



PUBLIC SAFETY COMMISSION
RECOMMENDATION

Date: January 6, 2023

Subject: Proposal that the Austin City Council to join Travis County in implementing
A Council at First Appearance Program for all arrestees within Travis County

Motioned by: Rebecca Webber

Seconded by: Rebecca Bernhardt

Recommendation: The Public Safety Commission recommends that the City Council join Travis County in taking all necessary steps to implement the Council at First Appearance (CAFA) Program for all arrestees within Travis County, including but not limited to contributing financial support to the program.

WHEREAS, 86 percent of the population of the Travis County Jail from the most recent population report published by the Texas Commission on Jail Standards are people who were arrested for crimes they have not been convicted of;

WHEREAS, Travis County, Texas and the United States have an ongoing, well-documented crisis of over-incarcerating people who have been charged with a crime but have yet to have their day in court;

WHEREAS, the vast majority of people held in the Travis County Jail are represented by private appointed counsel, who often do not dedicate a significant energy to their appointed cases because the reimbursement rates for appointments, particularly typical misdemeanors and felonies, are so low;

WHEREAS, a person who is held in jail, instead of being released while their criminal case is pending, is more likely to be convicted, more likely to be sentenced to incarceration and more likely to get a longer sentence of incarceration, all other things being equal;

WHEREAS, just three days in jail often completely disrupts a person's life, leading to job loss, loss of housing, loss of a person's vehicle and even loss of key family relationships;

WHEREAS, studies have shown that unnecessary pretrial detention increases crime;

WHEREAS, excessive pretrial detention not only worsens poverty and crime, it also discriminates. Black people are jailed at a rate four times higher than white people. The homeless, people with substance abuse problems and mental health disorders are all more likely to be held pretrial;

WHEREAS, in a study in 2015 in Alameda County, California (Oakland) where half of felony cases were provided council at first appearance (CAFA) and half were not, those provided CAFA were released 20 percent of the time (an increase from 1 percent of the time without CAFA). In the same study, CAFA attorneys were successful with motions to reduce bail 83 percent of the time. Finally, the provision of CAFA saved 2,974 days of incarceration, for a total savings to the county of \$422,308 that year;

WHEREAS, when Travis County operated a brief pilot program providing CAFA to some arrestees, attorneys identified individuals who were innocent of the charge against them, individuals who had been charged with a felony but had only engaged in conduct sufficient to be charged with a misdemeanor, and individuals who had been assigned money bond but were eligible for personal bond (release on their own recognizance).

WHEREAS, the City of Austin's values include responsibility and accountability, diversity and inclusion, and ethics and integrity. We aspire to make Austin the most livable city in the nation. In order to be true to our vision and our values, the City of Austin should support CAFA; NOW, THEREFORE,

BE IT RECOMMENDED BY THE PUBLIC SAFETY COMMISSION OF THE CITY OF AUSTIN THAT:

- The Austin City Council join Travis County in taking all necessary steps to implement the Council at First Appearance (CAFA) Program for all arrestees within Travis County, including but not limited to contributing financial support to the program.

Vote:

For:

Against:

Abstain:

Absent:

Attest: *[Staff or board member can sign]*
