



Campaign to End Racial Profiling

The Fair Defense Project

Solutions for Sentencing & Incarceration

The True Costs of a Broken System

Community & Civic Participation

Real Solutions

University Leadership Initiative

The TCJC team is wholeheartedly committed to promoting evidence-based criminal justice solutions that embody the principles of effective management, accountability, public safety, and human and civil rights. Our current campaigns focus on everything from police accountability to ensuring access to effective attorneys in criminal cases. If you want to be part of something that produces tangible outcomes, you have a wide variety of projects to choose from:

Campaign to End Racial Profiling

Advocating for Fair, Effective Police Practices that Improve the Safety of Our Communities.

The Fair Defense Project

Ensuring a Just and Accountable Judicial System by Protecting Your Right to a Lawyer.

Solutions for Sentencing & Incarceration

Providing Proven and Cost-Effective Answers to Texas' Over-Incarceration Crisis.

Community & Civic Participation

Promoting, Educating, and Mobilizing an Enlightened and Responsible Citizenry.

University Leadership Initiative

The Leaders of Tomorrow Putting Theory into Practice Today.

Finally, as the new Executive Director of TCJC, you have my personal commitment, as well as the deep commitment of our talented team, that your support of our organization will yield results that will enhance the lives of all people in Texas.

Thank you for your support! Ana Yáñez-Correa

LETTER FROM THE EXECUTIVE DIRECTOR

Ana Yáñez-Correa



As the new Executive Director of the Texas Criminal Justice Coalition, I'm so excited about everything we've accomplished this year, and the amazing opportunities I see ahead of us.

We have the opportunity to educate our elected officials about the advantages of proven treatment programs for nonviolent, low-risk offenders, instead of expensive prison and jail beds. Over the last twenty-five years, Texas has built up the largest prison system in the world. In 1979, there were 27,000 people incarcerated in Texas. Today, there are over 151,000 people in state prison and another 80,000 in county jails, *with no slow-down in sight*. One in every 20 adults in Texas is in prison, on probation, or on parole, and yet Texas continues to spend 90 percent of tax dollars allocated for criminal justice on prison beds instead of programs with proven results. By changing the way we treat nonviolent offenders, we have the opportunity to save tax dollars while also reducing crime in our neighborhoods.

We must break the cycle of crime in our communities. If the system continues to grow at the current rate, our future will be grim. Sadly, more than half of the people in Texas prisons are parents. Statistics show that their children are 6 to 8 times more likely to become incarcerated themselves, creating a deadly cycle. Upon release, even nonviolent offenders face almost impossible barriers when they try to reintegrate into society – barriers to education, housing, and employment. The social cost of this system is difficult to quantify, but its financial cost is not. At a price tag of over \$15,000 per year per inmate, the unchecked growth of the prison system creates a tax burden that affects us all.

TCJC needs your help to create and implement real solutions to break this cycle and replace it with a system that works.

INSIDE THIS ISSUE:

2005 Texas Legislative Wrap-up 2
Special Civic Participation Section –
 2006 Texas election calendar 4
 Becoming a voter registrar 5
 Registering new voters 6
 Voter responsibilities and rights 7
 Keep an Eye Out 8
 TCJC Campaign Updates 9

Texas Criminal Justice Coalition

STAFF

Ana Yáñez-Correa, Executive Director
Molly Totman, Analyst, Campaign to End Racial Profiling
Dominic Gonzales, Director, TCJC Fair Defense Project; Director, Emerging Media Project
Julieta, Charim, Erick, Mirla, Rebecca – University Leadership Initiative



Texas Criminal Justice Coalition
 P.O. Box 301587
 Austin, TX 78703-0027
 Phone (512) 441-8123
 Fax (512) 441-4884
 info@criminaljusticecoalition.org
 www.criminaljusticecoalition.org

BOARD OF DIRECTORS

Will Harrell – President
Valerie Benavidez – Secretary
Jennifer Rogers – Treasurer
Scott Belshaw
Claude Foster
Andrea Keilen
Lisa Luna
Andrea Marsh
Mark Mederson
Deborah P. Small
Katie Tobin

2005 TEXAS LEGISLATIVE SESSION: WHAT WAS DONE AND NOT DONE!

TCJC kept a sharp eye on Texas Governor Rick Perry during the recent session of the 79th Texas Legislature. Here's our report on his record of promoting fairness within the criminal justice system.

GOVERNOR PERRY DID INCREASE ACCOUNTABILITY FOR DRUG TASK FORCES.

Governor Perry signed a bill that forced regional narcotics task forces to operate under the supervision of the Department of Public Safety (DPS), or forfeit their asset forfeiture funds to the state if they refuse. These rogue groups have often engaged in rampant racial profiling practices. If these groups decide to disband instead of operating under the DPS, **the \$22.5 million in federal funds that they had been tapping into could be freed up for drug treatment programs** already hard-hit by funding cuts.

House Bill 1239: authored by Representatives Hodge (D-Dallas), Keel (R-Austin), Escobar (D-Kingsville) & Chavez (D-El Paso).

GOVERNOR PERRY DID NOT ADDRESS PRISON AND PROBATION OVER-CROWDING.

Texas prisons are currently filled beyond their capacity. Paying to build new prisons for an additional 3,500 new offenders each year would put a heavy strain on Texas's already overburdened budget. Rather than incur additional prison reconstruction costs, Governor Perry could have signed HB 2193, a bill which PASSED the House and Senate, and which would have provided a helpful **remedy to the over-incarceration crisis** by giving

Texas judges more flexibility to sentence nonviolent, low-risk offenders (those with the greatest promise of reform) to more reasonable probation terms – tailoring the probation to the offender's risk and needs, and lowering the probability of re-incarceration. However, Governor Perry vetoed the bill.

HB 2193 would also have reduced the caseloads for probation officers, allowing them to focus on high-risk, violent offenders – **many of whom have slipped through the cracks and disappeared** due to probation officers' overwhelmingly heavy workloads. Because the bill was vetoed, caseworkers will be less able to hold offenders accountable with a rapid response to violations of probation.

House Bill 2193: authored by Representatives Madden (R-Plano), Turner (D-Houston), R. Allen (R-Grand Prairie), Haggerty (R-El Paso) & McReynolds (D-Lufkin).

GOVERNOR PERRY DID ALLOCATE ADDITIONAL FUNDING TO PROBATION.

Despite his failure to address certain problems with the probation system (*see above*), Governor Perry signed SB 1, a budget bill passed by the legislature that provides over **\$60 million in new funding for treatment and other alternatives to incarceration** in Texas – the first increase in this funding in over a decade.

This bill placed some quality control measures on the funding: the money can only be spent on local probation departments that have a progressive sanctions program in place. So, in order to receive funding, a department must show how it intends to use prison as a last resort in probation revocation proceedings.

2005 TEXAS LEGISLATIVE WRAP-UP, CONTINUED

We hope that local probation departments rely on and advocate for proven and effective drug treatment programs (including supervision practices and policies consistent with evidence-based best practices published by the US Department of Justice, and the National Institute of Corrections Community Corrections Division), and strict quality control measures.

Senate Bill 1: authored by Senator Ogden (R-Bryan).

GOVERNOR PERRY DID NOT PROTECT TEXANS' RIGHTS TO BE FREE FROM NO-CAUSE SEARCHES AT TRAFFIC STOPS.

Most Texans don't realize they have a **4th Amendment right to say "no" to a consent search by a law enforcement officer at a traffic stop.** As a result, when police officers lack a legal basis to conduct a vehicle search and instead ask for a person's permission to search their vehicle without explaining their right to say 'no,' most people consent.

SB 1195, a bill which PASSED the House and Senate, would have protected Texans' rights during routine traffic stops by mandating that law enforcement agencies obtain the driver's consent (in writing or on tape) for non-mandatory searches. This bill not only would have been an educational tool to inform citizens of their rights at traffic stops, but it would have prevented judges from overturning the hard work of police officers on a technicality. In the courtroom, "he-said-she-said" situations (police officer versus driver) often arise when consent searches are involved, and judges can suppress evidence discovered during these searches – *meaning offenders go free* – if the driver's lawyer successfully proves consent was never given during a hearing.

Despite this, Governor Perry vetoed SB 1195.

Senate Bill 1195: authored by Senator Hinojosa (D-Mission).

NOTE: Aside from being a blatant tool of racial profiling (as these "no cause" searches overwhelmingly target minorities), consent searches are also a waste of taxpayer dollars: 90% of these searches do not expose any violation of the law. As a result, **some jurisdictions have independently banned consent searches**, choosing instead to shift their officers' focus towards more cost-effective and efficient crime reduction practices. These agencies have recognized that there are better uses of their time – like improving 911 response times.

You can encourage your local department to ban consent searches, or to require that consent be writ-

ten or recorded for a search. Despite Governor Perry's veto of SB 1195, local policy is at the discretion of each individual agency.

GOVERNOR PERRY DID NOT PROMOTE FAIR DEFENSE.

Every person who is arrested has the right to an attorney. However, appointed counsel is rarely given to defendants facing possible imprisonment (fewer than 10% of indigent defendants receive an attorney in over half of Texas counties). Unfortunately, it's not unusual for prosecutors or judges to encourage defendants to enter a plea without legal counsel, despite a defendant's eligibility and formal request for appointed counsel. Such clear violations of U.S. constitutional law create the risk that **warranted convictions might be overturned** because they were initially obtained illegally, thereby wasting taxpayers' money on repeated trials and wrongful, lengthy incarcerations.

HB 3152, a bill which PASSED UNOPPOSED in both the House and Senate, would have ensured that no prosecutor could speak with a defendant until he was fully aware of his rights and *knowingly* waived his right to appointed legal counsel.

Governor Perry vetoed this bill.

House Bill 3152: authored by Representatives Escobar (D-Kingsville).

NOTE: Despite Governor Perry's veto of HB 3152, *you* know that you have the right to an attorney in every case. Tell others you know who have been arrested that they should not be pressured into waiving their right to a lawyer. Every defendant, rich or poor, deserves equal protection under the law.

GOVERNOR PERRY DID AGREE TO HELP THOSE WHO HAVE SERVED THEIR TIME OBTAIN A DRIVER'S LICENSE.

Governor Perry signed HB 967 into law, which requires DPS to accept prison identification cards (issued by the Texas Department of Criminal Justice) as proof of identity for the purpose of obtaining a driver's license or state identification card. This is **critical for the successful re-entry of a formerly incarcerated person**, as a driver's license or identification card is required when applying for a job or for housing.

House Bill 967: authored by Representative Haggerty (R-El Paso).



Civic Participation Series



Community & Civic Participation

Promoting, Educating, and Mobilizing an Enlightened and Responsible Citizenry.

This newsletter contains the first in a series of three special inserts on Civic Participation: Getting Others to Get Involved. Made possible through generous support from the Public Welfare Foundation, the series will provide useful information for you to help others in your community become more involved in the political process.

Part I: Registering New Voters

This section will offer information on important upcoming elections that you should register voters for, how to become a voter registrar, registering eligible voters, and voter rights and responsibilities.

Part II: Mobilizing Voters for High Voter Turnout

This section will offer information on eligibility and requirements for Election Day voting, early voting, and provisional voting; hosting Election Day events; and working with the media throughout election season to get out the vote. It will also feature a section for larger groups conducting voter drives on the ways to get more people to the polls (including phone or door-to-door reminders, and offering rides to polls).

Part III: Holding Public Officials Accountable

This section will offer information about grassroots educational outreach efforts that you can engage in with your legislators and public officials, including tips on contacting or meeting with them in various situations, and hosting events where they and community members can educate each other about issues of interest.

2006 Election Calendar: You Can Never Start TOO Early!!

Why register new voters now, when there was just a major election last year? Although there won't be another Presidential election until 2008, next year's midterm elections will feature races for many significant federal and state offices, including Governors, U.S. Senators, and all U.S. and State House of Representatives' seats. In addition, there are numerous other upcoming local and primary elections to vote in!

- Monday, February 6, 2006: last day to register to vote for March 7, 2006, Primary Election Day.**
- Tuesday, February 21, through Friday, March 3, 2006: early voting for March 7, 2006, Primary Election Day.**
- Tuesday, March 7, 2006: Primary Election Day.**
The 2006 Election includes openings for Governor, all 150 state House of Representatives seats, 16 state Senate seats (there are 33 state Senate seats), all 32 Congressional (U.S. House of Representatives) seats, 1 U.S. Senate seat, a number of other state-wide offices (including the Agriculture Commission, Attorney General, Lt. Governor), 8 State Board of Education seats, numerous judges, and other local races.
- Tuesday, April 11, 2006: Runoff Primary Election Day (where necessary).**
- Tuesday, October 10, 2006: last day to register to vote for November 7, 2006, General Election Day.**
- Monday, October 23, through Friday, November 3, 2006: early voting for November 7, 2006, General Election Day.**
- Tuesday, November 7, 2006: Primary Election Day.**
Legislative and other offices are elected, including the Governor of Texas.

Community & Civic Participation



Go to www.CriminalJusticeCoalition.org for a manual that explains everything you need to know about voting and registering people to vote.

This guide, called the "Voter Empowerment & Civic Participation Manual," is available in the "News and Publications" section on the Community & Civic Participation page.

Do Your Part! Identify, Educate, and Mobilize Eligible Voters!

Civic Participation: *Getting Others to Get Involved*

Part I: Registering New Voters

Become a Volunteer Deputy Registrar

WHY YOU SHOULD BE A VOTER REGISTRAR

The importance of voting cannot be understated. Everyday, we are affected by the choices made by our elected officials – those we vote into office to represent us. We vote for people who will make key decisions on issues like job and business opportunities, health care, education, and taxes. We also vote to ensure that our officials are responsible and held accountable once they take office.

Unfortunately, many people do not exercise their right to vote. In fact, many people do not even register, either because the process is confusing and they don't know where to begin, or they don't think they're allowed to vote.

One common misconception, for example, is that convicted felons cannot vote. However, in Texas, anyone who is "off paper" – meaning anyone who has completed their sentence and is off parole or probation – can register to vote. Likewise, teenagers often do not realize that they can register at 17 years, 10 months of age – as long as they'll turn 18 by Election Day.

If you would like to help by becoming a Volunteer Deputy Registrar, you will have the ability to educate people on the importance of voting, the eligibility and requirements for voting, and the days, times, and places to vote.

You can help stop misinformation and break down obstacles that keep citizens from participating in the electoral process. And because you can get deputized so quickly and easily in any county in Texas (*see right column*), you can soon begin to register people who have not yet joined the political process.

As a registrar, you can make a difference and improve democracy in Texas!

Please visit our new website, available at www.CriminalJusticeCoalition.org, for additional and ongoing information about our activities and for news on upcoming events. Through the site, you can also make a donation to TCJC, sign up for email alerts, or offer to volunteer!

HOW TO GET DEPUTIZED: *It's Fast, Easy, and Free*

To be eligible to become a volunteer deputy registrar, you must be at least 18 years old, and you must never have been convicted of failing to deliver a voter application to a voter registrar.

If eligible, you should first find your county's Voter Registration or Tax Office. A complete list is available on the Secretary of State's website, at www.sos.state.tx.us/elections/voter/votregduties.shtml. If you can't get online, call us and we'll help you find your local voting office!

Next, contact your county registrar to find out your county's registrar procedure. Usually, you will receive an application to fill out; once completed, an election official will swear you in as a registrar.

The Voter Registrar will then issue you a certificate of appointment, and you can begin registering people to vote!

For more information on these steps, you can contact the Secretary of State's Office:

Office of the Secretary of State
Texas Elections Division
Post Office Box 12060
Austin, TX 78711-2060

Phone: 800-252-VOTE (8683) or 512-463-5650

Fax: 512-475-2811

www.sos.state.tx.us

"And so we shall have to do more than register and more than vote; we shall have to create leaders who embody virtues we respect..."

Martin Luther King Jr.

From "Where Do We Go from Here: Chaos or Community"

Civic Participation: Getting Others to Get Involved

Part I: Registering New Voters

Register New Voters!

As a voter registrar, you must first know who is eligible to vote:

- You must be a U.S. citizen.
- You must be a resident of the county in which you were registered to vote.
- You must be 18 years old or older (but you can register at 17 years and 10 months).
- You must not be declared mentally incapacitated by a court of law.
- If you were convicted of a felony, you must have completed your sentence, including any probation or parole. This is called being "off paper."

Next, you can start looking for new and eligible voters:

- **Your Family and Friends.** This is a great start. Call all of your friends and relatives and make sure that they're registered to vote.
- **Your Colleagues.** Times are tough, jobs are difficult to find, and things are getting more expensive. When your colleagues complain about their job situation, ask them how often they vote. You can leave voter registration forms in your office, help co-workers fill them out, and send the forms to the Secretary of State's Office for them.
- **Your Neighbors.** Remember, if anyone new moves into your neighborhood or apartment complex, they must change their voter registration information to update their address.
- **Teens.** Once you are 18, you are eligible to vote. So remember to talk to high school students and college freshmen.
- **Parents.** They're busy – but remind them that registering AND VOTING takes little time and can really make a difference for them and for their children.
- **Seniors.** Senior citizens are among the most active when it comes to voting.
- **Members of your church, synagogue, or place of worship.**
- **Formerly Incarcerated People.** Many people incorrectly believe that felons can never vote again. However, in Texas, people who have a state felony on their record are eligible to vote as long as they are NO LONGER on probation, on parole, or in prison.

Or, you can set up a targeted voter registration drive.

First, get your materials ready:

- Get plenty of voter registration forms. You can get these from the County Tax Office, County Registrar's Office, and most libraries. To request that copies be mailed to you, go to the Texas Secretary of State's website at: www.sos.state.tx.us/elections/voter/regvr.shtml.
- Gather other necessary materials: pens, a table and chairs (if not already provided), fact sheets with answers to frequently asked questions (for instance, eligibility requirements), your certificate(s) of appointment as a volunteer deputy registrar, and signs or posters. Note: the Unlock Your Vote! Campaign has posters that can be hung at booths or tables, and we have informational postcards available for distribution. *Please contact the Texas Criminal Justice Coalition for copies of these materials.*

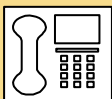
If you are interested in conducting a site-based voter registration drive (for instance, at a school or event):

- Remember to call the location or event-organizers in advance so that you can obtain permission to set up a voting registration booth, and
- Bring all materials not already provided.

There are great places out there to set up voter registration booths: in **neighborhoods** (for instance, at apartment complexes when they have move-in specials), at **music events/concerts**, at **local sporting events**, **grocery stores**, and **malls**, at **nursing homes** and **bingo halls**, and at **places of worship**.

We have had tremendous success registering people at large, family-oriented stores. In fact, in one weekend, our Unlock Your Vote! Campaign and other coalition partners registered over 2,000 people at a local store in Houston! Just call the local General Manager and ask him for permission to set up a booth outside of his store. And note: it's never too early to call and arrange a date or dates for voter registration drives.

TCJC is here to offer you assistance with voting issues! Please call our statewide toll-free hotline at 1-877-45-RIGHT (1-877-457-4448) to get necessary information and assistance.



We can answer various questions, provide information regarding early voting, help you with other problems (such as not receiving your voter registration card in the mail), and refer you to service providers that provide other, helpful information.

Civic Participation: *Getting Others to Get Involved*

Part I: Registering New Voters

<p style="text-align: center;">VOTER RESPONSIBILITES</p> <p>It is your responsibility to...</p> <ul style="list-style-type: none"> • Know the local voter registration requirements and register to vote- • Notify the registrar of any change of address or circumstance that might affect your registration status • Know the rules and options for absentee ballots and early voting • Know the hours and location of your polling place • Know if any identification is required and bring it to the polls • Familiarize yourself with the candidates and issues • Ask for help if you need it 	<p style="text-align: center;">RESPONSABILIDADES DEL VOTANTE</p> <p>Es su responsabilidad...</p> <ul style="list-style-type: none"> • Conocer los requisitos locales para votar y registrarse • Notificar, a la oficina de los elecciones apropiada, cambios de dirección que quizás puedan afectar su registro • Conocer las reglas y opciones para votar en ausencia y votación • Saber las horas y el sitio donde votar • Saber si es necesario tener identificación y tenerlas al sitio de votación • Familiarizarse con los candidatos y sus propuestas • Pedir ayuda si la necesita
<p style="text-align: center;">TO BE ELIGIBLE TO VOTE IN TEXAS</p> <p>You must...</p> <ul style="list-style-type: none"> • Be a U.S. citizen • Be a resident of the county • Be 18 years old or older (you may register at 17 years and 10 months) • Not be a convicted felon unless a person's sentence is completed, including any probation or parole • Not be declared mentally incapacitated by a court of law • Submit your application 30 days before an election 	<p style="text-align: center;">ELEGIBILIDAD PARA VOTAR EN TEXAS</p> <p>Usted tiene que...</p> <ul style="list-style-type: none"> • Ser un ciudadano estadounidense • Ser residente del condado • Tener un mínimo de 18 años de edad (Usted puede registrarse a los 17 años con 10 meses de edad) • No tener convicciones de felonía (a menos que la sentencia este terminada, incluyendo cualquier libertad condicional o rebaja de pena) • No ser declarado incapacitado mentalmente por un tribunal • Asegurar que su solicitud para votar es recibida en la oficina de las elecciones 30 días antes de una elección
<p style="text-align: center;">VOTER RIGHTS</p> <p>It is your right to...</p> <ul style="list-style-type: none"> • Inspect a sample ballot • Ask a poll worker for a demonstration & further instruction of the voting mechanism • Receive voting assistance at the polls • Ask for a provisional ballot if your registration is damaged • Vote if you are in line by the time the polls close • Vote for the candidate of your choice 	<p style="text-align: center;">DERECHOS DEL VOTANTE</p> <p>Es su derecho...</p> <ul style="list-style-type: none"> • Revisar la boleta muestra • Preguntarle a un trabajador en el sitio de votación por una demostración y instrucciones como votar • Recibir asistencia de votación en el sitio de votación • Pedir una boleta provisional si su registro • Solicitar un reemplazo de boleta si Usted comete un error o si su boleta está dañada • Votar si Usted está esperando en línea a la hora de cerrar el sitio de votación • Votar por el candidato de su elección

Keep an Eye Out...



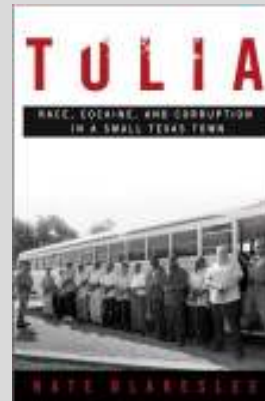
Award-winning blog joins TCJC family

Grits for Breakfast, an award-winning weblog covering the Texas criminal justice system, has joined the Texas Criminal Justice Coalition's family of reform projects. After a year operated as an independent "blog" run by long-time activist Scott Henson, *Grits* has become known across the state as a pivotal, high-quality information source on criminal justice topics. The blog covers all aspects of the criminal justice system, from police interactions with the public to local jails, state prisons, and probation and parole in Texas. *Grits* regularly features sharp commentary, original research, and up-to-the-moment updates about the issues TCJC supporters care about. As we move forward, *Grits* will include audio and video blogging and serve as an important means of communication between TCJC and our supporters. Think of it as a great one-stop shopping source to keep up with everything that's happening with criminal justice reform in Texas.

Texas *Monthly* editor Evan Smith called *Grits for Breakfast*, "A protein-laden dose of big thinking on criminal justice reform," and he's right. *Grits* is read daily by hundreds of policymakers and opinion leaders throughout the state who need the best information available to make a difference. You should be reading it, too, if you care about reforming Texas' justice system.

On the web: <http://gritsforbreakfast.blogspot.com>

Check out Nate Blakeslee's new book!



This book chronicles the 1999 drug task force scandal in Tulia, Texas, during which 15 percent of the town's African American population was arrested, prosecuted, and sentenced to prison based on the false and uncorroborated testimony of a corrupt, federally funded undercover agent named Tom Coleman.

This is a justice organization that I am convinced is simply one of the best! Thank you, TCJC, for now and in the future passing on Justice to all!

— Donald Ray Hunt

The Benefits of Giving to a Charitable Organization



Great tax benefits exist for those who give to tax-exempt organizations like TCJC. **You are entitled to a charitable contribution deduction against your income tax if you itemize your deductions!**

With your deductible gift, the actual cost of the donation is reduced by your tax savings.

In the chart below, you'll see the deduction for a single person in each tax bracket making a cash donation of \$100. The instructions for the 1040 Form will help determine the exact amount of your deduction, which will vary depending on your tax bracket and whether you file as a single person or jointly.

Tax Bracket (from lowest to highest)	Donation Amount	What You Can Deduct
10%	\$100	\$10
15%	\$100	\$15
25%	\$100	\$25
28%	\$100	\$28
33%	\$100	\$33
35%	\$100	\$35

NOTE: a contribution is deductible in the year in which it is paid. Putting the check in the mail constitutes payment. A contribution made on a credit card is deductible in the year it is charged to your credit card, even if payment to the credit card company is made in a later year.

DONATE NOW ▶

As your income tax bracket increases, you get to deduct more from your taxes with each contribution.

Please help us! Your donation is critical for our continued work monitoring police practices, ensuring the right to an attorney, reducing Texas' reliance on jails and prisons, educating voters, and investing in our future.

TCJC CAMPAIGN UPDATES



Campaign to End Racial Profiling

Advocating for Fair, Effective Police Practices that Improve the Safety of Our Communities.

The Campaign to End Racial Profiling released two reports throughout the past several months. The first, titled **Don't Mind if I Take a Look, Do Ya? An Examination of Consent Searches and Contraband Hit Rates at Texas Traffic Stops** (Feb. 2005), analyzed the largest set of racial profiling traffic stop data ever collected and analyzed, and offered the first inter-department review of contraband data collected by Texas law enforcement agencies. Key findings show that, while agencies reported searching Blacks and Latinos at higher rates than Anglos following a traffic stop, agencies were equally likely or more likely to find contraband in the possession of Anglos.



The Campaign also released a report in conjunction with the Thurgood Marshall Legal Society (TMLS) and the NAACP Youth and College Division. Titled **Feel the Heat: Changing the Police Climate in Your College Community** (May, 2005), this manual reviewed racial profiling statistics in college communities throughout Texas and makes recommendations for organizing efforts around racial justice issues in college areas.



Still, TCJC continues to be the *de facto* repository for statewide racial profiling data; we are – and have been – the only organization in the state that annually gathers, analyzes, and reports on the data for each police and sheriff's department in Texas. The failure of **SB 1503** (a bill by Sen. West which would have created an independent statewide repository) means that TCJC will continue to serve in this role for several more years. So keep an eye out for our next annual racial profiling report, due out in a few months.

Go to www.CriminalJusticeCoalition.org to download a copy of each report this campaign has released!

Also help us work to ban consent searches throughout Texas. These searches occur when officers lack probable cause or another legal basis to conduct a vehicle search. Ask your local police and sheriff's department to ban consent searches, or to require that consent be written or recorded for a search (see page 3 for more information).



The Fair Defense Project

Ensuring a Just and Accountable Judicial System by Protecting Your Right to a Lawyer.

The practice of pressuring defendants to waive their right to an attorney in criminal cases is a grim, daily reality that has become known as “the dirty little secret” of America’s criminal justice system. Courts that use “No-Counsel Plea Mills” are skirting their constitutional obligation in order to move through their dockets quickly, but they do so at the cost of wasted tax dollars and at the risk of our community’s overall safety. In some Texas counties, defendants *never* speak to a judge before giving up their rights: prosecutors run the entire process and the judge is there to rubber stamp the plea agreement.

TCJC’s Fair Defense staff was asked to address the “No-Counsel” epidemic at the National Legal Aid & Defender Association Annual Conference, in November of 2005. Along with other national leaders on indigent defense issues, TCJC offered practical strategies that have been employed to address this issue on a systemic level in specific counties that will serve as future models for statewide reform.

TCJC’s presentation at the NLADA Annual Conference represented the national unveiling of several useful tools that were developed over the last year, including a series of radio pieces that have been used as public service announcements and for broadcast in radio news outlets. Also unveiled at the NLADA Conference: **What You Don't Know, May Hurt You** – a public education piece geared toward families with questions about the harmful impact that a no-counsel guilty plea may likely present. TCJC will make this brochure available in a number of formats, including a PDF which can be downloaded at www.CriminalJusticeCoalition.org. For hard copies, please contact Fair Defense staff at info@fairdefense.org.

The Fair Defense Campaign is a collaborative effort of the Texas Criminal Justice Coalition and the Texas Fair Defense Project. Fair Defense staff conduct local and statewide monitoring to document practices such as “No-Counsel Plea Mills” and other practices that delay the appointment of counsel to indigent defendants. If you are interested in learning how you can serve as a volunteer court monitor, please contact Fair Defense staff today.

What you don't know can hurt you

Why You Need a Defense Lawyer

TCJC CAMPAIGN UPDATES

Solutions for Sentencing & Incarceration

Providing Proven and Cost-Effective Answers to Texas' Over-Incarceration Crisis

What if Texas's "tough on crime" policies backfired and created more crime in our neighborhoods instead of less?

What if we found out that our elected officials were spending millions and millions of tax dollars on incarceration – tax dollars that could have been spent on education or health care? What if this incarceration was making our families and communities less safe?

The Texas prison system is out of control. Even though Texas has built one of the largest prison systems in world history, and today **1 in every 20 adults in Texas is in prison or on probation or parole** (one step away from prison), the system is swelling uncontrollably. Today, thousands of Texas prison inmates are being housed in rented county jail beds because our prisons are overcrowded. And the rate of people being sent to prison continues to increase – each year, more Texans are sentenced to prison than the year before.

Studies show that Texas communities are less safe when certain low-risk offenders are incarcerated because they come out **MORE** likely to commit another crime than if we had required them to complete proven treatment programs that cost less. Incarceration is the most expensive criminal sentence, and our tax dollars are wasted on housing and securing these low-risk offenders when more safe options would cost less and keep us more safe. However, our harsh sentencing laws and "tough-on-crime" judges continue to incarcerate these low-risk offenders anyway.

Each offender should be given a valid assessment and then given the criminal sentence that would be most likely to protect the public safety. This simple system would

cost less, stop our state prison and county jail overcrowding crisis, and save tax dollars.

Our Solutions for Sentencing and Incarceration campaign will be on the forefront, bringing research and education about these issues to you and to our decision-makers. We will work together with all individuals and organizations in Texas who share these concerns, and we will report back to you on:

- **The Texas Sunset Advisory Commission review of the prison, probation and parole system** – throughout the coming year, this state agency will critique all aspects of the prison system and recommend improvements to the Texas Legislature. They will hold at least one public hearing in 2006, and we will let you know about that opportunity to express your concerns.
- **The Texas House and Senate Interim Hearings** – several House and Senate committees will be studying sentencing issues over the next year and recommending improvements to the Texas Legislature. They will also hold public hearings and we will let you know about these opportunities.
- **The Governor's Criminal Justice Advisory Council** – Governor Perry's team is not currently looking at these issues at all, nor do they intend to hold any public hearings or solicit advice from anyone outside their small circle. We will encourage them to work on these fundamental criminal justice issues.
- **Local stakeholders and agencies** – we will educate, and help you to educate, individuals and agencies who work in the system at the local level so that all parts of the system can be improved together.



Photos courtesy of Alan Pogue.
www.documentaryphotographs.com



TCJC CAMPAIGN UPDATES



University Leadership Initiative

***The Leaders of Tomorrow
Putting Theory Into Practice
Today***

TCJC recently created the University Leadership Initiative (ULI), the purpose of which is to identify and train highly motivated and talented University students to effectively and efficiently run an issue campaign.

Currently, five students have been chosen by TCJC staff to comprise the group. We know that it is imperative to meet our obligation to provide these youth with the tools necessary for their future success as productive and responsible individuals. Towards that end, we want to provide these and any willing students with a network of experienced advocates who can assist them in furthering their outreach and advocacy skills.

The ULI's first major project was the ***March Against the Minutemen – A Rally for a Dream*** event, held on September 17th in Austin, Texas, at the 6th Annual Mexican Independence Day Parade (see photos). Ultimately, the students were instrumental in organizing the state's largest demonstration against the Minutemen, a pseudo-law enforcement vigilante group patrolling southern borders that threatens to provoke even more senseless violence in Texas. In less than 3 weeks, the ULI successfully activated 2,000 caring Texans to march against prejudice, racism, ignorance, and the anti-immigrant sentiment.

Following the march, the ULI organized a rally, where state leaders promoted real, constructive solutions to the immigration crisis, involving long-term opportunities for everyone in this country, rather than harmful measures and a false sense of national security.



The ULI will continue to promote community and civic participation so that policies will be better tailored to the current needs of our youth and our country as a whole.

For instance, the ULI recently distributed a press release against S. 1823, a federal bill authored by US Senator Kay Bailey Hutchinson, which would (1) allow local police officers to investigate, identify, apprehend, arrest, detain, and prosecute illegal aliens, and (2) authorize the Secretary of Homeland Security to establish a pilot Volunteer Border Marshal Program, manned by volunteer, State-licensed peace officers on temporary missions

This bill would likely prevent immigrants from reporting crimes against them for fear of being deported, as well as give law enforcement agents free reign to racially profile community members. The University Leadership Initiative recognizes that our country needs comprehensive immigration reform, not myopic and misguided approaches like S. 1823 that would hurt public safety and increase racial tension.



THE IDEAL CRIMINAL JUSTICE SYSTEM

We believe that the criminal justice system is a lynchpin for a variety of children's, poverty-related, health and other issues – it's not at all just about crime. Change in the criminal justice arena radiates outward to effect all of society in positive ways.

ANOTHER RESPONSE

In a "perfect world," the criminal justice system in Texas would mirror the end of the Pledge of Allegiance which reads "...and justice for all." Our criminal justice system would reflect perfectly the character of the Creator, who reveals himself as a just God and who has said, "Let Justice roll on like a river, righteousness like a never-failing stream".

— Claude Foster, NAACP

WHAT CAN YOU DO?

We want you to become a TCJC sponsor and help us work towards real solutions to the problems facing Texas' criminal justice system. Log on to www.CriminalJusticeCoalition.org and make a donation to support our work, or sign up to receive email alerts or to volunteer.



On September 17, 2005, in Austin, Texas, our University Leadership Initiative organized a march against the Minutemen and a rally for comprehensive immigration reform. Clockwise from top left are: demonstrators marching towards the Texas Capitol Building; US Congress-



man Lloyd Doggett speaking before the crowd attending the rally; and Luis Figueroa (MALDEF), Gary Bledsoe (President, Texas State NAACP), and Ray Ibarra (ACLU of Texas) before the crowd attending the rally.

Texas Criminal Justice Coalition
P.O. Box 301587
Austin, TX 78703-0027

NON-PROFIT ORG
U.S. POSTAGE
PAID
AUSTIN, TX
PERMIT NO.
2932