

March 3, 2021

TO: Harris County Criminal District Judges
CC: Harris County Sheriff Ed Gonzalez
District Attorney Kim Ogg
Harris County Chief Public Defender Alex Bunin
Harris County Commissioners Court
Justice Administration Department

To the Harris County Criminal District Judges:

During the week of March 8-12, the community is calling on you to hold emergency jail release hearings and take swift and powerful action to significantly reduce the jail population.

Last week, you heard from hundreds of people demanding emergency bail hearings and jail decarceration. People were galvanized by the horrific reports of conditions in the jail during and after February's deadly winter event. One individual reported overcrowded conditions during the week of winter storm. **"There are 67 men in our 60 bunk pod. I am counting and I see seven men sleeping on the floor right now and two more sleeping in the day room."** One veteran caged pretrial reported that people in the jail were selling water as a "commodity."¹ Others reported unflushable and overflowing toilets: **"People are crapping on top of more crap. It's horrendous."**² While the winter freeze brought increased attention to the conditions in the jail, advocates have been sounding the alarm for months about the mounting crisis.

Some of you responded to last week's emails and referred people to current policies requiring bail hearings within 48 hours of arrest. **Following an unprecedented weather event in the midst of an unprecedented pandemic, far more action is needed.**

Today, the jail population is 8,986, 88% of whom are being held pretrial. In April 2020, when the deadly threat of the coronavirus was becoming clear, the jail population reached a low of approximately 7,360. **Even with jail bookings down 25% over the past year, the jail population has increased by 22% since April.** The increase in the number of people held pretrial jail over the last year indicates that the bail amounts being set at these initial hearings have been set beyond the defendant's ability to pay and need to be re-evaluated. You must do something about this crisis.

We are calling on you to reduce the population by at least **4,000 people next week.** To do this, you must:

- 1) Immediately expand the General Order Bond to include all people charged with a drug or theft offense and apply retroactively. This would result in approximately 615 fewer people caged.
- 2) During the week of March 8-12, hold emergency adversarial bail hearings for each person assigned to your court who remains trapped in the jail. We recommend prioritizing people who have not had any motions filed on their behalf in the past six months. Conduct hearings on zoom

¹ Jolie McCullough, *Texas jails and prisons see brutal cold and overfilled toilets in winter storm*, The Texas Tribune (Feb. 18, 2021, 6:00 PM), <https://www.texastribune.org/2021/02/18/texas-jails-prisons-winter-storm/>.

² Texas Observer Staff, *Nine Texans on How They Survived a Frozen Week*, Texas Observer (Feb. 18, 2021), <https://www.texasobserver.org/nine-texans-on-how-they-survived-a-frozen-week/>.

and require arguments from defense counsel. At least 3,385 people need to be granted release through these hearings, along with the other identified quick release eligible people, to reach the reasonable and attainable goal of reducing the jail population to 4,000 people by the close of business on March 12.

Under your watch, people are being subjected to tortuous conditions, becoming seriously ill and even dying. The time for action is now. The people who elected you into office need you to be a leader they can count on to make systemic changes and end this crisis.

This week, we will launch an updated petition with these demands. If you agree to do these two things to dramatically reduce the jail population, please let us know so we can support you in your efforts and keep you off the petition list.

Signed,

Grassroots Leadership
Texas Organizing Project
Texas Advocates for Justice
Texas Jail Project
Restoring Justice
Texas Fair Defense Project
Texas Criminal Justice Coalition
Texas Coalition of Black Democrats - Accountability Committee
2nd Chances.Life
Community Action Collective
Pure Justice
Mutual Aid Houston
Right2Justice