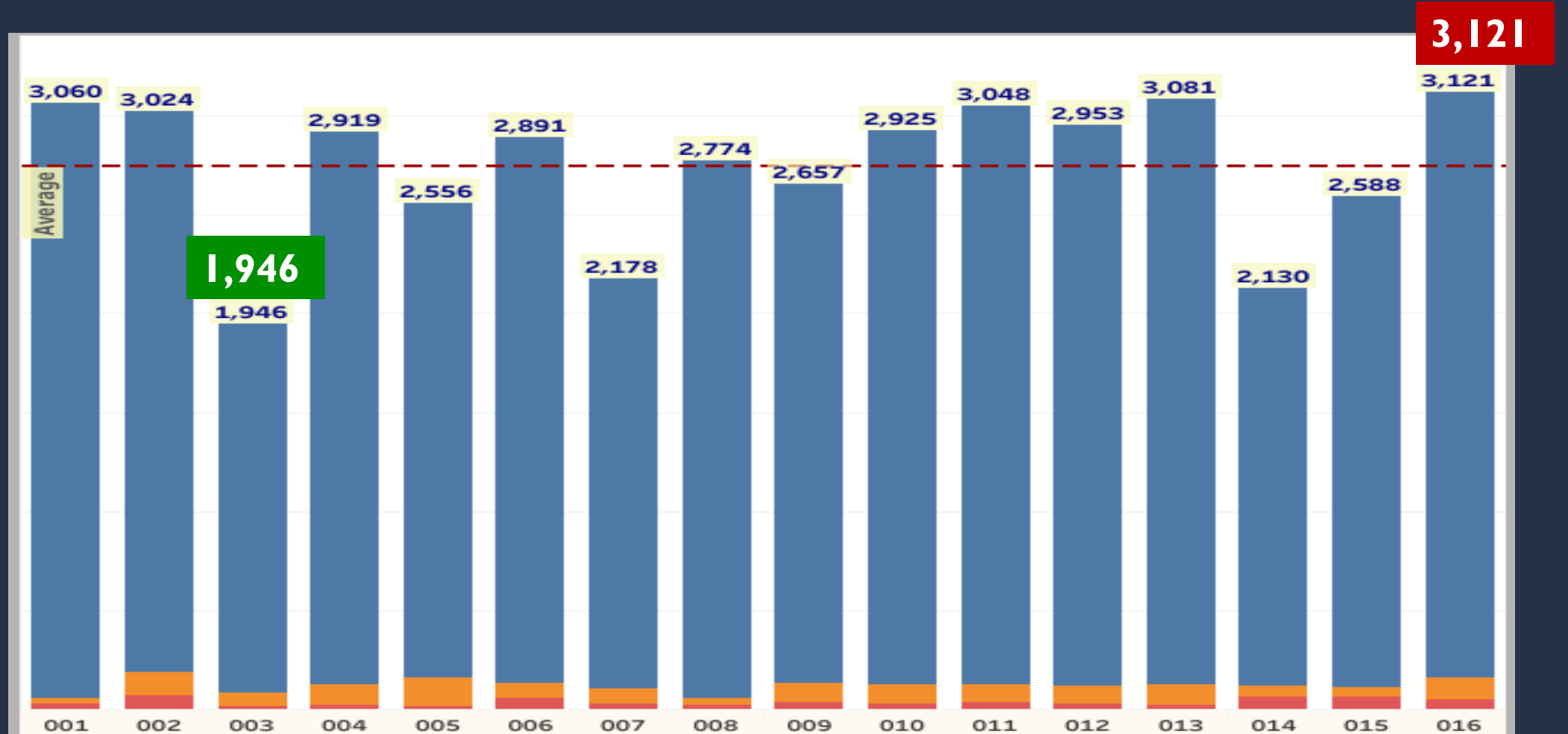
Motions

Pre-Trial Motions

Pre-Trial Conference

Trial

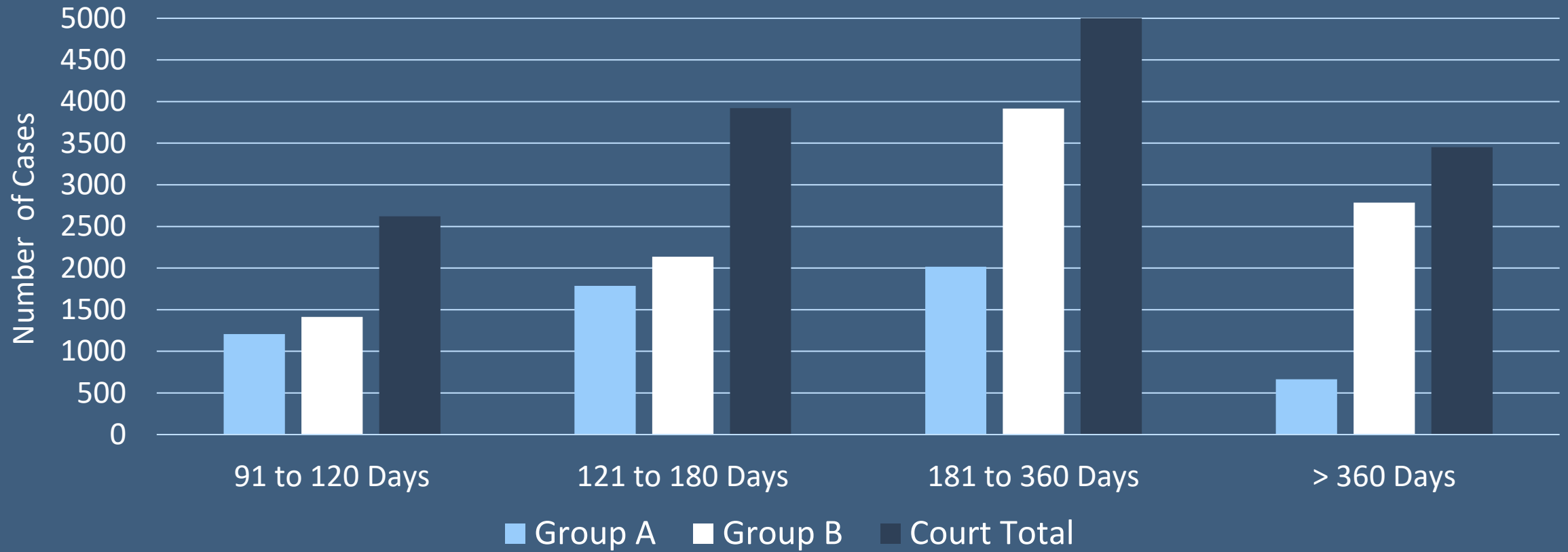
AVERAGE PENDING CASELOAD BY JUDGE AUGUST 2021



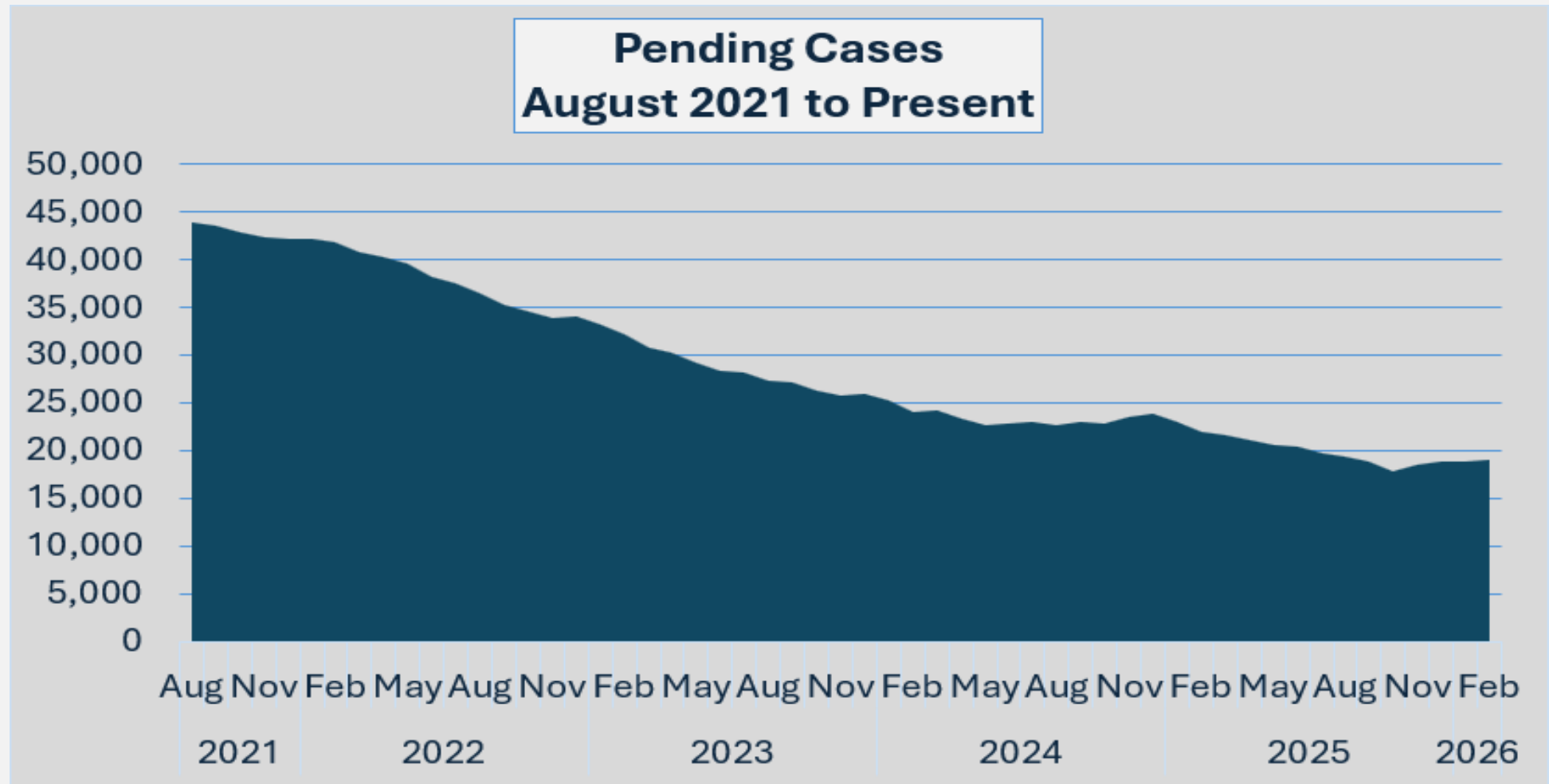
Court-wide Average in August 2021 = 2,741 Cases Per Judge

ACTIVE CASE MANAGEMENT MAKES A DIFFERENCE

Age of Pending Caseload – May 2023



PENDING CASES AUGUST 2021 TO PRESENT



IMPLEMENTATION DISCUSSION

- Consider the Goals of the Court
- Identify and Engage Stakeholders Early in Process
- Announce Effective Date & Provide Lead Time
- Be Flexible

THANK YOU!

Get in Touch:

Ed Wells

ed_wells@ccl.hctx.net





Addressing Jail Use Through Prompt Case Resolution



Addressing Jail Use Through Prompt Case Resolution