

OPINION

Austin American-Statesman

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WE SAY

More work remains to reduce costly jail stays

At one of the most important moments in their criminal court case, defendants who can't afford an attorney simply don't have one at their side.

We're not talking about when defendants go to trial or accept a plea deal: They have a court-appointed private attorney by then.

We're talking about a defendant's first court appearance after arrest, a pivotal hearing in which the judge decides whether to release that person on bail or keep him in jail until trial. This is a critical moment because a jail stay, even for a few days, can set off a devastating cascade of events: Job loss. Debt. Eviction. Disruptions to medication, mental health care or the routines supporting sobriety. Even disparate outcomes: A 2018 analysis of Travis County drug possession cases shows people released on bail were 9% less likely to be convicted than those remaining in jail until their case was resolved.

For all of those reasons, a jail stay should not be imposed on defendants who pose little public safety risk, or on people who need mental health treatment instead of incarceration, or on offenders who should go into a diversion program instead of jail. Yet too often those trips to jail happen, particularly when defendants have no advocate at their first court appearance.

Travis County had an opportunity to address that problem as it crafted plans for creating a public defender's office, which will augment the current system of court-appointed attorneys for those who can't afford their own. But as the Statesman's Ryan Autullo reported this week, county officials couldn't find the money to staff public defenders at those first court hearings, known as magistration — hearings the county wanted to start holding around-the-clock so defendants could quickly see a judge after their arrest.

Consider it the first of many casualties to come from the tight budget cap state lawmakers imposed this year on local governments.

Still, we urge Travis County officials not to give up. They should keep looking for grants and other ways to fund this vital representation, which can spare defendants and taxpayers alike from the costs of unnecessary jail stays.

Travis County officials and members of the criminal justice community worked hard to bring a public defender plan to the finish line. No one got everything they hoped for, and questions still remain over how to evaluate the performance of the office once it's up and running.

But the plan for a public defender's office, now hinging on state approval of a \$24.5 million grant, represents a laudable step in providing better support for defendants and their attorneys. Among other things, the plan provides hourly pay to court-appointed attorneys instead of a flat fee per case, which failed to compensate attorneys who put more time into representing their clients.

Some defense attorneys are rightly concerned that the county dropped plans for staffing attorneys at 24/7 magistration, which would have cost \$4.1 million over the first five years. But Travis County Judge Sarah Eckhardt said Tuesday she still supports the idea: "We're just trying to figure out the nuts and bolts of how that would operate and then how we would cost it out."

As an interim step, the county could look at providing representation for at least some defendants at magistration. For example, perhaps the county could expand the Mental Health Public Defender's role to provide representation at that first court hearing for clients it has represented in the past, or for other defendants with a known history of mental health issues.

The Bexar County Public Defender has successfully provided representation to mentally ill defendants at that first hearing, getting 71 percent released without paying any bail, on the condition those defendants obtain mental health treatment while their case is pending. A study found those defendants were more likely to follow the court conditions of their release and keep up with mental health treatment after their case than mentally ill defendants who did not have that early representation.

Bexar County received a state grant to fund that effort. Travis County should look into similar options.

Austin and Travis County have made notable gains in using citations instead of arrests for low-level charges, and steering more people into diversion programs. But much work remains to keep low-risk offenders or mentally ill people out of jail. Having someone representing those defendants' interests at the beginning of the process could help reduce the jail stays that cost us all.

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Why Will Hurd's retirement is the most painful of House GOP exits

By Amber Phillips

It's not a coincidence that the House's lone black Republican, Rep. Will Hurd, Texas, is retiring in the weeks after President Donald Trump significantly ramped up his racially divisive rhetoric.

The Republican Party under Trump is becoming a party that is not welcoming to someone such as Hurd. He was one of four House Republicans who voted last month to condemn Trump's racist tweets that four minority lawmakers should "go back" home. Two of those four GOP House members are retiring. Now there is just one black Republican in all of Congress, Sen. Tim Scott of South Carolina.

That reality stings for the Republican Party, at least the section of it that still thinks racial inclusivity, not inflammation, is its future.

In an interview with The Washington Post on Thursday, Hurd referenced Trump's outright racist tweets that four minority congresswomen should "go back" to their homes.

"When you imply that because someone doesn't look like you, in telling them to go back to Africa or wherever, you're implying that they're not an American, and you're implying that they have less worth than you," Hurd said.

Hurd represents the exact kind of district Republicans need to hold on to or win to retake the majority in 2020. His border district is 70 percent Hispanic; it's a battleground district in a state with the potential to become a battleground state.

Hurd's district is an example of the places where many think the not-too-distant battles for power will play out. He doesn't seem to see much future there for his party, at least not under Trump.

"When you look at trends, the two-largest growing groups of voters are Latinos and young people. And we know what the broader trends are happening



Texas Republicans, Rep. John Ratcliffe, left, and Rep. Will Hurd, speak as former special counsel Robert Mueller appears before a House Intelligence Committee hearing in Washington, July 24. [AP PHOTO/ANDREW HARNIK]

there," Hurd said.

If Democrats can get a foothold in Texas congressional races, or even statewide, it could entirely change the balance of power in Washington; Texas is that big and important. (As former Texas congressman Beto O'Rourke noted at the primary debate last week, Texas has 38 electoral votes.)

Last year, Democrats picked up two seats in Texas, and O'Rourke nearly unseated Sen. Ted Cruz. Hurd's district was always a top target for Democrats, but now, the seat gets that much more difficult for Republicans to keep without a popular incumbent. Another retiring Texas Republican, Rep. Pete Olson, could present a pickup opportunity for Democrats, too. And Democrats have recruited former viral congressional candidate MJ Hegar to take on Sen. John Cornyn, R, in 2020.

But Hurd's retirement reverberates beyond Texas for Republicans. He is one of nine Republican House lawmakers to call it quits rather than try to run for reelection under Trump, opening up seats across the country for Democrats to try to seize.

Also unhelpful to Republicans: A disproportionate number of retirements have been of women. House Republicans are losing two of their 13 female lawmakers. One of them, Rep. Martha Roby of Alabama, struggled to win her primary in her 2018 reelection after voters in her

district held a grudge against her for saying she wouldn't vote for Trump after he was caught on tape bragging about sexually harassing women.

Why are so many Republicans retiring? This is the first year in nearly a decade that Republicans have been in the minority, which is certainly one contributing factor. The House is a majority-rule chamber in every aspect (how committees spend their time, what bills you vote on, and whether your side's bills win or lose), so being in the minority isn't very fun.

But Trump has also been making life difficult for these lawmakers. With very few exceptions, none of them want to be talking about how "dangerous and filthy" inner cities are, or trying to defend tariffs on China when Republicans have traditionally opposed tariffs, or why Trump gives Russian President Vladimir Putin the benefit of the doubt about Russian interference in the 2016 presidential election over his own intelligence agencies, or any number of policy and political indignities Trump has put the party through.

The transformation of the Republican Party to the Party of Trump has not been pretty for many Republicans. And of the retirements, none highlights that more than that of Hurd.

Phillips writes about politics for The Washington Post.

World-class green spaces for a world-class city

By Ross Moody

Austin, known for its green spaces and outdoor experiences, has truly become a world-class city. As our city evolves, our green spaces need to grow to preserve Austin's vaunted quality of life. I believe it's crucial we fulfill a bold vision: to create a more connected city with modern green spaces that reflect the bond between art, nature and people.

Increasingly, major cities are creating iconic spaces that fire the imagination. Innovative projects like New York's High Line and Storm King Art Center and others such as Discovery Green in Houston and Smale Riverfront Park in Cincinnati transform existing infrastructure and landscapes into beautiful, multi-use environments that are enjoyed by all.

Here at home, purely natural spaces like the Barton Springs Greenbelt and McKinney Falls are natural gems that are essential to our collective well-being, and we should do everything in our power to preserve and expand these treasures.

To fulfill this vision, significant resources are needed. Charitable and philanthropic organizations have a unique opportunity to provide funding to help effect change within some promising new programs.

For instance, the City of Austin, the Moody Foundation and other charitable organizations

have partnered with Waller Creek Conservancy on its \$230 million project to create a chain of urban parks by 2025. The Moody Foundation is delighted to help fund these efforts with a \$15 million gift toward the construction of the Moody Amphitheatre at the new Waterloo Park, which is expected to open by 2020. The park aims to draw people from across the city, and will feature outdoor activities for everyone to enjoy.

Transforming Waller Creek is just one small part of the overall mission to create an ecosystem of masterfully designed green spaces. Pease Park Conservancy, Violet Crown Trail and other organizations are working toward this goal too.

With the help of Mayor Adler, his wife, Diane Land, and many other inspirational civic leaders, we see that Austin is already making headway on this world-class standard with other wonderful outdoor projects like The Trail Foundation's Boardwalk on the Ann and Roy Butler Hike-and-Bike Trail, The Contemporary Austin-Laguna Gloria and the grounds of the Blanton Museum. Recently, the new roughly \$800 million development plan for the Walter E. Long Metropolitan Park gained unanimous support from the Austin Parks and Recreation Board. As reported by the Statesman, if the plan is approved, "funding will be a major factor in determining the speed

and ultimate extent of the park's development."

This outdoor mentality has benefited all of Austin over the years. A recent study showed that growing up near vegetation is associated with an approximate 55% lower risk of mental health disorders in adulthood, while some doctors are now prescribing time outdoors as a cure for common ailments. Additionally, the Healthy Parks Plan for Travis, Bastrop and Caldwell counties, which is being supported by St. David's Foundation, is aiming to increase access to and grow healthy communities through green spaces. With our positive, laid-back attitude, Austinites provide clear evidence that these findings have merit.

Austin has established itself as one of America's most admired cities with our live music scene, breakfast tacos, and outdoor spaces and culture. To continue living up to this reputation, let's all find ways we can continue to support our green spaces. In doing so, we're respecting Austin's past and what makes our city special while continuing the vitality of these spaces and historic gems for current and future generations to enjoy.

Moody, a trustee of the Moody Foundation and chairman and CEO of Austin-based National Western Life Group, is a green spaces enthusiast and long-time Austinite.