

HAYS COUNTY INMATES ARE NOT RECEIVING TIMELY TRIALS

by

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ABSTRACT

According to the most recent data from the Hays County Jail Dashboard, the majority of inmates are considered pretrial inmates, meaning they have yet to be convicted of a crime and are still awaiting trial. When an individual must wait for trial, they are given the option to bond out of jail or wait in jail for the entire period until a trial is held. Those of lower socioeconomic class are disproportionately affected by this, as they struggle to afford bail. On average in Hays County, pretrial inmates sit in jail for 110 days. Through my research, I have endeavored to answer the questions of why the pretrial process in Hays County is substantially lengthy, what implications high bonds have on members of the community—specifically members belonging to underrepresented groups—and which solutions are viable for lowering the duration inmates await trial.

In order to draw conclusions about the state of pretrial detention in Hays County, I have taken a journalistic approach by analyzing data from the Hays County Jail dashboard and interviewing an array of criminal justice experts, criminal justice advocacy groups, and local public officials to gain insight into the data. From my data analysis and interview processes, I have concluded that the state of pretrial detention in Hays County, if not rectified, is nearing potential violations of human rights and the Sixth Amendment. In light of this, I have evaluated the potential solutions of mandating lower bonds, lowering penalties for specific non-violent crimes, and implementing pretrial diversion programs as viable options for achieving a more equitable justice system in Hays County. Furthermore, these solutions all pose broader recommendations for reforming the pretrial detention programs in other Texas counties.

**PERSPECTIVES OF A HAYS COUNTY PUBLIC OFFICIAL AND A LOCAL
CRIMINAL JUSTICE EXPERT**

The majority of the people in the Hays County jail have not been convicted of a crime but spend an average of three months in jail because of court backlogs. According to the most recent data from the [Hays County jail dashboard](#), 80% of inmates are awaiting trial.

Alex Villalobos, Hays County Judge Ruben Becerra’s chief of staff, said the dashboard, which was implemented in March 2021, serves as a tool to keep the county accountable and to help members of the community visualize what is taking place inside the jail.

“I think what it does is it provides an understanding that incarceration does not necessarily mean that you are guilty,” Villalobos said.



Alex Villalobos, Hays County Judge Becerra's chief of staff, worked for Texas State University's Police Department for 10 years before working for Hays County in 2019.

Photo courtesy of Alex Villalobos.

Villalobos said the court backlogs that contribute to the county's high pretrial rate are the result of a larger, systemic problem.

"It is a symptom of a system that is not necessarily working in the most efficient manner," Villalobos said. "The previous district attorney did not allow much negotiation on certain types of crimes, but the current DA is addressing those particular issues to kind of open up the funnel and get through more cases."

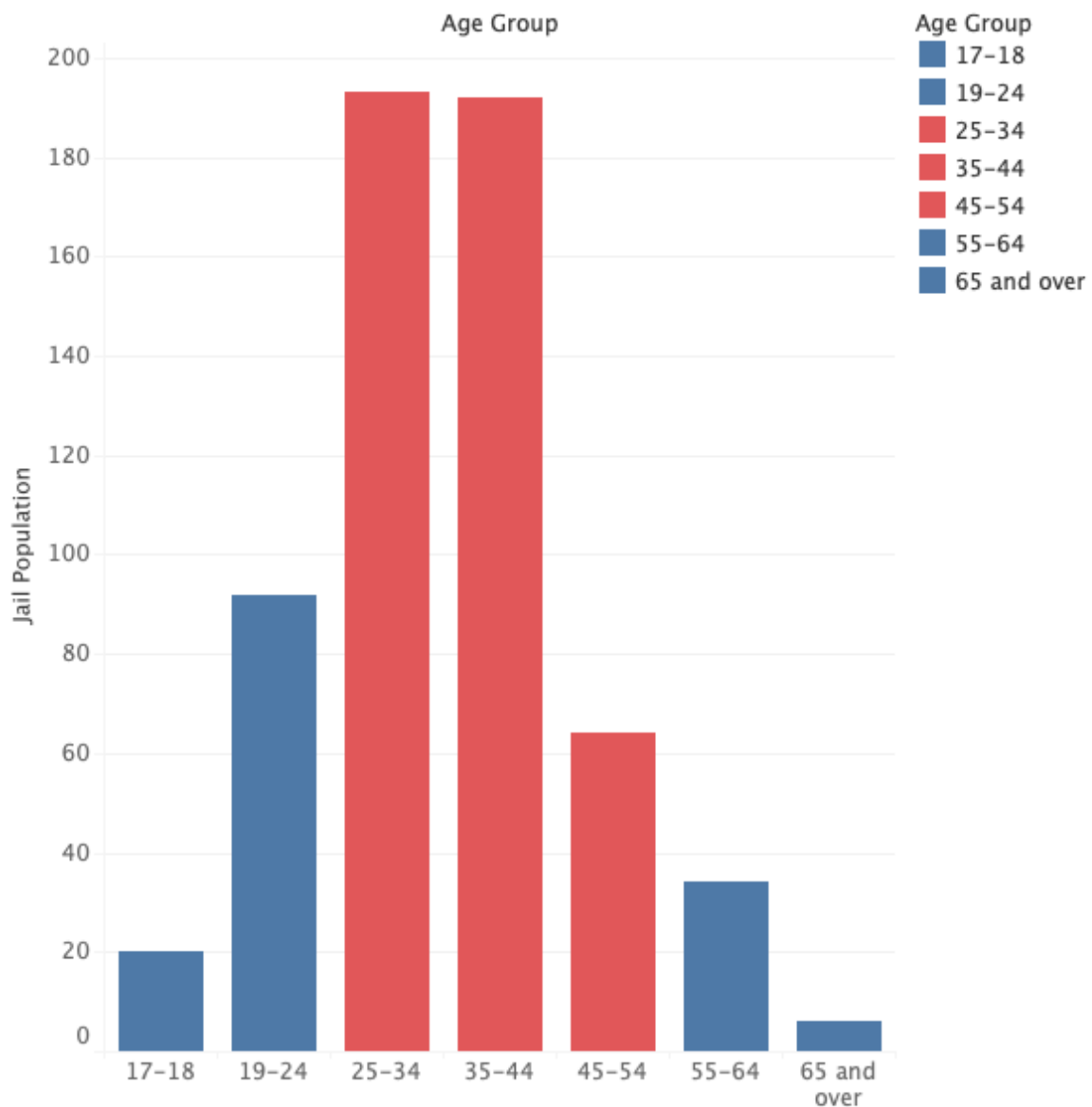
Villalobos said one reason for the pretrial issue in Hays County is because the previous District Attorney utilized slow trial processes as a prosecutorial strategy.

“When you create more barriers and more time in jail, it obviously leads to some of our pretrial detainees really wanting to get back to their normal lives,” Villalobos said. “So, they are going to do a lot of things they might not normally do to make an agreement, so they can get back to working and supporting their families.”

Villalobos said the pretrial detention system disproportionately affects members of the working class.

“There have been some pretty visible cases recently where an individual spends two to four hours in jail and then walks right out after paying bond,” Villalobos said. “Then, you have others with lesser degrees of violations that are sitting for weeks or months, if not years, because they do not have money to pay bond.”

The majority of inmates in the Hays County Jail belong to the prime working age group.



2023 data from the Hays County Jail Dashboard indicates that 74% of its inmates belong to the prime working age group, which is constituted of individuals aging from 25 to 54.

Data: Hays County Jail dashboard
Visual Credit: Abigail Gage

According to the dashboard, 74% of the Hays County Jail is made up of individuals who belong to the prime working age group. Also according to the dashboard, the prime working age group is constituted of people aged 25 to 54.

“Then, it turns into a system of people who have and people who do not have resources,” Villalobos said. “A lot of inmates will do a cost-benefit analysis and realize that sitting in jail is better for their families than using a large portion of their incomes to get out.”

Villalobos believes the county’s implementation of a pretrial services program will allow individuals to have a fairer chance of maintaining income while awaiting trial.

“There is a whole machine that has not been in place before that they are creating, planning, and organizing to see how it can best fit for Hays County,” Villalobos said. “The county has put in a budgetary amount to enrich the program for pretrial services, and they can start addressing a lot of these different situations through these pretrial services.”

Villalobos said the program is expected to consist of increased chemical dependency and mental health rehabilitation, as well as diversionary tactics to allow pretrial individuals to be monitored at-home instead of jailed.

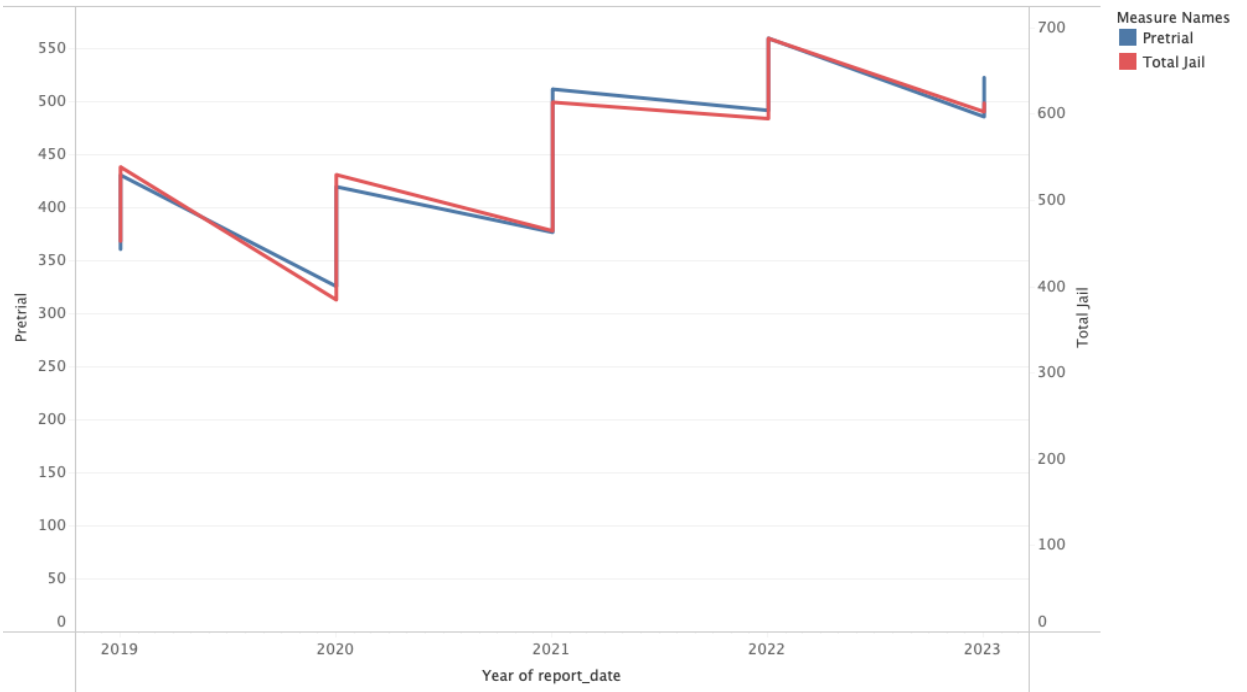
Villalobos also said the public defender’s office, which was established in 2022, will help facilitate proper and quick representation for inmates currently awaiting trial.

“We’re literally spending \$167 a day per inmate, and 80% of them are pretrial,” Villalobos said.

“That is millions of dollars that we can redirect to give people mental health and chemical

dependency treatments and to offer social work processes for family issues. There is a lot we can do to get to the root.”

Pretrial inmates have consistently accounted for a large majority of the Hays County Jail population over the last 5 years.



The Hays County jail dashboard demonstrates a clear pattern of pretrial inmates- inmates who have yet to be convicted of a crime and are therefore legally innocent- constituting the majority of the jail population. According to the most recent data, over 80% of inmates were awaiting trial in February 2023. Although the pandemic slowed judicial processes in recent years, the pandemic does not account for the persistently high pretrial rate in Hays County today.
Data Credit: Hays County jail dashboard
Visual Credit: Abigail Gage

Howard Williams, Texas State criminal justice lecturer and former San Marcos chief of police, said the data does not surprise him.

“The clear majority of people sitting in jail are the ones actually waiting for their trial to come up, because they cannot make bail,” Williams said.

Williams said because of the time it takes to procure public defenders and set court dates, the average stay in jail is about 100 days. According to the dashboard, the median length of stay for pretrial inmates in Hays County is 98 days.

“There are thousands of questions and answers that have to be worked through when someone is awaiting trial, and that just takes time,” Williams said. “Unfortunately, I do not know how you could do it any better other than what they are trying to do in New York currently, which means you just let everybody go.”



Howard Williams, Texas State criminal justice lecturer and former San Marcos chief of police, engaged his students in a lecture about criminal law on April 12,

2023. Williams applies his 36 years of service as a police officer when teaching criminology and criminal justice. *Photo/ Abigail Gage*

While Williams said the backlog of judicial processes is inherent to the nature of a slow, deliberative criminal justice system, he believes that a lack of mental health resources contributes to overcrowding in jails.

“We have a really bad tendency in this country to use the criminal justice process as a substitute for providing mental health care, and pardon my French but it pisses me off,” Williams said. “If we are not able to get people the proper mental care that they need, you can take those people and lock them up until Hell freezes over, and they are never going to get any better.”

Williams estimated that about half of the people in U.S. jails do not receive access to mental health resources when needed as an alternative to incarceration.

PERSPECTIVES OF LOCAL AND NATIONAL ADVOCACY ORGANIZATIONS

Sam Benavidez, Mano Amiga's communications director, has worked over the last few years to advocate for criminal justice reform in Hays County. Benavidez, alongside Mano Amiga, successfully pushed for the implementation of the cite and release ordinance in 2021. She believes this was just the beginning of the change needed in the community.

Mano Amiga was established in 2017 and has since maintained a dedication to serving immigrants and low-income residents in Guadalupe, Caldwell, Hays and Comal Counties through advocacy. San Marcos's cite and release ordinance requires certain low-level offenses to

result in citations rather than arrests but does not apply to non-Hays County residents.



Sam Benavidez, Mano Amiga’s communications director, speaks at the San Marcos City Hall about Mano Amiga’s petition to decriminalize marijuana on June 2, 2022. The petition was successfully passed during the November 2022 election. *Photo courtesy of Sam Benavidez.*

Benavidez cited bail reform as one of Mano Amiga’s main focuses for reforming the local criminal justice system.

“Bail reform is absolutely necessary, because cash bail just does not work,” Benavidez said.

“You can have two people who are accused of the same crime, but because one person is able to afford to buy their freedom, they are able to get out of jail while the other person sits. This is not how we keep our community safe.”

Benavidez said Mano Amiga is also in the process of advocating for cite and divert to replace the current cite and release ordinance.

“Under cite and release, you are given the citation and then two weeks later have to show up for court to go through the booking process,” Benavidez said. “With cite and divert, you would take that citation, and, rather than showing up to court and getting booked, you would meet with the prosecutor at the county level to do some type of diversionary program. Often, you would pay restitution, take an educational course or do community service, but the charges would never be put on your record to begin with.”

Benavidez believes cite and divert would help eliminate unnecessary arrests and would promote an equitable opportunity for individuals to recover from the repercussions of petty crimes.

“We are now more ambitious as to what we are fighting for,” Benavidez said. “At first, we just wanted all of the cite and release eligible offenses to be included in diversion programs. Now, we are pushing for other petty offenses, such as students taking Adderall or psychedelic drugs that do not harm anyone, to be included in the program.”

[The Bail Project](#), a national nonprofit organization committed to combatting mass incarceration, launched its National Revolving Bail Fund in 2017 and has since paid bail for almost 30,000 people.

Emma Stammen, policy associate at the Bail Project, said the National Revolving Bail Fund uses donations and grants to pay bail for people who cannot afford it across the country.



Emma Stammen, policy associate at the Bail Project, writes about and advocates for incarceration reform, voting rights and the experiences of incarcerated members of the LGBTQ+ community. *Photo courtesy of Emma Stammen.*

"After we pay bail for them, we offer them something called community release with support, which is our model of ensuring that people have the support they need to go back to their court appearances and have their cases resolved," Stammen said.

Stammen said community release with support uses tactics, such as providing transportation to court, sending text reminders about court dates and referring individuals to mental health and substance abuse services, to help keep individuals from returning to jail.

"We found that we have a 90% success rate of getting people back to court, and so basically what our model is showing is proof of concept that cash bail is not necessary to ensure that people return for court," Stammen said. "The majority of our clients go back to court, are not rearrested and see their cases resolved or dismissed entirely."

Stammen said the Bail Project's two-part model of paying an individual's bail and exerting resources to ensure that individual attends court is an effective solution to lowering pretrial populations.

"What I'll say about cite and release is that it can be effective if implemented correctly, but in Texas there is this weird law where you are only eligible for cite and release if you're arrested in the county," Stammen said. "And obviously there are a lot of really small counties in Texas."

Stammen said the Bail Project's policy team aims to mimic its community release with support model by establishing court notification systems in all states.

"Also with cite and release, it is important to have the wording of the citation be explicitly clear," Stammen said. "A lot of times people do not understand when or where they are supposed to go, which speaks to the importance of courtroom notification programs."

Stammen said, although Texas passed legislation for a court reminder system, they did not fund it. The Bail Project is currently working on lobbying for its funding.

"Hays County is notorious for having extreme court backlogs," Stammen said. "The population is growing rapidly and, with that, comes higher crime rates. If they do not start releasing more people pre-trial, court backlogs will only worsen."

To view my research in traditional article format, visit

<https://abigailgagejournalism.wordpress.com/2023/04/24/incarcerated-individuals-in-hays-county-are-not-receiving-timely-trials/>.