

HARRIS COUNTY DISTRICT ATTORNEY'S OFFICE FIVE YEAR REPORT



KIM OGG
HARRIS COUNTY DISTRICT ATTORNEY

About This Report

This report is a compilation of the most significant accomplishments of the first five years of District Attorney Kim Ogg's administration from 2017-2021.

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A Message from District Attorney Kim Ogg



It's been over five years since I took the oath to preserve, protect, and defend our Constitution, the laws of this State, and the United States. I remain committed to making public safety my top priority.

In my first term of service, the Harris County District Attorney's Office tackled the toughest hurdles it has ever seen. First, in 2017 we faced the devastating losses wrought by Hurricane Harvey, and then in 2021, the Big Freeze, which paralyzed our county. Besides these environmental disasters, as a country, we are still reeling from the deadly effects of the COVID-19 pandemic. This combination of circumstances and the resulting consequences have created volatile situations in our communities. People have lost financial stability, many are facing physical and mental health challenges, and we have had to adapt to very different social situations. The combination has been a "perfect storm" resulting in the worst backlog of criminal cases in our history.

Through it all, we never stopped working to protect our constituents. We had to learn how to communicate virtually, but thanks to the changes we made after Harvey by moving mountains of paper into streamlined digital e-case and e-filing systems, we were prepared for "virtual" courts when it was necessary. All told, more than 50 million pages were scanned in order to reach the goal of a "paperless" prosecution office.

A number of events have exposed issues in our communities that we hadn't thoroughly examined before now. The racial divide became a more open discussion after the public murder of native Houstonian George Floyd. This highlighted the need for more training in our office in cognitive bias, and we can now report that 90% of our prosecutors have completed six hours of cognitive bias training. We have also prioritized hiring attorneys who represent the very diverse population of Harris County. The result is a very diverse District Attorney's Office.

“A number of events have exposed issues in our communities that we hadn't thoroughly examined before now.”

We are moving forward with a strategic plan to reduce the case backlog that has yielded a steady decrease in overall cases. We are focused on getting Harris County's most violent and dangerous criminals to trial and to bringing justice to crime victims and their families.

Sincerely,

A handwritten signature in blue ink that reads "Kim Ogg". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

District Attorney Kim Ogg

Our Mission and Guiding Principles



HARRIS COUNTY DISTRICT ATTORNEY

Guiding Principles

The Harris County District Attorney's Office is guided by a core set of principles that shape policy and have resulted in new program initiatives and strategies for maintaining public safety in the streets and fairness in the courts.

- To protect the public from violent, repeat offenders through prosecution
- To use taxpayer money efficiently
- To make decisions about criminal cases based on evidence, not relationships
- To strive for equality in our use of prosecutorial discretion
- To treat all crime victims with dignity and fairness
- To also treat those accused of crimes with dignity and fairness
- To recognize mental illness as a public health concern
- To collaborate with other governmental and law enforcement agencies to solve and prosecute crimes more effectively
- To utilize the expertise of specialty-division prosecutors for crimes requiring subject-matter knowledge
- To actively seek input and participation by the diverse communities of greater Houston
- To utilize technology to improve case management, service to our constituents, and employee accountability
- To be mindful of our duty to see that justice is done and, as representatives of the people, to be transparent in our actions
- To act with professionalism in every situation

Our Office by the Numbers

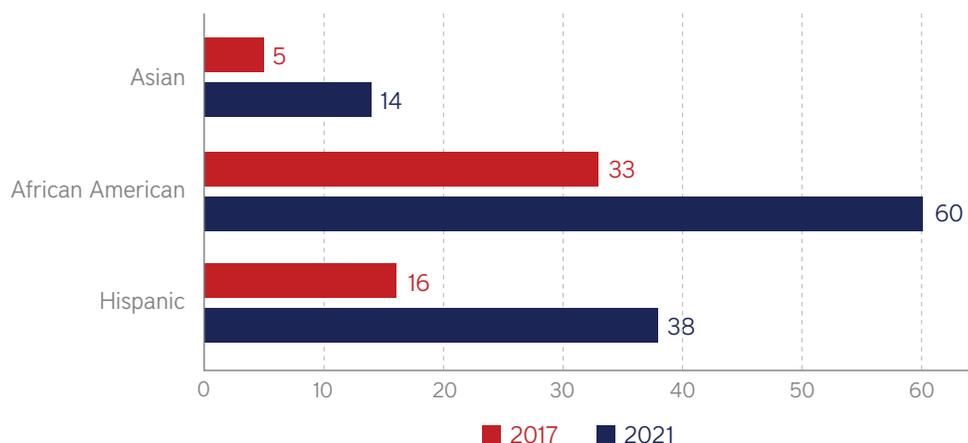


Diversity in Hiring

During District Attorney Kim Ogg's first term, leadership has been diversified and hiring equality is now a reality. We fought for and obtained the resources to compensate employees with bilingual skills. This ensures that staff and attorneys are adequately equipped to communicate with the most diverse Harris County victims, witnesses and jurors. During this first term, more than 150 employees received bilingual pay.

Since 2017, the hiring of African American prosecutors increased by 82%, Hispanic prosecutors by 137.5%, and Asian prosecutors by 180%. Intentional recruiting policies and hiring practices, emphasizing the importance of different perspectives, has had measurable impact on our ability to connect and serve our community.

Diversity in Hiring at the Harris County District Attorney's Office as of July 2021



Ending the School to Prison Pipeline

In 2018, District Attorney Kim Ogg established that the primary goal of the Juvenile Justice Division was to reduce the number of minor crimes filed by developing diversion programs, reserving traditional prosecution for violent juvenile offenders. Our Juvenile Division worked with Harris County's 26 ISD police departments, since most juvenile arrests are made at school.

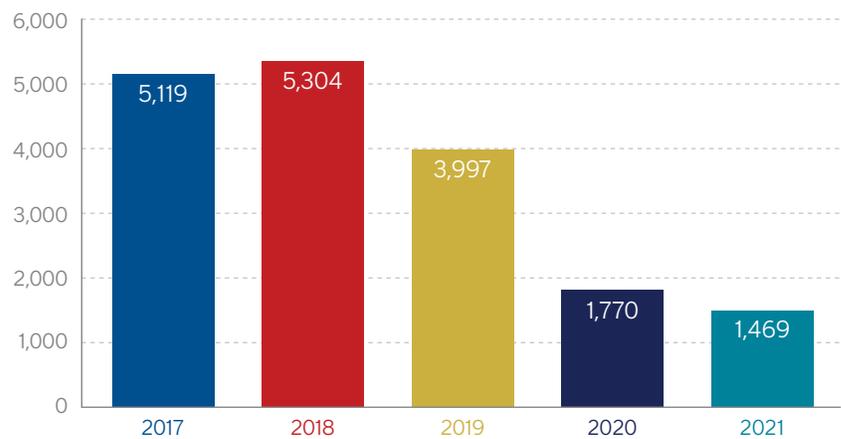


We launched a training tour for school resource officers and school administrators, including a video that captures the trauma of being arrested in school. The idea was to focus law enforcement on those juveniles posing a real threat to community safety, instead of criminalizing minor violations of school policy. Since then, the criteria in determining whether to accept charges from police have evolved. Prosecutors now consider the nature of the misconduct, including whether it represents normal youth misbehavior or is violence. Prosecutors also consider individual factors such as age, disability, mental health, child welfare status, and whether an appropriate diversion program is available.

Expanded diversion options:

- a marijuana diversion program that avoids arrest
- a diversion option for youth involved in domestic violence against a parent or guardian
- a school diversion program that targets schools with the highest student-offender case referral rates
- a diversion program for juveniles who themselves are already involved in the child welfare system

Juvenile Case Filings (2017-2021)



Juvenile case referrals to court decreased 38% between 2018 and 2019, with 48% of school cases now being diverted from formal court processing, while violent offenders continue to face accountability in the juvenile courts.

Violent Crime Response



Prioritizing Violent Cases

As the top law enforcement office in Harris County, the District Attorney's Office is dedicated to reducing violent crime in our communities. From 2017-2021, approximately 100,000 criminal cases were filed yearly, 50% being felony offenses. Violent offenders are held accountable to their victims and the people of Texas by prosecutors in both trials and through plea bargains that conclude cases without trials. From domestic violence to organized crime to career criminals, our Assistant District Attorneys are trained to seek justice for their victims. This translates to hundreds of trials for violent offenders each year, and has resulted in national recognition of many Harris County prosecutors for their trial skills.

We have also:

- Successfully advocated for "Jenny's Law," protecting rape victims from being jailed for any purpose without a hearing, an attorney, and court order
- Fought to increase the number of prosecutors in the interest of public safety, so that cases can be concluded faster

- Pushed for prioritized capital murder and murder trials in court
- Publicly fought to stop the release of repeat violent offenders on bail
- Led Harris County's efforts to reduce the backlog of criminal cases by developing a "Triage System" to re-evaluate and direct thousands of nonviolent offenders to diversion programs

The Harris County District Attorney's Office also assists 86 different Harris County law enforcement agencies in investigating some of the most notorious and high-profile homicides, robberies and rapes in America. We do so through legal support such as drafting warrants and providing 24/7 legal case review at the Intake Division.



Serving Victims



Expanded Victim Services

Our commitment to treating all crime victims with dignity and fairness is embodied by our Victim Services Division. In the first five years, we increased the number of Victim Assistance Coordinators (VACs), social workers, and staff from 6 to 25 - a 417% increase. This resulted in a dramatic boost in the number of crime victims contacted, counseled, and assisted by our office.

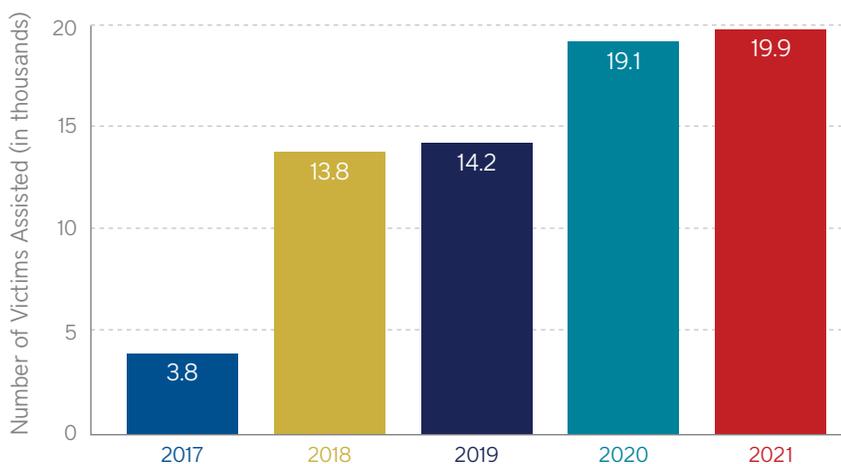
Restitution Center:

Responsible for collecting over \$39,961,813.80 in restitution for victims of property crimes

(January 2017-December 2021)

The increase in the number of Victim Assistance Coordinators resulted in a proportional increase in the number of victims who received assistance and services from the Harris County District Attorney's Office.

Number of Victims Assisted (In Thousands)



19,953 individual victims/survivors received assistance from the Harris County District Attorney's Office's Victim Assistance Coordinators in 2021...an all-time high.

Reinvesting Crime Proceeds



Crime Doesn't Pay

The Asset Forfeiture Division of the District Attorney's Office is responsible for the judicial forfeiture of money and contraband property seized from criminals as authorized under Chapter 59 of the Texas Code of Criminal Procedure. In Texas, lawmakers don't believe crime should pay. Forfeiture of criminal gains prevents offenders from profiting from their criminal activity.

Our office reinvests those funds in the same communities harmed by crime.

In five calendar years (2017-2021), the Asset Forfeiture Division filed suit and persuaded the courts to forfeit more than \$44 million in ill-gotten gains. Most of that money, almost \$30 million, went to law enforcement agencies. Here's what we did with the rest...

The District Attorney's Office has used criminal forfeiture funds to support crime prevention, treatment, diversion, victim assistance, and rehabilitation programs to assist communities and populations most in need, including:

- \$386,583 to Fifth Ward Community Redevelopment Corporation: to fund the salaries of case workers and other staff as an alternative to juvenile incarceration
- \$165,829 to Texas Forensic Nurse Examiners: to assist in making qualified sexual assault nurse examiners available on demand at seven Houston universities
- \$500,000 to Crime Stoppers of Houston: to assist in funding rewards for tips leading to the solving of crimes
- \$296,041.00 to Houston Area Women's Center: to help women, children and families recover from domestic violence

Mental Health Services Instead of Jail



Pre-Charge Diversion of Mental Health Offenders

In 2018, District Attorney Kim Ogg and other leaders worked together to fund the Judge Ed Emmett Mental Health Diversion Center to address the needs of mentally ill individuals arrested for nonviolent misdemeanor crimes. Historically, these mentally ill, low-level offenders spent months in jail and when released, returned to the streets without treatment. They often were injured or declined further while jailed.

The Mental Health Diversion Program successfully reduced by more than 4,000 the number of mentally ill offenders jailed since the program's inception, saving taxpayers millions of dollars in the process. More importantly, the District Attorney and 86 law enforcement agencies now take those arrested to the Mental Health Diversion Center, instead of jail. While at the Center they are assessed and reconnected with treatment providers. Stabilization of these mentally ill individuals has proven far more successful than jailing them, as evidenced by a significant reduction in recidivism.

Number of diversions since program inception in 2018 to 2021: 4,316

**Statistics from The Harris Center for Mental Health and IDD*

Mental Health Services Instead of Jail

Steven Douglas' Story

Then



- Abusive childhood
- Diagnosed bipolar at age 10
- Substance abuse
- Incarcerated for aggravated robbery
- Post parole, spent next 6 years homeless and battling addiction

- In Sep. 2018, Criminal Trespass charge diverted
- Stayed 14 days at the Diversion Center



Now



- Referred from Diversion Center to Open Door Mission
- Completed 7-month residential substance abuse & life skills program
- Obtained employment
- Received his Peer Counselor certificate; **working as a Peer Counselor at the Houston Recovery Center**

Positive Outcomes of Program per Justice System Partners' Research and Report

An independent review of the Diversion Program was conducted by Justice System Partners (JSP), whose report was published in the fall of 2020. Below are some of the significant findings.

• Reduced Recidivism

JSP concluded that participants in the diversion program had an **overall reduction in new jail stays of 50 percent** after they entered the Diversion Center program for the first time.

• Cost Savings to Harris County

JPS conducted a cost-benefit analysis of diverting mentally ill individuals versus charging them with misdemeanor crimes. They compared the cost to divert against the combined cost to law enforcement, the Harris County District Attorney's Office, the Harris County Criminal Courts and the Harris County Jail. The conclusion was that "overall, the program produced a significant cost savings to Harris County. **For every \$1 spent at the diversion center, the county avoided spending \$5.54.**"

• Completed Training to all Houston Police Department Officers on Mental Health Diversion

The success of this program is due to our collaboration with our law enforcement partners, from training to the implementation of the program.

We created and presented ongoing training for all 5,300 Houston Police Department officers on the Mental Health Diversion Program. Training was to be completed within one year, from September 2019 to August 2020, with 47 training sessions scheduled. We presented in person at the HPD Academy as part of the Advanced CIT Training. As of March 2020, when the COVID pandemic prevented live presentations, HPD had its officers watch a previously recorded training session.

The Economics of Misdemeanor Marijuana Prosecution



Taxpayer Savings: \$26.6 Million a Year

From 2006–2016, arrest and prosecution of more than 100,000 misdemeanor possession of marijuana cases cost the taxpayers in excess of \$250 million. This approach produced no tangible public safety benefit.

The war on drugs resulted in overcrowded jails and left generations of ordinary people with criminal records. That’s why the Harris County District Attorney’s Office decided to take a different approach. In Harris County, those in possession of a small amount of marijuana are not arrested. If it’s less than four ounces of contraband, police seize the marijuana and advise offenders to attend a diversion class called the Misdemeanor Marijuana Diversion Program (MMDP). Because there’s no arrest, there’s no criminal record and that means participants will still be eligible to find a job, rent an apartment, and apply for federal financial aid. The program doesn’t discriminate against those with criminal histories, eliminating racial disparity in the process. Five years of successful diversion has revealed no negative program impact on crime in Harris County.

Our Misdemeanor Marijuana Diversion Program is keeping thousands of people out of jail, while keeping police officers on the street to handle serious crimes.

Technology: Improving Efficiency and Effectiveness

With a cutting-edge development and infrastructure team, technology continues to drive improvements and efficiencies in the Harris County District Attorney's Office. Through custom applications, since 2017, the office has gone "paperless" and built the basics for data collection and automation. In short, technology has streamlined our part of the criminal justice system with a three-pronged approach:

- ✓ **Eliminate existing paper**
- ✓ **Stop producing paper**
- ✓ **Automate the delivery of evidence to the defense**



eCase Filing System

To eliminate existing paper files, the eCase electronic filing system was created in 2017 and kicked off with the scanning of all active cases at the start of 2018. Approximately 1 million pages per year were scanned and catalogued into case files.

Today, eCase is composed of over 9 million files and more than 50 million pages.



Defense Portal

The defense portal quickly developed, and continues to be enhanced, to allow for the electronic delivery of most evidence. Files reviewed by prosecutors can be provided with the click of a button to defense attorneys. Defense attorneys can search for their files, review them in their entirety online, and even batch-download files as needed.

Through automation, we now contact all victims of violent crime and enjoy a 25-30% return rate on victim impact statements while other Texas counties report only 5-15% returns.

- **eFiling** was developed in conjunction with the District Clerk's Office to electronically produce and file all prosecutorial court documents.
- **ePlea** is a plea-paper-generation and filing system used to automate large packets of documents necessary for plea bargains in most cases.
- **eCharge** Intake System allows police to submit an electronic record that is then routed through various queues. In its decades-old paper version, it took 8-12 hours for the District Attorney's Office Intake Division to process in-custody charges. Today, Intake averages 5-7 hours and processes approximately 1,000 cases each day.
- **ePortal** is an electronic system to receive evidence from law enforcement and then distribute that evidence to the defense via our defense portal. Since coming online in December 2021, all law enforcement agencies within ePortal are getting access, improving evidence collection and delivery.

Ongoing Commitment to Justice



Exonerations

District Attorney Kim Ogg has exonerated five previously convicted offenders since January 2017. It often takes years for a claim of actual innocence to wind its way through the courts, but actions such as full support for the Harris County District Attorney's Office Conviction Integrity Division have expedited the process for some.

Alfred Brown was sentenced to death after being convicted of capital murder in 2005. His case was overturned by Texas' highest criminal court, and Brown was freed and the case dismissed. After an investigation by a special prosecutor, District Attorney Kim Ogg amended Brown's dismissal to include a finding of actual innocence.

Steven Mallet and **Otis Mallet**, two brothers arrested together in 2008 for alleged involvement in the same drug sale, were determined to be actually innocent because they were convicted solely on the testimony of a discredited former officer.

Lydell Grant was convicted in 2012 and sentenced to life in prison for the stabbing death of Aaron Scheerhoorn. Newly discovered DNA evidence led to the apprehension and charging of a new suspect in the murder, as well as Grant's release from prison. The real murderer, Jermarico Carter, was convicted and sentenced to 20 years in prison.

James Harris was sentenced to 25 years in prison in 2010 after police testified he was behind an alleged "drug house" in northeast Houston. After the arresting officer later admitted that he "might" have arrested the wrong man, the Court of Criminal Appeals agreed Harris was actually innocent, and he was released.

“My administration directs our prosecutors to make evidence-based decisions to see that justice is done in all criminal cases.”

- District Attorney Kim Ogg

Engaging with Our Community



Getting to Know Us

The Community Engagement Division engages, informs and educates the public about our office's policies and programs. We seek direct input from people in those communities who are impacted by our justice system, especially crime victims. In the most diverse city in the nation, our office built and strengthened relationships with individuals, civic and advocacy organizations, the business community, governmental agencies, crime victim organizations and nonprofits to promote community engagement in public safety.

Make It Right!

This program, held in conjunction with community partners across Harris County, gives people with pending Class C tickets the chance to clear up their outstanding cases for free, without going to court.

Volunteer attorneys from the Harris County District Attorney's Office and other agencies also help expunge criminal records that may be an obstacle to education, housing or work.

Safe Firearms Storage Campaign

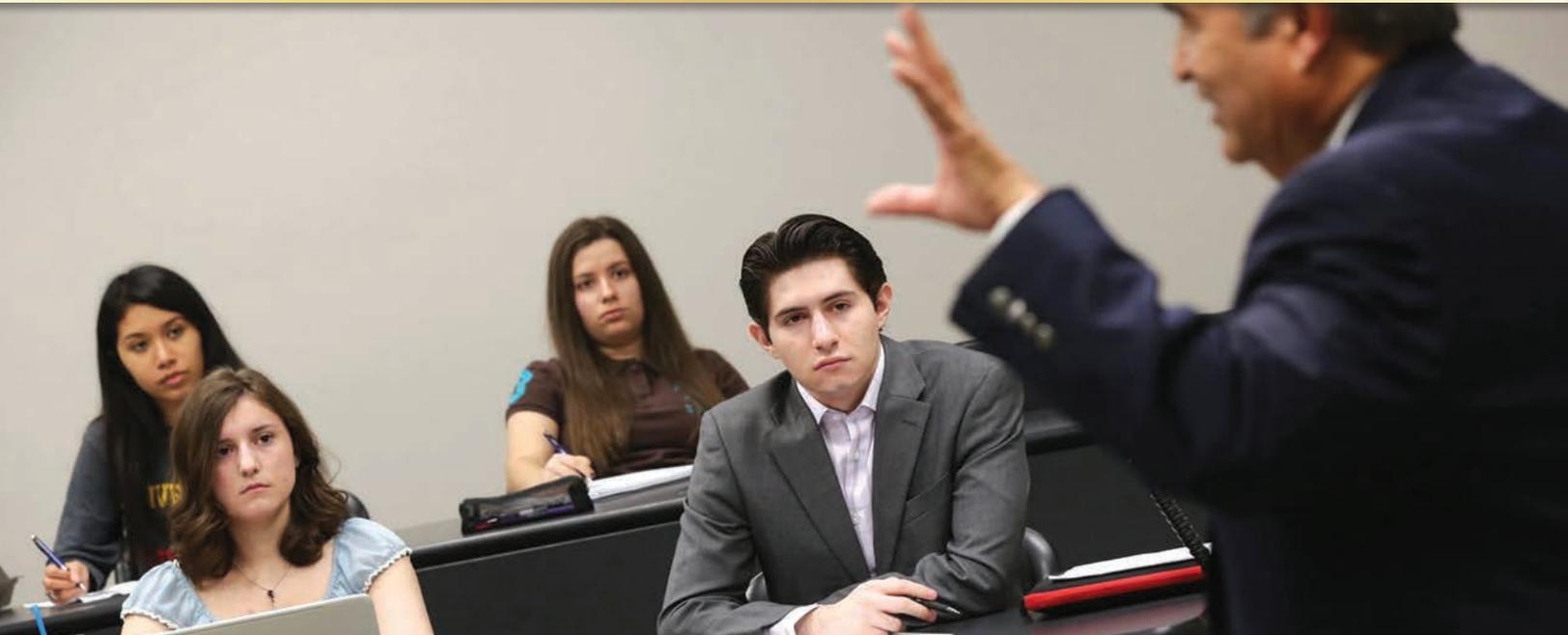
This initiative is intended to raise awareness about the dangers of unsecured weapons. Our efforts include partnering with Clear Channel Communications to place Safe Storage billboards all over Harris County, placing public service announcements in community papers and social media platforms, and the creation of a video PSA to highlight the importance of locking up firearms responsibly. The District Attorney's Office has also distributed over 1,600 cable gun locks free of charge at various community events.



Community Conversations

These events organized by our office create an opportunity for our leadership to engage the community directly about specific concerns. When COVID put us in quarantine, we moved the meetings online to keep the (virtual) door to our office open to all.

Professional Development



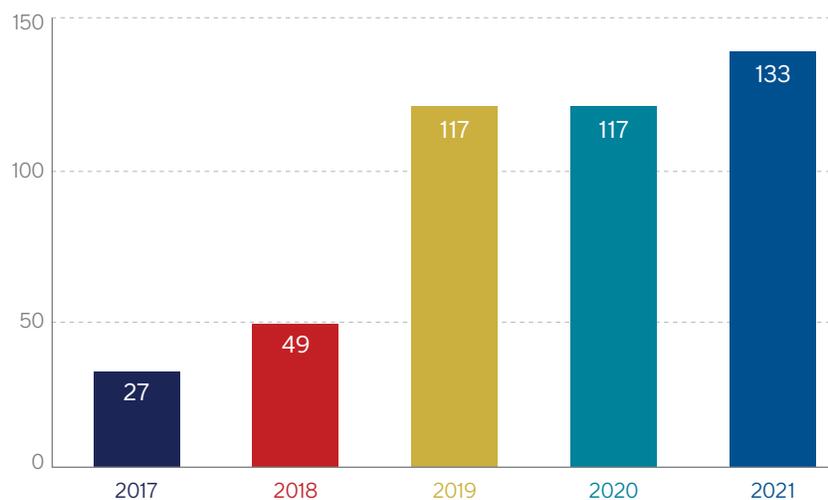
Training

In a constantly changing world, we want to ensure that our staff is always up to date on the skills and information necessary to serve the communities we represent.

Our Professional Development Section provides all in-house training to our staff and coordinates their attendance at outside training events.

Since 2017, we've participated, as trainers or attendees, in more than 400 training programs ranging from Ethical Behavior in the Workplace, Victim Witness Trauma, Changes in Legislation, Internet Crimes Against Children, Handling Mental Health Cases at Intake, Docket Management & Office Practice & Trial Skills, Court Practices in Times of COVID and many, many more. Our prosecutors are "regulars" in state and national professional training events.

Continuing Legal Education Classes at the Harris County District Attorney's Office



In Closing

The promise of this Administration to our community was to make our community safer by delivering a just process through evidence-based prosecution and to apply the law equally to all. We have kept that promise.

From misdemeanor marijuana diversion to our award-winning record in reforming our system's treatment of the mentally ill, we have listened to the experts and built local criminal justice collaborative partnerships across Harris County. This report delivers those very real results to the people of Harris County.

We've added diversity to our ranks to ensure we truly represent the community we serve. We've transformed juvenile justice and filed lawsuits to ensure that criminals can't keep their ill-gotten gains, reinvesting the proceeds into crime prevention programs.

We've done all of this while making crime victims our top priority.

Since 2017, we've worked to make Harris County a safer and better place to live, work, and raise a family. We still have a lot of work ahead of us, but with a winning team and your support, Harris County can be the safest place in the nation.



Recognition of Our Success

- **Best Practices Award - Mental Health Diversion Program** (Texas Association of Counties)
- **Community Partner Award** (Houston Area Women's Center)
- **Community Partner of the Year** (Rainbow Housing Assistance Corporation)
- **Community Vision Award** (The Montrose Center)
- **Dedicated Leadership to Elder Justice Award** (Adult Protective Services)
- **Engagement Champion** (Texans Together)
- **Houston Bar Association Diversity Award** (Houston Bar Association)
- **Law Enforcement Appreciation** (Mothers Against Drunk Driving)
- **Leadership Award** (Harris County Metro Area)
- **Lifetime of Criminal Justice Advocacy Award** (NAACP Houston)
- **Lone Star Award** (The Harris Center for Mental Health and IDD)
- **Outstanding Contributions** (Houston Chapter of the National Organization for the Reform of Marijuana Laws)
- **Outstanding Service and Contributions to the Crime Victims Field** (Department of Justice)
- **Outstanding Service Award** (Mexican American Bar Association)
- **Person of the Year - Social Work Program** (UHD - College of Public Service)
- **Philanthropic Award - "Hurricane Harvey Heroes"** (Humanitarian Awards Luncheon)
- **President's Award** (Houston Bar Association LGBTQ+ Committee)
- **Presidential Panel** (Southwestern Association of Criminal Justice)
- **Recognition of Dedication to the Gulf Coast Task Force** (Gulf Coast Violent Offenders Fugitive Task Force)
- **The Diana Award** (The Diana Foundation)
- **Trailblazer for Justice Award** (100 Black Men)
- **Women of Influence** (National Council of Jewish Women)



Harris County



HARRIS COUNTY DISTRICT ATTORNEY'S OFFICE

KIM OGG, HARRIS COUNTY DISTRICT ATTORNEY

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