

Emergency Solutions Grant Rapid Re-housing Update

As of 8/30/2017:	
Individuals currently engaged in DACC ESG services*	10
Individuals currently engaged in DACC ESG services who are on the DACC frequent offenders list	0
Individuals who have entered housing since January 2013	80

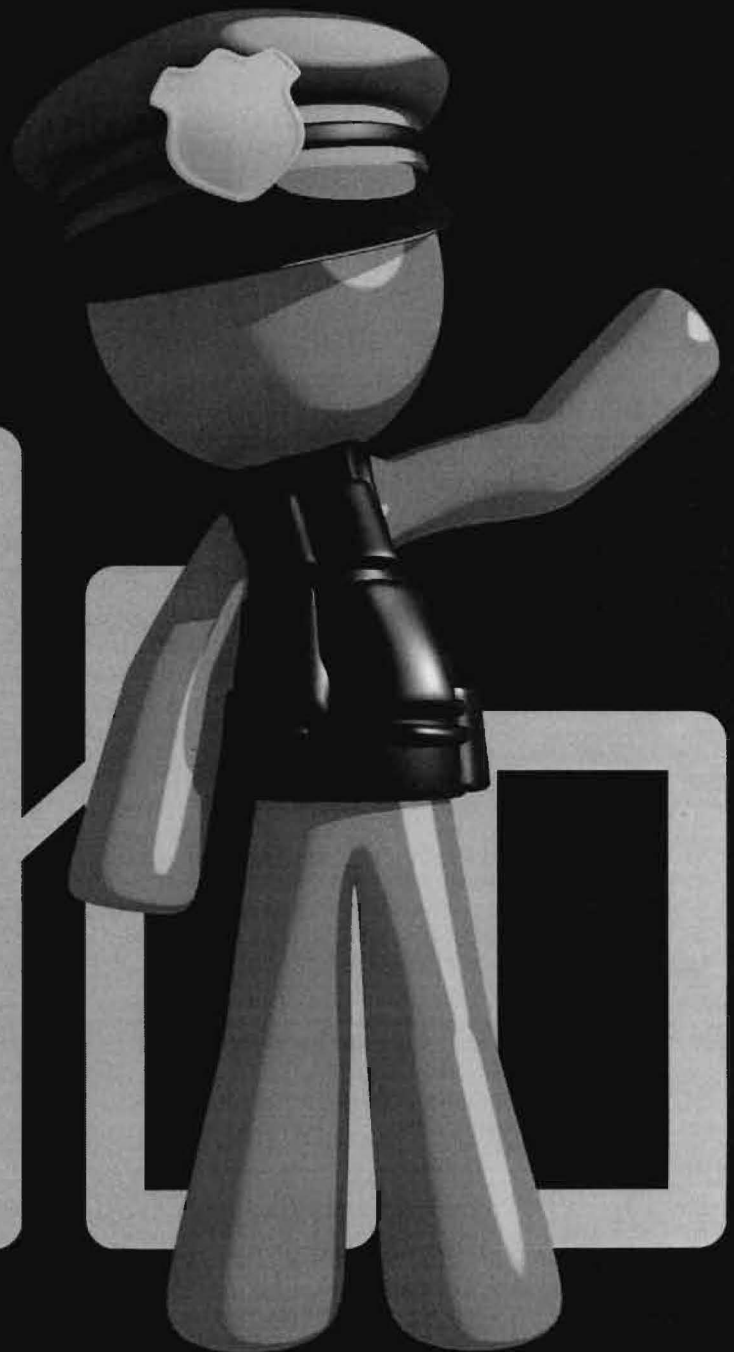
*Currently engaged in DACC ESG services denote clients who are actively receiving housing stability case management, housing location services, financial assistance, and/or DACC ongoing resources.

BIG Data & Community Policing



MEASURE
Numbers You Can Trust

IMPLEMENTING THE
WHITE HOUSE 21ST
CENTURY POLICING
BLUEPRINT



THE W HOTEL & BOYD VAN E THEATER - SEPTEMBER 26-28, 2017 - AUSTIN, TX

IMPLEMENTING THE NATIONAL BLUEPRINT



Networking Mixer - W Hotel

Thursday - October 26, 5pm-8pm
200 Lavaca Street, Austin, TX, 78701
<http://www.whoelaustin.com>

Big Data & Community Policing Symposium - Carver Museum Theater

Friday - October 27, 12pm-4pm
1165 Angelina St, Austin, TX 78702
<http://www.austintexas.gov/department/george-washington-carver-museum-and-cultural-center>

Big Data & Community Policing Symposium - Carver Museum Theater

Networking Power Lunch Offered For \$10 (12:00pm-1:00pm)
Saturday - October 28, 10am-2pm
1165 Angelina St, Austin, TX 78702
<http://www.austintexas.gov/department/george-washington-carver-museum-and-cultural-center>

Big Data & Community Policing

IMPLEMENTING THE NATIONAL BLUEPRINT



This symposium aims to address six underlying community policing themes addressed through best practices in BIG data:

1. **Building Trust and Legitimacy**
2. **Policy and Oversight**
3. **Technology and Social Media**
4. **Community Policing and Crime Reduction**
5. **Training and Education**
6. **Officer Wellness and Safety**



UNDERLYING THEMES

1. Change the culture of policing

Guardians versus warriors: The final report calls for law enforcement to protect the dignity and human rights of all, to be the protectors and champions of the constitution. This rethinking of the role of police in a democracy requires leadership and commitment across law enforcement organizations to ensure internal and external policies, practices, and procedures that guide individual officers and make organizations more accountable to the communities they serve.

2. Embrace community policing

Community policing is a philosophy as well as a way of doing business. The commitment to work with communities to tackle the immediate and longer-term causes of crime through joint problem solving reduces crime and improves quality of life. It also makes officers safer and increases the likelihood of individuals to abide by the law.

3. Ensure fair and impartial policing

Procedural justice is based on four principles: (1) treating people with dignity and respect, (2) giving individuals "voice" during encounters, (3) being neutral and transparent in decision making, and (4) conveying trustworthy motives. In addition to practicing procedural justice, understanding the negative impact of explicit and implicit bias on police-community relations and then taking constructive actions to train officers and the community on how to recognize and mitigate are key factors.

4. Build community capital

Trust and legitimacy grow from positive interactions based on more than just enforcement interactions. Law enforcement agencies can achieve trust and legitimacy by establishing a positive presence at community activities and events, participating in proactive problem solving, and ensuring that communities have a voice and seat at the table working with officers.

5. Pay attention to officer wellness and safety

Law enforcement officers face all kinds of threats and stresses that have a direct impact on their safety and well-being. Ensure that officers have access to the tools that will keep them safe, such as bulletproof vests and tactical first aid kits and training. Promote officer wellness through physical, social and mental health support.

6. Technology

New and emerging technology is changing the way we police. It improves efficiency and transparency but also raises privacy concerns and has a significant price tag. Body-worn cameras, less than lethal use of force technologies, communication, and social media all require a legal and pragmatic review of policies, practices, and procedures. These policies, practices, and procedures should be developed with input from the community and constitutional scholars.



What role does BIG DATA play in building community trust?

CALL FOR CONFERENCE PAPERS

Big Data is helping police departments across America make strategic connections to solve crime and increase transparency. At the same time in cities all over the country, law enforcement officers find themselves under scrutiny and criticism after numerous tragic instances of alleged police misconduct.

How can Big Data better tell the story of police engagement scenarios? What can we do to promote and recognize the best behavior in officers and how can that be measured? How can Big data be used as a best practice for accountability and reform?

Shared knowledge is what makes Big Data work, and if you can share your knowledge all will benefit. Law enforcement leaders, activists, tech developers, analyst, researcher, concerned citizens and stakeholders will share lessons learned and establish ideas for continuing projects.

You are an expert, which is why we invite you to respond to our call for papers by September 1, 2017. Measure Austin welcomes submissions of papers on any of the subjects shown on the "Call For Papers" list. ***Selected papers will be bound for distribution at the event. One presenter will have 8-10 min to introduce their work and participate in a panel conversation about their particular paper topic.***



CALL FOR PRESENTORS LIST

This symposium aims to address six underlying law enforcement themes and how they are impacted by big data. Presentations on topics and themes will be considered for the Big Data and Policing Symposium in October 2017. Themes include:

1. Building Trust and Legitimacy
2. Policy and Oversight
3. Technology and Social Media
4. Community Policing and Crime Reduction
5. Training and Education
6. Officer Wellness and Safety

Topics may address but are not limited:

- How Big Data is helping police departments better connect with the citizens they serve.
- Law enforcement reform projects using Big Data
- How Big Data to make connections and detect patterns so police can prevent and solve crime
- Body Cameras
- How Big Data is allowing police to better understand diverse cultures
- How community groups are using Big Data to connect with police
- How Big Data is driving innovative change in relationship building through transparency
- Open Data and policing
- Big Data and responding to mental health calls in policing
- Big Data and assessing the mental health of police officers
- Assessing cultural competency through Big Data

Guest Editor:

Calvin A. Kelly, Ph.D. - Director of the Health and Counseling Center at St. Edwards University

SUBMIT TO: Papers@measureaustin.com

IMPORTANT DATES:

Abstracts Due By: 9/01/2017

Decision Date: 09/15/2017

Final Version: 10/01/2017

WHY PARTICIPATE?

Shared Intelligence

Your community policing efforts should be shared. Attendees will explore current and emerging efforts to improving the relationship between citizens and police through uses of open-data that increase transparency, build community trust, and strengthen accountability.

Make Data Matter

This symposium provides an opportunity for police officers, community members, activist, academics, developers, and law students to examine & discuss current and past challenges with making data matter in community policing as well as successes of identified solutions.

Trust Begins With Transparency

Transparency in law enforcement should be easy. When data is up-to-date and open, everyone benefits. Open data fosters an environment in which police response and action are balanced with community needs.



**Attendees
Welcome**

Partnership Information



\$10,000+

Presenting Sponsor: Has naming rights for the event. Includes name and logo on all promotional material, social media, signage, corporate representative to give the welcome at the start of the symposium, company table arranged, front row reserved seating for 10. Named host with Measure for a pre-event networking mixer at the W hotel lounge. Link on Measure website for 6 months.
(two sponsorships available)

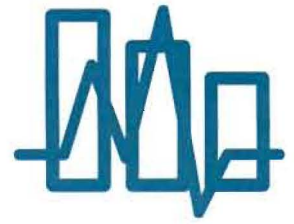
\$5000+

Big Data Sponsor: Includes name and logo on all promotional material, social media, signage, corporate recognition at the start and end of the symposium, front row reserved seating for 5. Corporate recognition at the pre-event mixer at the W hotel lounge. Link on Measure website for 3 months.
(three sponsorships available)

\$1500+

Measure Sponsor: Includes name and logo on all promotional material, social media, signage, corporate recognition at the start and end of the symposium, company table arranged, front row reserved seating for 5.
(3 sponsorships available)

What is Measure?



Measure is an Austin-based, not-for-profit consultative and research organization which seeks to advance groundbreaking research and advocate for local communities utilizing Participatory-Action-Research and Performance Measurement for social good.

Mission: To provide consultative services, research and advocacy through data-measurement with, for and on behalf of communities to solve social problems.

Motto: Numbers You Can Trust

Key Terms: Research, Accountability, Transparency and Advocacy.

Research Philosophy: To proactively engage social problems by way of sociological institutionalism through the incorporation of community participation, investment and partnership.

Organizational Philosophy: To eradicate binarism in advocacy and advancement: the belief that in order for one agency or group to prosper, another must suffer.

Key Terms: Collaboration, Community-Building, Engagement. Institutionalism, Participatory-Action-Research and Performance Measurement.

Policy Issues: Policing, Displacement, Education and Mental Health.



Contact:

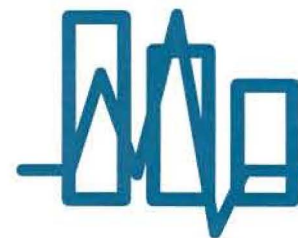
Measure President, Meme Styles

meme@measureaustin.com

Measure Vice President & Chief of Operations, Jonathan Lin Davis

jonathan@measureaustin.com

Press Release
FOR IMMEDIATE RELEASE
July 30, 2017



For Media Inquiries please contact:
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(E) meme@measureaustin.com
www.measureaustin.com

Measure Launches with a Community Symposium on Big Data & Community Policing

AUSTIN, TX- Measure and presenting sponsor Mark 43 will hold a symposium called Big Data & Community Policing: Continuing The White House 21st Century Police initiative on October 27-28, 2017 at the George Washington Carver Museum in Austin, TX.

In partnership with Austin Police Department and Austin Police Association, Measure Austin will convene thought leaders to build communal awareness and understanding. Attendees will hear from technology experts, police officers, and community leaders during the event, and will have time to discuss these critical issues. Topics will include current and emerging efforts aiming to improve the relationship between citizens and police through uses of data and technology that increase transparency, build community trust, and strengthen accountability.

"It is a pleasure to partner with Measure and our other community leaders who help make Austin such a great place to live and work," said APD Chief Brian Manley. "This event will be a great opportunity to bring everyone together for discussions on important topics of interest to our community."

The goal of the convening is to build a working relationship between police decision makers, tech and concerned citizens that can help develop positive reform through the optimal use of big data.

Participants may register to attend and/or sponsor the event online at www.bigdata2017.org.





Measure Philosophy

Mission: To bridge Austin's divisions through research, consulting services, and advocacy in active partnership with local communities to address complex social problems.

What is Measure? Measure is an Austin-based, not-for-profit consultative and research organization which seeks to advance groundbreaking research and advocate for local communities to improve, both, agency functionality and community needs.

Motto: Numbers You Can Trust.

Key Terms: *Measurement, Research, Reform, Accountability, Transparency and Advocacy.*

Religious Diversity Statement: Measure recognizes that religious diversity is a cultural ethos. We *embrace religious diversity* and benefit from the community-building possibilities it fosters. We hold our leaders accountable for cultivating an environment that respects, supports, and appreciates the uniqueness of all religions identities.

Racial Diversity Statement: Measure is an organization that values, respects and appreciates racial and ethnic diversity. We seek to ensure intentional and meaningful policy-making both internally as just and equitable organization and externally as one focused on achieving racial justice.

Gender Diversity Statement: Measure is an organization that values, respects and appreciates gender diversity. Cognizant of the needs of women and girls, Measure seeks to incorporate women-centered perspectives that aim to elevate the position of women within the organization, and within agency and society.

Sexual Orientation Diversity Statement: Measure is an organization that values, respects and appreciates the LGBTQ community. We seek to establish procedures and strategies that better inform the public of the negative effects of policies that target and discriminate against their community.

Research Philosophy: To proactively engage social problems by way of sociological institutionalism through the incorporation of community participation, investment and partnership.

Key Terms: *Institutionalism, Participatory-Action-Research and Performance Measurement.*

Organizational Philosophy: To eradicate binarism in advocacy and advancement: the belief that in order for one agency or group to prosper, another must suffer.

Key Terms: Collaboration, Community-Building, Engagement and Trust

Policy Issues: Policing, Displacement, Education and Mental Health

What are Measure's Goals?

Measure aims to engage social issues first by building trust in the community in the quest for agency accountability and transparency. It does so by:

- Identifying and soliciting the participation and partnership of agencies, community leaders and respective citizens in order to facilitate meaningful, results-oriented measures;
- Strongly aligning community measures to results, strategies, and goals;
- Working with the measures team to introduce the established measures to earn feedback from the Community;
- Providing a technology-based platform whereby measures are reported, updated and easily understood.

Pillars of Measure

Community-Based, Participatory-Action (Israel, et. al.):

1. Recognize community as a unit of identity;
2. Build on strengths and resources within the community;
3. Facilitate collaborative partnerships at all phases of the research;
4. Integrate knowledge and action for mutual benefit of all partners;
5. Promote co-learning and empowering process that attends to social inequities;
6. Involve a cyclical and iterative process;
7. Disseminate findings and knowledge gained to all partners.

Performance Measurement for Social Action (Wolk, Andrew; Dholakia, Anand; Kreitz, Kelley):

1. **Mission and Vision Success:** articulation of the organization's purpose;
2. **Activities and Operations:** programs, services and initiatives run by organization.
 - a. **Measure:** use of indicators and metrics that are tracked regularly;
 - b. **Report:** compilation of performance measurement into an easy-to-use format.
 - i. **Dashboard:** focused selection of indicators to provide periodic snapshots of the organization's overall progress in relation to past and future goals;
 - ii. **Report Card:** highlights organization's internal dashboards and facilitates data externally with social impact investors.
 - c. **Learn:** use of reporting tools to review and interpret performance data Improve: the implementation of measures to improve activities and operations.

Advocacy for Mutual Benefit and Cause (Davis, Jonathan; Styles, Jameila "Meme")

1. Recognizing a community's perspective as valid;
2. Leveraging communities as equal partners;
3. Incorporating meaningful, evidence-based practices for good;
4. Meeting a community's expectations and goals;
5. Earning community buy-in through vigor and shared practices;
6. Cultivating important, long-lasting relationships.

Wolk, Andrew; Dholakia, Anand; Kreitz, Kelley. 2009. [building a performance measurement system: USING DATA TO ACCELERATE SOCIAL IMPACT](#). A Root Cause How-to-Guide.

Israel, Barbara; Amy Schultz; Edith Parker and Adam Becker. 1998. [Review of Community-Based Research: Assessing Partnership Approaches to Improve Public Health](#). Annual Review of Public Health 19: 173-Tell Us More

Board of Director Criteria (3 T's):

- **Time:** *Directors sought* are deemed to be able to meaningfully contribute their time towards the capacity building and trajectory of the organization.
- **Treasure:** *Directors sought* are deemed to be able to meaningfully contribute towards the development goals of the organization.
- **Talent:** *Directors sought* are deemed to be able to meaningful contribute applicable skills, talents and expertise towards the fulfillment of objectives.

Board of Director Criteria (3 M's):

- **Mission** *Philosophy* of the mission-driven capacity and scope of the organization.
- **Money** *Philanthropy* of funds towards the increased scale of the organization.
- **Mitigation** *Liability* the continued existence and legal-standing of the organization.

Leadership Criteria (M.E.A.S.U.R.E.):

- **Meticulous, and** *Diligence* and preciseness in the analysis and assessment of work.
- **Eager** *Intentional* and enthusiastic development of ideas, concepts and initiatives.
- **Assignment, of** *Organized*, strategic and formulated establishment of specific tasks.
- **Serious,** *Meaningful*, worthwhile and important work in selected areas.
- **Upstanding** *Conscientious*, ethical and principled service of the activity carried out.
- **Research, and** *Measured*, objective-based, goal-oriented and forward-driven development.
- **Elevation.** *Advocacy* for the community (1st), agency (2nd), and the common good, overall.

Working Advisory Board Criteria (G.O.O.D.):

- **Gradual** *Long-term*, patient and enduring
- **Organized, and** *Structurally* focused, well-designed and framework-driven
- **Original** *Innovative*, inventive and creative
- **Decision-making** *Research*, analysis and objective-based



Community Policing Performance **Measurement Budget Proposal**

Authors: Styles, Meme (President); Davis, Jonathan (Vice President);
Moore, Margaret (Chief Development Officer); Mitchell, Kathy (Board of Directors)
PRESENTED TO AUSTIN CITY COUNCIL ON AUGUST 17, 2017

What is 'MEASURE ©' ?

MEASURE© is an Austin-based, not-for-profit consultative and research organization which seeks to advance groundbreaking research and advocate for local communities to improve both agency functionality and community needs. Its motto is "Numbers you Can Trust." Its mission is, "To bridge Austin's divisions through research, consulting services, and advocacy in active partnership with local communities to address complex social problems." It was founded in 2016 by President, Jameila "Meme" Styles.

Budget and Community Policing.

The City of Austin's FY 2017-2018 proposed spending and performance goals for the Austin Police Department do not meet the Community Policing standards and reasonable requirements that several Austin organizations have sought, including the Austin Chapter NAACP, Counterbalance: ATX and the Austin Justice Coalition, among others. Foremost, MEASURE© recognizes Community Policing as a necessary lens and protocol mechanism to promote community engagement, improve community relations and thoroughly and meaningfully bridge the communities and agencies. As such, we define Community Policing as, "a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively

address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.”¹

We are concerned, given the City's budget priorities that Community Policing and community-centered, agency-led initiatives could become a shrinking priority for the City. Although the Austin Police Department places importance on 'neighborhood policing,'² *MEASURE*© recommends including allocations that would be specifically tailored to assess outreach efforts in a more meaningful way to the community, based on performance characteristic and management criteria.

On June 15, 2017 *MEASURE*© delivered a brief to the Police Department which included an assessment, evaluation and subsequent performance measure recommendations at their request. Utilizing the “Final Reporting on Community Policing” by the Matrix Consulting Group, the President's Task Force on 21st Century Policing and ongoing community engagement, conversations, and guidance on behalf of residents and community organizations, *MEASURE*© established the report as the foundational tool. In completing this assessment, our team sought to establish meaningful, objective community-based performance measures to improve relational development between the Austin Police Department and the communities and residents that it serves.³

***MEASURE's*© Performance Measurement Criteria.**

MEASURE© seeks for all (100% of) Uniformed Austin Police Officers to be Required to engage in Community Policing and Engagement Activities, by their Unit, with Local Organizations that are Underserved and Collect and Report their Data, based on Mutual Agreement, and with the assistance of their respective District Representatives, to ensure Fair Representation.

¹ United States Department of Justice. “Community Policing Defined.” 2012. Retrieved from: <https://ric-zai-inc.com/Publications/cops-p157-pub.pdf>

² 2017-18 Proposed Budget, Austin, TX pg. 409.

³ Davis Jonathan Lin, Styles Jameila and Djioba, Malick (2017). Community Policing & Performance Measure Recommendations and Protocol for the Austin Police Department.

Traditional measurements capturing the most visible and apparent crime indicators, i.e., arrest, citations, number of personnel. **Unfortunately, these practices fail to capture the bulk of police work.** Research has revealed that a mere **10–20%** of police work in modern organizations involve traditional police work used in combating crime, suggesting that a bulk of policing is based on customer services and peaceful neighborhood sustainability.⁴

Recognition of Crime as an Imperative Policing Variable.

Although violent crime, including murder has dropped fairly consistently since 1996 (City of Austin Murder Rate: 1996 - 2015),⁵ *MEASURE*© argues that solely utilizing crime data as a means of expressing a municipality's goals of improving community development and residential wellbeing are shortsighted. Research has consistently proven that traditional policing often has little to do with a municipality's crime rates⁶ and that other efforts, including relational development⁷, outreach, programming⁸ and external/unrelated factors⁹ often have great effect rates.

City of Austin Murder Rate: 1996 - 2015

⁴ White, Michael (2008). 'Identifying Good Cops Early: Predicting Recruit Performance in the Academy.' *Police Quarterly* 11(1): 27–49. Retrieved from: <http://journals.sagepub.com/doi/pdf/10.1177/1098611107309625>

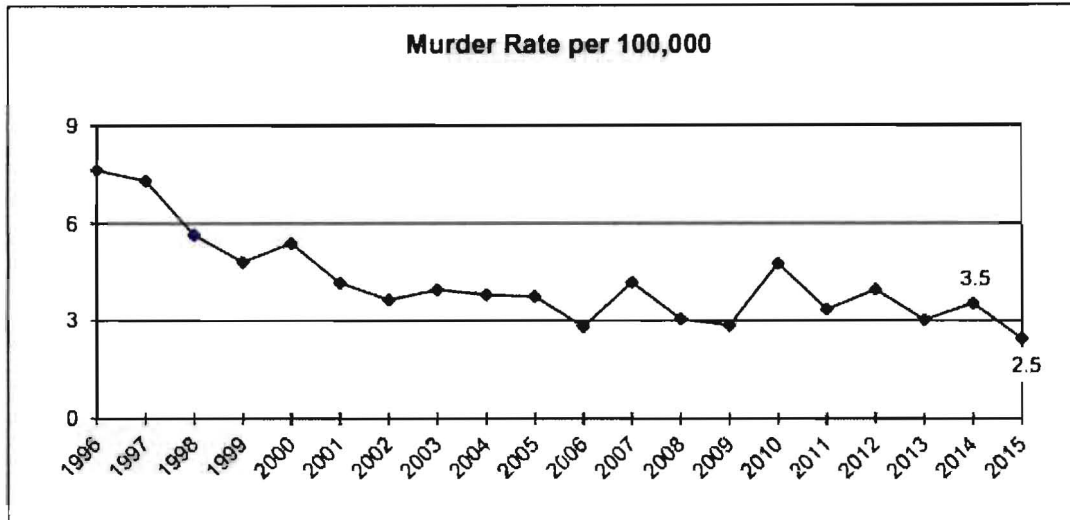
⁵ Austin Police Department: Violent Crime and Traffic Report (2015). Retrieved from: http://www.austintexas.gov/sites/default/files/files/2015_crime_and_traffic_report_120516.pdf

⁶ Lind, Dara and Lopez, German. "16 theories for why crime plummeted in the US." *Vox*. <https://www.vox.com/cards/crime-rate-drop>.

⁷ Maximino, Martin. "Community-oriented policing strategies: Meta-analysis of law enforcement practices." Retrieved from: <https://journalistsresource.org/studies/government/criminal-justice/the-impact-of-community-policing-meta-analysis-of-its-effects-in-u-s-cities>.

⁸ Den, Ernest Van. "Could Successful Rehabilitation Reduce the Crime?" *Journal of Criminal Law and Criminology*. Retrieved from: <http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=6327&context=jclc>.

⁹ Donohue, John J., and Levitt, Steven D. "The Impact of Legalized Abortion on Crime." *Quarterly Journal of Economics*. <http://pricetheory.uchicago.edu/levitt/Papers/DonohueLevittTheImpactOfLegalized2001.pdf>.



Boosting Community Policing efforts does not equate to showing disregard for violent crime; instead, it seeks to establish a presence in a community or communities and input value into long-term capacity, relationship-building and trust-development. This is in converse to the traditional concept of policing which seeks to combat the byproduct of system social problems - it is proactive, intentionally and directly seeks to advance a community's interests: its prosperity and promotion. Nonetheless, *MEASURE*® acknowledges the FY 2015-16 violent crime rate was 11% higher than the FY 2014-15 rate and 7% higher than the average of the last four years.¹⁰ However, the statistical significance of this increase, in light of the long term downward trends in violent and all crime, is not established. What we can say is that the current “go to” response to a year over year increase in a type of crime -- adding more patrol officers -- has no proven benefit and at this point may actually create new problems. Assessing APD performance based solely on crime rates and arrests is unsustainable and improbable in the face of a complex society. Community Policing as a public policy initiative, is a viable solution towards the City and subsequently the Police Department's objectives.

Current Proposed Police Department Performance Benchmarks.

¹⁰ City Of Austin FY 17-18 Budget: (2017) https://assets.austintexas.gov/budget/17-18/downloads/FY18_Proposed_Budget_Vol_1.pdf.

On May 13, 2017, Mayor Steve Adler requested ([Request No. 43](#)) the performance measurement criteria for the Police Department for FY 2017. With their results, they are as follows:

Current Performance Metrics and Data (2015)	
Violent Crime Rate (Per 100,000)	373
Property Crime Rate (Per 100,000)	3771
Total Response Time for Emergency and Urgent Calls (In Minutes)	8.06
Resident Satisfaction with Overall Quality of Police Services	71%
Number of Traffic Fatalities	95
Sworn Personnel	1,908

Despite these efforts to mitigate crime, provide a meaningful service to residents and engage in quality practices, these performance measures and criteria are critically flawed in the need not only to reduce crime, but as well to mitigate unnecessary practices, resident complaints and other important characteristics of policing and public safety. However, this does not negate the current performance system, but seeks to add and incorporate additional key and crucial elements. Nevertheless, *MEASURE*© is concerned with the administration and collection of data related to 'resident satisfaction with Overall Quality of Police Services' including but not limited to its sample size, the scope and scale of its appropriation and the diversity of the residents surveyed. *MEASURE*© recommends adding these subsequent criteria as performance measurement variables:

Recommended Police Department Performance Benchmarks.

1. % reduction in overall Use of Force and Deadly Force;
2. % and number of interactions leading to critical incidents (shooting or serious bodily injury);
3. % of Officer suspensions for misconduct where suspension is not overturned or reduced upon appeal;
4. % of Officers with history of misconduct (all outcomes -- suspension, written reprimand, directed to retraining, demotion, etc) -- or conversely total # with no history of misconduct;
5. % Case closure rates by type of offense;
6. # of Citizen complaints;
7. # of 'Police brutality' / Police misconduct complaints regardless of source (includes complaints based on statement by other officers or initiated by OPM);
8. Resident satisfaction through consistent annual survey protocol (disaggregated by neighborhood and demographic characteristics);
 - a. By Race/Ethnicity;
 - b. By Gender;
 - c. By Socioeconomic Status;
 - d. By Nationality Status (Citizen or Undocumented);
 - e. By Residence (Zip Code).

Further Discussion: Equity-driven budgetary filter.

Beyond the Community Policing performance measurements described above, further investigation, analysis and consideration should take place in the form of a formal equity-driven budgetary filter. Utilized by several model governments,¹¹ including the City of Seattle and the States of Iowa and Connecticut, equity as a budgetary filter seeks to institute controls, measurements, management and compliance in order to combat the biases of the American judicial, political, social and economic systems in order to balance

¹¹ Fathi, Sahar. "Race and Social Justice as a Budget Filter: The Solution to Racial Bias in the State Legislature." University of Gonzaga Law. Retrieved from: <https://www.law.gonzaga.edu/law-review/files/2012/04/Fathi-final.pdf>.

the field of opportunity and scale for those most negatively impacted by government policy.¹²

Primarily, equity as a budgetary filter recognizes the recursive nature of politics, the influence of wealth and power, and that personal ideologies are immaterial to systemic social complexities. Institutionalization trivializes personal ideologies and extrapolates personal opinion from its course of action or inaction.¹³

- **Controls:** the creation of tools and frameworks to ensure balance;
- **Measurements:** the establishment of criteria set to meet budgetary and equity-based goals;
- **Management:** the supervision and administrative oversight of programming and initiatives;
- **Compliance:** reprimand and rebuke for failure and malfunction.

Through the equity-driven budgetary filter method and policy mechanism, it would be recommended and proposed that '*equity*' as a public policy concept in Austin do the following:

- A. **Require** equity-based decision-making, prior to consideration of budget-driven projects;
- B. **Institute** binding community-incorporated feedback;
- C. **Extrapolate** equity as a program/initiative and incorporate as a necessary supplementary performance measure.

Albeit a discussion in its own right, the equity-driven budgetary filter method is a tried and true practice that not only seeks to standardize equity-based practices, but also

¹² Gooden, Susan T. "Race and Social Equity: A Nervous Area of Government: 2014: A Nervous Area in Government and Policy." Routledge. Retrieved from: https://books.google.com/books?id=y2dsBgAAQBAJ&pg=PA92&lpg=PA92&dq=race+and+social+justice+in+the+budget&source=bl&ots=4e5U_L0OM2&sig=q32ZYVxLXIzsp1uFw00WfcoMkxo&hl=en&sa=X&ved=0ahUKEwiGuN7BvNnVAhVX5mMKHUzHC7sQ6AEITzAH#v=onepage&q=race%20and%20social%20justice%20in%20the%20budget&f=false.

¹³ Ibid.

ensures that equity as a public policy mechanism is brought to fruition through meaningful application research driven implementation and community-driven practice.

Conclusion.

MEASURE© is fully aware of the complexities of Public Safety, having the opportunity to work closely with the Austin Police Department for the last two years, including supporting their efforts to eventually develop formal performance measures regarding Community Policing and other initiatives. By incorporating and institutionalizing formal Community Policing performance measures, as well as expanding the budgetary criteria for policing (more broadly) the City of Austin, and subsequently, its respective administrative agencies can be better prepared, serve with greater efficacy and engage in better practices more engaged in the prospect of public service than it currently does. *MEASURE*© also offers its services as a research and advocacy organization in order to meet the needs of City Council, its respective agencies, and the citizens and residents that it serves as it pertains to the subject matter presented here.



Peer Review Commission

About Measure:

Measure's mission is, *"To bridge Austin's divisions through research, consulting services, and advocacy in active partnership with local communities to address complex social problems."* **Measure's mission is carried out through the use of Research, and Advocacy:**

- A. **Research.** The measurement and management of data, goals and objectives.
- B. **Advocacy.** The action of performing objectives for the good of the community.

It operates its focus on Research and Advocacy through its three Pillars of Philosophy:

- 1. **Community-Based, Participatory-Action;**
- 2. **Performance Measurement for Social Good;**
- 3. **Sociological Institutionalism.**

Peer Review Commission Core Responsibilities:

The Peer Review Commission (PRC) is a collective group of appointment policy experts, attorneys and academics who set standards, develop policy, review, and approve Measure research prior to dissemination to public entities and the general community. Peer Review Panel Members are appointed by a Measure Board Member or Senior Officer.

Expectations:

- **Exceptional written communication skills;**
- **Exceptional attention to detail;**
- **Significant expertise in the areas of law, public policy and/or formal academic research;**
- **Advanced Degree required: M.A., M.P.A., M.Ed., M.B.A., J.D., Ph.D., etc.;**
- **3+ years in advocacy work related to subsequent field of expertise;**



Downtown Austin Community Court Advisory Board

Proposed Schedule (2018)

- January 19th, 2018
- March 2nd or 23rd, 2018
(SXSW March 9-18th, 2018)
- May 18th, 2018
- July 20th, 2018
- September 21st, 2018
- November 16th, 2018
(Thanksgiving Holiday – November 22nd-23rd, 2018)



MEMORANDUM

TO: Mayor and Council Members

FROM: Sherry Statman, Presiding Judge, Municipal Court
Rey Arellano, Assistant City Manager

DATE: August 25, 2017

SUBJECT: Council Resolution 20160811-037 Fair Treatment of Indigent Defendants

The purpose of this memorandum is to report on Resolution No. 20160811-037 which the City Council passed on August 11, 2016. The resolution pertains to Municipal Court operations and the treatment of indigent defendants. It directed the City Manager and the Presiding Judge of the Austin Municipal Court (AMC) to:

1. Draft a **proposed amendment to Chapter 2-10, Article 3 of the City Code** to:
 - Include a definition for indigency for use by the Municipal Court, which establishes the baseline as 200% of the federal poverty guidelines, but allows judges to exercise their discretion to determine that a defendant with a higher income is not financially able to pay a fine based on the judge's evaluation of the defendant's individual circumstances;
 - Make it clear a defendant may only be committed to jail for failing to pay a fine if the Court has first determined that the defendant is not indigent and entered written findings of the defendant's non-indigency into the case record; and
 - Use language that will not affect a judge's ability to jail a defendant who does not comply with alternative sentencing, as currently provided by law.
2. **Convene relevant staff and stakeholders** to add further insight and uniformity into the drafting of the amendment for achieving the objectives identified in this section.
3. **Conduct a nationwide best practices study** and present findings within 90 days:
 - Alternative definitions of indigence used in other courts that may better reflect individual defendants' inability to discharge their sentences;
 - The appointment of counsel in fine-only offenses in instances when a defendant might be committed to jail; and

- Expanding the list of community service options that may be made available to defendants.
- 4. Ensure there are **forms available to Municipal Court judges** to facilitate both the evaluation of a defendant's indigency or non-indigency and entry of the judge's findings about indigency into the Court record.
- 5. Develop a system to **track the number of defendants committed to jail by the Municipal Court**, including the reason for and duration of the commitment, and to make that information available to Council during judicial reappointments.
- 6. Draft **guidelines as a reference point for determining how many hours of community service would potentially impose an undue hardship on defendants**, while working within the framework of guidelines established in State law. The guidelines should take into account factors such as the person's age, responsibility for dependents, weekly work volume, and physical impairment. Those draft guidelines should be presented to Council within 90 days.

Summary

Of the six deliverables listed in the resolution, five are completed and are described below. The remaining deliverable (#1) directs the City Manager to propose changes to Chapter 2-10, Article 3 of the City Code and to define indigency. An agenda item with the proposed change is posted for the August 31, 2017 Council meeting.

While the research concerning best practices (#3) took longer than expected, much of what was learned was used to develop the other deliverables.

Background

In developing any proposed changes to City Code or municipal court operations, an important consideration is that if a City ordinance conflicts with State law, State law is controlling. In addition, State statute confers judges with independent authority in making rulings and neither the Council nor the Presiding Judge can set limitations on an individual judge's discretion. Per a recent Federal court ruling, the City is not liable for the decisions of judges unless it is being sued in regards to official City policies that a judge is following. The proposed City Code changes have been vetted by the City Attorney's Office to prevent any unintended liability.

Status of Resolution Deliverables

1) Proposed amendment to Chapter 2-10, Article 3 of the City Code

The changes to City Code will be presented for Council consideration at the August 31, 2017 Council meeting (see Appendix A). As stated earlier, judges are independent and while indigency

determinations are made at a judge's discretion, the proposed code revisions would be made to include presumptions of indigency. In summary, a defendant may be presumed indigent if they meet any of the following four conditions:

- The defendant's household income does not exceed 200% of the DHHS poverty guidelines and the difference between the defendants' monthly net income and reasonable necessary expenditures is less than \$500; or
- The defendant, or dependents, are eligible to receive a state, federal, or local program based upon financial status; or
- The defendant is currently serving a sentence in a correctional institution, residing in a public mental health facility or is the subject of a proceeding in which admission or commitment to such a mental health facility is sought; or
- The defendant is under the age of 17 or currently enrolled in and attending middle school or high school.

In addition, if the defendant does not meet any of the financial standards above, they may still be determined indigent if the defendant is otherwise unable to make payments without substantial hardship. In making this determination, the court may consider the defendant's income, source of income, assets, property owned, outstanding obligations, necessary expenses, the number and ages of dependents, and spousal income.

2) Convene relevant staff and stakeholders

Community stakeholder meetings were held on December 12, 2016 and May 1, 2017. The purpose of the December meeting was to gather input from stakeholders representing 32 advocacy groups such as the Texas Fair Defense Project, Texas Appleseed, the UT Civil Rights Clinic, Safe Horns, the Travis County Bar, Volunteer Legal Services of Central Texas, and the Downtown Austin Alliance. During the presentation, municipal court processes and statistics were explained. After the presentation, participants were asked the following questions:

- 1) What is important to you as an outcome of this process? What does success look like when the process is complete?
- 2) What else do we need to know?
- 3) How should we involve the other affected stakeholders and the public?

The input from these stakeholders was used to guide the research conducted and determine the cities to be included in the best practices study.

The May meeting was open to the general public as well as representatives from the advocacy groups. The presentation provided a high level view of Municipal Court operations and processes and included an opportunity to provide input on two specific questions that staff would consider when developing any proposals. The two questions were:

- 1) What should Judges consider when they are deciding whether someone is indigent or is unable to pay their fines?
- 2) What are acceptable types of community service that someone could do as a form of alternative payment?

The stakeholder responses to these questions and general comments that were gathered at the meetings are included as Appendix B.

3) Conduct a nationwide best practices study

The Presiding Judge oversaw the research of 15 U.S. cities similar in size and/or with similar progressive practices as Austin. The first significant challenge was that in other jurisdictions, punishments for offenses that Texas has designated to be class C criminal acts vary greatly. Some states treat these offenses as civil matters; others treat certain offenses as higher criminal offenses which impacts the possibility of appointment of counsel.

Texas	National
Dallas	Charlotte NC
El Paso	Columbus OH
Houston	Denver CO
San Antonio	Detroit MI
	Jacksonville FL
	Philadelphia PA
	Phoenix AZ
	Portland WA
	San Francisco CA
	San Jose CA
	Seattle WA

Our research indicated there is no nationwide “best” definition of indigency. However, most jurisdictions identified presumptive standards for a judge to consider in determining indigence including: the defendant’s income as a percentage of the federal poverty level, receipt or eligibility for government benefits, incarceration or mental health facility commitment, and defendant expenses. Several jurisdictions also required that financial questionnaires, statements under oath, or sworn affidavits be used in making determinations.

Of the cities studied, only Houston has any form of appointment of counsel for class C/fine-only citations. However, this is limited to theft charges and is funded through by money appropriated to the court by City Council. No Texas cities appoint counsel for indigent defendants facing remand to jail for failure to pay.

Options for appointing counsel in Austin

The research conducted has identified two possible options for the Council's consideration for appointment of counsel. These options include:

1. **Contract attorneys:** The City could contract with the Capital Area Private Defender Service (CAPDS) or a private firm to provide representation either for indigent defendants facing remand or expand it to include indigent defendants whose cases proceed to trial. CAPDS currently has a system where attorneys are vetted for competence as well as a system for assigning attorneys in a fair manner.
2. **A partnership with a private firm willing to take cases on a pro-bono basis:** Currently, the prosecutor's office has a visiting prosecutor program where first or second year attorneys with larger firms volunteer to act as prosecutors in order to get trial experience. A similar program might be possible for visiting defense attorneys. However, the common scenario where indigent defendants face remand to jail is at the Central Booking Facility and often late at night. Realistically, it would be difficult to obtain attorneys willing to volunteer during overnight hours.

Cost estimate for contracting with (CAPDS) or a private firm to provide representation:

Texas Municipal Courts collect \$2 for every citation and transfer those funds to the State to be used for indigent defense through the Fair Defense Fund. However, Municipal Courts are not allowed to access these funds. Thus, local appointment of counsel would have to be funded wholly by the City of Austin.

Over the two fiscal years, FY15 and FY16, the average rate of payment for court-appointed lawyers to represent and enter pleas for indigent defendant with Class B offenses was \$250 per case. The cost to represent Class C offenses may be less.

- Assuming \$250 per case, an initial estimate for contracting with the CAPDS or a private firm to provide representation for defendants found indigent *and* remanded to jail (approximately 2,400 cases for 720 defendants) is \$601,000 annually.
- The estimate for providing this same representation for *all* defendants found indigent (approximately 6,100 cases for 3,100 defendants) is \$1,525,000 annually.

These estimates are preliminary and a more accurate assessment of the cost for providing representation requires negotiation with CAPDS or a private firm and a review by the budget office.

During research on this topic, staff did consider use of in-house attorneys to represent indigent defendants. However, doing so presents a conflict of interest for the City and necessitates the use of outside attorneys.

Current safeguards for indigent defendants facing remand to jail

There are only very limited circumstances wherein an indigent defendant can be committed to jail. An indigent defendant must:

- Have been given the opportunity to satisfy their judgment by alternative means (community service or payment plan);
- Have failed to complete the alternative means; and
- Have no hardship that prevented him/her from completing the assigned alternative means.

As will be noted below, remand forms have been revised to prompt judges to inquire about hardships. If a hardship is raised, the judge may release the defendant from jail to appear at a Wednesday morning hardship docket to discuss the situation with the Presiding Judge. The appearance rate at the hardship docket is very low. However, of those who have appeared before the Presiding Judge, 100% demonstrated valid hardships and all outstanding fees and fines were waived.

Austin is the first court to do this and El Paso has since adopted a similar program based on the Austin docket.

4) Forms available to Municipal Court judges

Remand orders and financial evaluation forms were available prior to the Council Resolution. Since that time, they have been further refined (see Appendix C). The Presiding Judge reviews these forms on a weekly basis and discusses them with judges if they are incomplete.

All defendants requesting payment plans or other assistance are asked to fill out a financial information form (also called a “financial affidavit”). The top of the form asks questions to help judges determine indigence and potential hardships. The form asks those who can pay to state the amount they are able to pay and when they can start. The form also inquires of those who are requesting community service how many hours they feel they are able to perform and when they can complete them. Below are the intake statements a defendant is asked to choose from:

1. I am able to pay in full and/or meet the standard monthly payment requirement but need an extension to pay.
2. A payment plan: I am able to pay \$_____ per month starting on (date) _____.
3. Community Service: I am indigent and can perform _____ hours of community service per month. I am available to complete my first hours on (date) _____.
4. I need to discuss my ability to pay or perform community service with a judge.
5. I am receiving aid from a federal assistance program for myself or a dependent (i.e. food stamps, Temporary Assistance for Needy Families (TANF), Women, Infants

and Children (WIC), Children's Health Insurance Program (CHIP), Medicaid, Section 8, disability).

6. I am required by law to attend school and am under the age of 19.

5) Track the number of defendants committed to jail by the Municipal Court

The AMC has created new action codes in its case management system to provide better statistics of individuals who are arrested and remanded *only* on Class C misdemeanors (i.e., those who do not have any higher charges). The Presiding Judge and certain stakeholders are reviewing this information on a daily and weekly basis. Additional reports can be generated upon request.

The current case management system does not have fields to store data on the reason for and duration of the commitments. As an alternative, AMC can make copies of each commitment order and make those available to Council during judicial reappointments.

6) Guidelines as a reference point for determining how many hours of community service would potentially impose an undue hardship on defendants

Texas statutes (CCP Art. 45.09) state that the number of hours of community service assigned shall not exceed 16 hours per week. In most jurisdictions, the credit per hour is minimum wage. In Austin, the default credit per hour is \$12.50. Some judges choose to increase this amount.

Initial research found that no jurisdictions include age, physical impairments, dependents, and work volume in the analysis of how many hours a person should be assigned. Attempts at drafting guidelines in this manner made it clear that it would be too onerous to develop a meaningful matrix of the factors listed. In addition, it would also be difficult, if not impossible, for many defendants to provide the required documentation. Although the intent is directly opposite, a matrix risks creating "one size fits all" requirements that may be too restrictive. Each defendant is unique with a potential myriad of singular challenges.

After much consideration, the Presiding Judge has determined that self-reporting by defendants as to the amount of hours they are able to perform without creating an undue burden on themselves or their household is the best practice. This will also potentially prompt conversation regarding ability and hardships. As noted above, the financial affidavit contains the following statement that a defendant could select:

3. Community Service: I am indigent and can perform _____ hours of community service per month. I am available to complete my first hours on (date) _____.

In any proposed system, it is incumbent upon individual judges to listen and be flexible in considering reasonable alternatives.

Expansion of Community Service Request (CSR) Options

AMC currently has a list of 40 pre-approved CSR providers. Defendants may also opt to perform their CSR through the Downtown Austin Community Court (DACC). In order for a provider to be included on the pre-approved list, they must provide to the court documentation that they are a 501 (c)(3) non-profit, that their work benefits the community, that they have all the required insurance, and that they will follow certain rules of respectful treatment of the defendants working for them. The court will consider any non-profit that meets the requirements of Texas statutes (CCP Art. 45.09).

Earlier this year, the Presiding Judge and the Assistant City Manager became aware of legislative efforts to rework and expand CSR options statewide and deferred this study pending the outcome of this legislative action. The legislation was passed and the types of CSR allowed by statute have been broadened to include religious and educational activities. Once analysis of this new type of CSR can be performed, the court will implement acceptance of these additional CSR sources.

cc: Elaine Hart, Interim City Manager
Mary Jane Grubb, Court Clerk, Municipal Clerk
Pete Valdez, Court Administrator, Downtown Austin Community Court
Anne Morgan, City Attorney

Attachments:

Appendix A: Proposed City Code changes

Appendix B: Stakeholder Comments December 2016 and May 2017

Appendix C: Financial Disclosure/Affidavit of Indigency Form

ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY CODE SECTION 2-10-21(A) TO ALLOW A JUDGE TO OFFER INDIGENT DEFENDANTS THE OPTION OF ACCEPTING ALTERNATIVE SENTENCING IN LIEU OF FINES, ADDING SECTION 2-10-21(B) OF THE CITY CODE TO INCLUDE JUDICIAL DISCRETION FOR DETERMINING INDIGENCY, AND ADDING SECTION 2-10-25 TO INCLUDE PRESUMPTIONS OF INDIGENCE .

PART 1. Subsections (A) and (B) of City Code Section 2-10-21 (Fines, Alternative Sentencing, and Imprisonment) are amended to read as follows:

§ 2-10-21 FINES, ALTERNATIVE SENTENCING, AND IMPRISONMENT.

(A) If a defendant is convicted of an offense, a judge may direct the defendant to pay a fine immediately, at a later date, or in designated installments, or allow ~~[the defendant]~~ indigent defendants to accept [to choose] alternative sentencing in lieu of payment of a fine. If a defendant defaults on payment of a fine or fails to comply with alternative sentencing, a judge may imprison the defendant until the fine is paid in full.

(B) A municipal court judge shall consider whether a defendant is indigent in determining the amount and manner of payment of a fine, an alternative sentence, or imprisonment.

PART 2. City Code Chapter 2-10 (Municipal Court) is amended to add a new Section 2-10-25 to read as follows:

§ 2-10-25 – PRESUMPTION OF INDIGENCE.

For the purpose of imposing a fine, alternative sentence, or imprisonment under Section 2-10-21:

(A) A municipal judge may presume a defendant indigent if the defendant establishes that any of the following conditions exist at the time of the judge's action:

- (1) The defendant's household income is less than 200% of the poverty guidelines established by the U.S. Department of Health and Human Services in effect at the time of the judge's action, and the difference between the defendant's monthly net income and reasonable necessary expenditures is less than \$500;
- (2) The defendant or the defendant's dependents are eligible to receive food stamps, Medicaid, Temporary Assistance for Needy Families, Supplemental Security Income, public housing, or benefits under a similar state, federal, or local program based upon financial status;
- (3) The defendant is serving a sentence in a correctional institution, is residing in a public mental health facility, or is the subject of a proceeding in which admission or commitment to such a mental health facility is sought; or
- (4) The defendant is currently enrolled in and attending middle school, or high school, or is under the age of 17.

(B) A municipal judge may determine that a defendant who does not meet the conditions in Subsection (A) is indigent if the defendant is otherwise unable to pay a monetary fine assessed under Subsection 2-10-21(A) without substantial hardship to the defendant, or the defendant's dependents. In making this determination, the judge may consider the defendant's income, sources of income, assets, property owned, outstanding obligations, necessary expenses, number and ages of dependents, and spousal income available to the defendant.

PART 3. This ordinance takes effect on _____, 2017.

PASSED AND APPROVED

_____, 2017 §
 §
 §
 § _____
 Steve Adler
 Mayor

APPROVED: _____ **ATTEST:** _____
 Anne L. Morgan Jannette S. Goodall
 City Attorney City Clerk

DRAFT

Notes: Stakeholder Meeting

Fair Treatment of Indigent Defendants

December 12, 2017

Asian American Resource Center

Stakeholder Input:

- Decrease the number of indigent defendants who go to jail
- Reduce the 1% of defendants who go to jail to 0
- Establish the ability to pay at the beginning of the process
- Need guidelines and standards for judges for the definition of indigency for uniformity and fairness and to maintain discretion
- Decrease the number of jail commitments without counsel
- Increase defendants access to counsel
- Need a better determination of indigency
- Travis County Fair Defense Plan
 - Presumption of indigency
 - Agreed upon by all judges
- Central Booking
 - Clear on the process
 - Data collection
- For indigency determination, someone with mental health issues is a good candidate to waive fee and should not be held all weekend
- How does the community address those persons who choose certain disruptive lifestyles and continue without penalty?
- What is the cost and how long does the indigency validation process take.
- How do you validate undue hardship since this is a self-disclosure process
- Delineate between the AMC and the DACC and maintain that difference
- The process needs to provide dignity, leniency, and be just; encouraging persons to be law abiding
- Treat the indigent with dignity and not as a criminal

- How does revenue get budgeted. Can we track this for understanding
- Measure of success would be a decrease in the number of warrants issued
- Increase the hourly rate for community service
- Only 0.18% of defendants were declared indigent. This should be closer to the population which is 8%.
- Repeat offenders only account for 2% of defendants. The process should be designed for the other 98%.
 - Single parents
 - Persons with Mental Health issues
- Persons with health issues
- Complaint with ADA/504 assessments
- The 20 cities should include San Antonio and College Station
- Money does not change behavior. Need more classes to educate.
- Overlap of indigent and repeat offender
- Goal is a reduction in crime and criminal behavior
- Need to hear from person who has gone through the process
- The process needs to be user friendly
- Need additional options in addition to Community Service
- Apply the lessons learned from Downtown Community Court the Austin Municipal Court
- Many of the clients are one step away from homelessness
- Class C Defendants:
 - Hard to get community service
 - Difficult to remember days and scheduled appointments and court dates
 - Have transportation issues
 - Often work multiple jobs
- Defendants with mental health issues get confused by the process and need other, more frequent, ways to check in and follow up
- The penalties should differ based on the severity of the offense. For example, traffic tickets would be addressed different than more physical type of offenses

- A measure of success would be a reduction in the number of persons with warrants
- Having warrants impacts a person's health and other impacts
- Staff should review the notes from the UT Civil Rights Convening on this topic
-

Notes: Stakeholder Meeting
Fair Treatment of Indigent Defendants
May 17, 2017
Asian American Resource Center

Question 1: What should the judge consider when they are deciding whether someone is indigent or is unable to pay their fines?

Responses:

Judges should consider the following:

- How many dependents the defendant has, their family size and marital status.
- Whether they are religiously affiliated in the event that their religious organization could help with the fines and fees.
- The defendant's housing status.
- The defendant's prior criminal record. A criminal record could hinder the defendant from getting a job and therefore hinder them from paying fines which would cause indigence.
- The defendant's non-profit affiliation when considering indigence. An example of which would be social justice organizations.
- The defendant's risk of being homeless when considering indigence.
- The defendant's marital status and family size
- There should be means testing when the court assesses what the fines and fees will be. That is to say, the court should evaluate how much the defendant earns then use a gradient scale based on income to determine the fine.
- The defendant's ability to pay for an attorney.
- The defendant's mental health status.
- The defendant's overall complicated life status.
- The defendant's length of employment and would an extended absence from a new job create risk for a job loss.

Question 2: What are acceptable types of community service that someone could do as a form of alternative payment?

Responses:

- Community service options need to be broadened in order to include a variety of fields and places for the defendant to serve. Some examples would be rehabilitation programs or somewhere that the defendant could learn and benefit professionally from serving.

- Modify the financial information forms in order to better inform the judge during their judgement process.
- Do not send people to jail for indigence.
- Provide an option for the judge to waive all fees and offenses. Essentially create an option for the judge to pardon the defendant.

General Comments:

- People should not be jailed for an inability to pay.
- No jail for Class C Misdemeanors
- Review the San Antonio plan
- Fines are too high and the police and courts shouldn't be financed by ticket proceeds
- Fines should be means-tested or income-based
- Look at the bail process
- Judges should spend more time to consider indigency hearing
- Municipal Court should take up DACC model for case management
- What is the lawfulness of committing someone to jail for failure to pay without legal representation
- What can the City Council actually dictate to judges?
- State code says City can determine how to collect owed fines, including possible jail time.



City of Austin Municipal Court

Address: 700 E. 7th St., Austin, TX 78701

Mail: P.O. Box 2135, Austin, TX 78768

Phone: (512) 974-4800; Fax: (512) 974-4882

Email: court@austintexas.gov; Internet: www.austintexas.gov/court



FINANCIAL DISCLOSURE/AFFIDAVIT OF INDIGENCY

- ☐ 1. I am able to pay in full and/or meet the standard monthly payment requirement but need an extension to pay. *(Complete only page 1 & and complete acknowledgment at bottom of page 1.)*
- ☐ 2. A payment plan: I am able to pay \$ _____ per month starting on (date) _____. *(complete full application/ refer to compliance office)*
- ☐ 3. Community Service: I am indigent and can perform _____ hours of community service per month. I am available to complete my first hours on (date) _____. *(complete full application/ refer to compliance office)*
- ☐ 4. I need to discuss my ability to pay or perform community service with a judge. *(complete full application/ refer to compliance office)*
- ☐ 5. I am receiving aid from a federal assistance program for myself or a dependent (i.e. food stamps, Temporary Assistance for Needy Families (TANF), Women, Infants and Children (WIC), Children's Health Insurance Program (CHIP), Medicaid, Section 8, disability). *(complete full application/ refer to compliance office)*
- ☐ 6. I am required by law to attend school and am under the age of 19. *(complete full application/ refer to compliance office)*

Part I. Personal Information					
Last Name:		First Name:		Other Names Used: (Alias, Maiden or known name.)	
Case Number(s):		DOB:		E-Mail Address:	
Mailing Address:		City:		State:	Zip:
Residence Address: (if different from above.)		Contact Phone Number:		Type: <input type="radio"/> Cell <input type="radio"/> Home <input type="radio"/> Work	
Driver's License Number:		State:	ID Number:	State:	
Employer's (Business) Name:		Employer's Phone Number:			
Employer's Address:		City:		State:	Zip:
1 st Reference Name		Relationship To You:		Reference Phone Number:	
2 nd Reference Name		Relationship To You:		Reference Phone Number:	

If option (1) selected: I am requesting the standard payment plan and affirm I understand the terms, have the ability to successfully make the payments, and decline the opportunity for court staff to consider lower monthly payments or longer payment terms.

Signature of Defendant

D. Asset Information			
Type of Asset:	Describe Length of Ownership/ Make, Model, Year		Estimated Value:
Checking Acct. (Bank Name)			
Savings Acct. (Bank Name)			
Cash on Hand			
Money Owed to Applicant			
Vehicles			
Trucks/Boats/Motorcycles			
Real Estate			
Stock/Bonds/CD's			
Other Valuable Property (describe)			
Grand Total D:			\$ 0

E. Other Expenses		Grand Totals	
Type of Liability	Amount	Type of Liability	Amount
Rent/ Mortgage		Cable	
Food		Water/Sewer/ Trash	
Electric		Credit Cards	
Gas		Loans	
Fuel		Taxes Owed	
Telephone		Other	
Grand Total E:			\$ 0

*I swear that the statements made here are within my personal knowledge and are true and correct.

Signature of Defendant

For Internal Use Only
Judicial Review

___ The court finds the defendant is unable to pay the fine and court costs assessed in the above cases(s) due to indigence.

___ The Court finds that based upon information provided, the Defendant is not indigent.

SO ORDERED, this ___ day of _____, 20___.

Judge
Municipal Court Austin, Texas

Review Date: _____ Case Number(s): _____

PID Number: _____

Please check all that apply:

___ Clerk completed form on behalf of customer who was unable to complete the form in writing.

___ Clerk obtained information from customer via phone.

Revised 06/2017

Court Clerk Assistant Initials



City of Austin Municipal Court

Address: 700 E. 7th St., Austin, TX 78701 Mail: P.O. Box 2135, Austin, TX 78768
Phone: (512) 974-4800; Fax: (512) 974-4882
Email: court@austintexas.gov; Internet: www.austintexas.gov/court



State of Texas vs.

Cause No. (s)

ORDERS OF THE COURT

This Order applies to _____ cases (s) with fines totaling \$ _____

Indigency Hearing: Finding: ☐ Indigent ☐ Not Indigent

COMMUNITY SERVICE: Defendant is ordered to perform _____ hours of community service.

- ☐ All community service hours must be completed by (date) _____.
- ☐ The defendant shall perform _____ hours of community service by _____; then, _____ hours per week/month beginning (date) _____ and such proof is due every week/month thereafter on or before the same day of each succeeding week/month until total hours are completed. Turn in proof at Municipal Court (date) _____.

And the court having further found that the working of more than 16 hours of community service per week ☐ will or ☐ will not create a hardship on the Defendant.

SET APPEARANCE AND NOTIFY DEFENDANT/ATTORNEY FOR: _____ **DOCKET**

Appearance set for _____ AM / PM on (date) _____ Courtroom # _____

Bond: \$ _____ by (date) _____ Personal Bond: _____

REVOKE DEFERRAL / DEFENSIVE DRIVING: _____ and enter judgment.

Extension to complete deferral or defensive driving by (date) _____

Turn in proof by (date) _____

JURY WAIVER: I waive my right to trial by jury in the above-referenced cause numbers.

Date _____ Signature of Defendant _____

COSTS/PAYMENTS

EXTENSION TO PAY: \$ _____ Today; \$ _____ by (date) _____.
\$ _____ every week/month beginning (date) _____ and due on or before the same day of each succeeding week/month until paid in full.

I HEREBY ORDER:

Jail credit in the amount of: _____

€ Total Balance Waived: \$ _____

€ Partial balance waived: \$ _____ List specific fine, cost or fee being waived: _____ **OR**

€ Waive all outstanding fees to date

ORDER NOTES:

DATE: _____

Judge of the Municipal Court



Downtown Austin Community Court Stakeholder Update July 2017

DACC FY 2017 Top Ten Offenses

Top ten offenses (Homeless)

Cases Offense

656	Sitting or Lying Down on a Public Sidewalk or Sleeping Outdoors
579	Possession of Drug Paraphernalia
285	AGGRESSIVE SOLICITATION
214	CAMPING IN A PUBLIC PLACE
177	CONSUMING ALCOHOL IN A PUBLIC STREET
114	PEDESTRIAN IN ROADWAY/CITY ORDINANCE
94	PUBLIC INTOXICATION
76	PEDESTRIAN WALKING AGAINST LIGHT
65	HUMAN WASTE
46	PEDESTRIAN ON ROADWAY

Top ten offenses (Non-homeless)

Cases Offense

633	PUBLIC INTOXICATION
443	Sitting or Lying Down on a Public Sidewalk or Sleeping Outdoors
324	Possession of Drug Paraphernalia
150	CAMPING IN A PUBLIC PLACE
119	DISORDERLY CONDUCT - FIGHTING
110	CONSUMING ALCOHOL IN A PUBLIC STREET
107	AGGRESSIVE SOLICITATION
86	HUMAN WASTE
75	MISREPRESENTATION OF AGE BY MINOR
67	PEDESTRIAN WALKING AGAINST LIGHT

Current Frequent Offender Count: 368

- **Case Count for previous Month – July 2017 = 826**
- **Case Count for Month – July 2016 = 582**
- **Case Count Fiscal YTD (Oct 01 2016 to Aug 16, 2017) = 5,256**
- **Case Count Previous Fiscal YTD (Oct 01 2015 to Aug 16, 2016) = 5,698**

- **Frequent Offender Case Count for previous Month – July 2017 = 325**
- **Frequent Offender Case Count for Month – July 2016 = 203**
- **Frequent Offender Case Count Fiscal YTD Oct 01 2016 to Aug 16, 2017) = 1,717**
- **Frequent Offender Case Count Previous Fiscal YTD (Oct 01 2015 to Aug 16, 2016) = 1,686**

- **Homeless Case Count for previous Month – July 2017 = 480**
- **Homeless Case Count for Month – July 2016 = 289**
- **Homeless Case Count Fiscal YTD (Oct 01 2016 to Aug 16, 2017) = 2,587**
- **Homeless Case Count Previous Fiscal YTD (Oct 01 2015 to Aug 16, 2016) = 2,399**

HOUSING UPDATES:

Intensive Case Management

DACC has six Case Managers, five of whom are master level Social Workers. We currently have 69 active clients and a waitlist of 100 clients. During July 2017, DACC Intensive Case Managers assisted in attaining housing for 3 client's, one of whom was #17 on our frequent offender list, and made 18 referrals to our rehabilitative services which include residential treatment, transitional housing and counseling. Since January 2013, DACC has housed a total of 223 formerly homeless and chronically homeless individuals. We are collaborating with ECHO on referrals for clients ready to enter Permanent Supportive Housing and Rapid Rehousing.

We have a dedicated DACC Intensive Case Manager on the Homeless Outreach Street Team (HOST) and provide the HOST team with office space, access to the DACC van, and access to DACC funded program resources. During June the HOST team had contact with 71 clients and met 101 needs. Below is a breakdown of the 101 needs that were identified and met by HOST during June:

July 2017 HOST numbers:

- 71 individuals had contact with HOST
- 104 contacts with these individuals
- 101 needs were met during this time period

Needs Met	July 2017
Coordinated Assessment	18
Shelter/linkage to housing services	8
Mental Health Evaluation and Treatment	12
Substance Abuse Services	4
Medical Care	19
MAP Cards	15
Basic Needs	0
Transportation	0
Identification document	1
Misc.	5
 *Navigation	 19

2 diversions from hospital emergency rooms

2 diversions from jail

1 diversion from psychiatric hospital

*Navigation = new category used by CHP
when assessing

DACC is continuously working on enhancing intensive Case Management programing by implementing best practices, adding services and working collaboratively with community agencies. Three of our Intensive Case Managers have been trained in completing the Coordinated Assessment. Community First and DACC are collaborating on housing opportunities and rehabilitative services for our clients. A weekly basketball group began in January as a way to address client struggles with isolation and healthy activities. These enhancements are available to all DACC clients that are currently housed or who are working with a case manager to acquire permanent stability.

Since the inception of the Emergency Solutions Grant (ESG) Rapid Rehousing Program (RRH) in March of 2013, 99 clients have been assessed and entered the program. Of the 99 clients assessed and enrolled 78 have been successfully housed, 74 received housing location services and four clients were provided financial assistance only. The remaining clients were either able to self-resolve, lost contact with case managers, or left the area. During the life of the grant, ESG case managers are aware of two individuals who lost housing due to criminal conviction, two individuals were evicted and one client moved in with family. This current fiscal year, ESG RRH program has successfully rehoused five individuals who lost housing after their initial lease term as a result of increased housing costs. These clients successfully obtained a Housing Choice Voucher (via City of Austin Housing Authority or Travis County) that helped bridge clients into stable housing. To date ESG RRH housing location case manager(s) have cultivated relationships/partnerships with over 90 potential apartments to house clients that meet the prescribed housing criteria. Additionally, ESG RRH housing location case manager is assisting the COA Center for Disease Unit (CDU) and ECHO housing team with location services for all identified homeless clients within the ATX/Travis County area.

Community Service Restitution (CSR) Statistics - Fiscal YTD (October 1st, 2016 to July 31st, 2017)

- Number of CSR hours scheduled in DACCP = **10,225**
- Number of Community Service Restitution hours completed by defendants scheduled @ DACC = **19,889***
- Number of Community Service Restitution hours Supervised by DACC and completed by Travis County Probationers = **8,302***
- Monetary value of total CSR hours (**28,191***) completed = **\$352,388 (\$12.50 per hour)**
- Number of CSR hours completed by frequent offenders = **6,594**
- Total number of square footage completed for graffiti abatement, ARR, Code Enforcement, PARD, other COA departments and citizen/stakeholder requests **15,469,793**
- Total number of sites serviced by DACC work crews for graffiti abatement, ARR, Code Enforcement, PARD, other COA departments and citizen/stakeholder requests = **1,711**



Downtown Austin Community Court Advisory Board **Annual Internal Review**

(This report covers the time period of 7/1/2016 to 6/30/2017)

Mission Statement: The mission of the Downtown Austin Community Court Advisory Board (“Board”), according to § 2-1-130 of the City Code, is to “**advise the Downtown Austin Community Court on policy and operational issues, and advise the council on the policies and operations of the court.**” The purpose of the Downtown Austin Community Court is to collaboratively address the quality of life issues of all residents in the downtown Austin community through the swift, creative sentencing of public order offenders. The Court seeks to hold people responsible while also offering help to change behavior.

- 1. Describe the Board’s actions supporting their mission during the previous calendar year. Address all elements of the committee’s mission statement as provided in the relevant sections of the City Code.**

During the reporting period (7/1/2016 to 6/30/2017), the Board met seven (7) times on a (approximately) bi-monthly basis. All meetings were posted to and open to the public. Our primary actions during this time were:

Organizational: We requested that the City Council change the name of the former Downtown Austin Community Court Advisory *Committee* to the Downtown Austin Community Court Advisory *Board*, and asked that our enabling ordinance be amended to reflect this Board’s ability to advise the City Council on the policies and operations of the Court. These requests were fulfilled in December 2016, by City Ordinance No. 20161208-015. We amended our bylaws to reflect these changes, and we elected our officers.

Educational: We received presentations on a regular basis from homeless individuals who have interacted with the Community Court, along with their Case Managers, including individuals with and without prior criminal histories. We received regular updates and information concerning the Homelessness Outreach Street Team pilot program, the Sobriety Center, the court’s facilities, and rental assistance grant opportunities. We began receiving regular updates on available data and statistics for the Community Court. We received a presentation on the regulations affecting boarding houses in the City of Austin.

Recommendations and Other Actions:

We passed a "Recommendation for Budget Funding for the Homelessness Outreach Street Team" in July 2016.

We made a Community Announcement and had a member (and court staff) attend the Austin/Travis County Sobriety Center Informational Forum in September 2016.

Two of our members accepted invitations to join a stakeholders' group implemented by City Council Resolution 20160811-037, concerning Municipal Court Fines and Fair Treatment of Indigent Defendants.

We requested the creation of a Facebook page and an updated brochure for the Community Court, in order to increase the public's awareness of the work that the Community Court does.

2. Determine if the Board's actions throughout the reporting period comply with the mission statement.

Yes, the Board's actions during this reporting period comply with the Board's mission statement. All of the educational aspects of our meetings, described above, were designed to enable us to understand the policy and operational aspects of the Community Court, so that we may give informed advice to the Community Court with regard to Community Court policies and operations. Our recommendation and actions were built upon that knowledge, and offered in support of the policies and operations of the Community Court.

3. List the board's goals and objectives for the new calendar year.

Our goals for the upcoming year include:

- continue to learn about, monitor, and support the implementation of best practices for the Community Court's policies and operations;
- continue to learn about, monitor, and support the Community Court's efforts to reduce recidivism and homelessness;
- continue to learn about, monitor, and support the Community Court's collaboration with other agencies to address the needs of the homeless individuals who interact with the Community Court;
- continue to work with the Community Court and others to address the facility and budget needs of the Community Court; and
- continue to work on increasing public awareness of the work of the Community Court, its various programs, and the benefits it provides to the Austin community.