

Appleseed Files Civil Rights Complaint Over School Ticketing

AFRICAN AMERICAN STUDENTS ARE BEING disproportionately ticketed by school police officers in Bryan ISD, according to a civil rights complaint filed on behalf of Texas Appleseed and Brazos County NAACP with the U.S. Department of Education.

“In a very real sense, the Bryan school district is using law enforcement as its disciplinary arm. There is one of the highest student ticketing rates in the state,” said **Appleseed Deputy Director Deborah Fowler**.

While African American students comprise less than 25% of Bryan ISD’s student body, they received more than half of all Class C misdemeanor tickets issued in the last three school years—and are *four times more likely* than their peers to receive a

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Appleseed Deputy Director Deborah discusses Bryan ISD-issued ticket with concerned parent Marjorie Holman (Spring 2012)

Open Criminal Discovery Can Cut Wrongful Conviction Risk



Photo: Getty Images
www.gettyimages.com

TO REDUCE THE RISK OF WRONGFUL CONVICTIONS, TEXAS APPLESEED is recommending changes to Texas criminal discovery statutes that will require all counties to provide broader access to pretrial evidence. Texas Appleseed and the Texas Defender Service have released a new report on the state’s criminal discovery practices and the need for change.

“We all share an interest in improving the system,” said **Appleseed Board member David Gerger**. “A wrongful conviction is a loss for everyone: an innocent person is convicted; the guilty party goes free; the victim suffers; and it can be very costly for the State.”

Texas currently has one of the most restrictive criminal discovery statutes in the nation. However, many district attorneys in Texas provide defense counsel with far more than is required by state law—including police reports, witness statements, and expert findings. Others withhold this information or require defendants to waive statutory rights to obtain greater discovery.

“As a result, the capacity to wage a vigorous defense can depend on where the case is tried in Texas; and, the more restrictive the discovery, the greater the risk of a wrongful conviction,” said Texas Appleseed **Executive Director Rebecca Lightsey**.

Lightsey credited “tremendous pro bono support” from **Locke Lord LLP** for “helping us conduct interviews and analyze the criminal discovery policies solicited from more than 40 Texas counties.”

The criminal discovery reform bill (SB 1611) is being carried this Session by **Sens. Rodney Ellis** of Houston and **Robert Duncan** of Lubbock.

Texas Appleseed

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The Benefits of a “Plugged In” Board

Texas Appleseed is rare among nonprofits to have a Board that is willing to plug into frontline work. Our Board members file our amicus briefs, review our research and legal filings, make capitol visits, testify at the city and state level in support of our policy recommendations, and much more.

Most recently, **Jim George** handled our legal work to disclose the identity of third-party lenders on payday and auto title contracts. **Mark Wawro** addressed the Houston City Council on payday reform—and **Allan Van Fleet** advocated on our behalf. **Clinton Cross** testified in support of El Paso’s payday loan ordinance, and **Neel Lane** and **Mike Rodriguez** made legislative visits on payday loan reform.

Tom Leatherbury and **Michael Lowenberg** helped ensure timely filing of our civil rights ticketing complaint—with **Pat Villareal** and **Scott Fletcher** reviewing the legal issues. **Mark Glasser** and **Layne Kruse** are doing great work on fundraising, Ed Fernandes is growing our Diversity Legal Scholars Program, and **David Gerger** is championing our efforts to improve the criminal discovery process.

Every Board member, under the leadership of our outstanding **Chair Allene Evans** and **Treasurer** and **Chair-Elect George Butts**, makes us better at what we do. Texas Appleseed is stronger for it!

Rebecca Lightsey

Executive Director, TEXAS APPLESEED

THE LATEST...

PEOPLE

■ Immediate Past Board Chair

Mark Wawro was recently honored as an Appleseed Visionary for his more than 10 years of extraordinary leadership and wise counsel to Texas Appleseed. Officeholders and local judges were among the friends who attended the Houston Visionary Society Reception held in his honor. We want to thank **Mark and Carol Glasser** for hosting as well as our generous event sponsors, including **Susman Godfrey L.L.P.** Visit www.texasappleseed.net to see reception photos and a list of sponsors.



Board member Mark Wawro and Chris Bryan at the Visionary Society reception

■ Carrin Patman is leaving the Appleseed

Board after years of outstanding service. She raised the bar for expanding Appleseed’s capacity to promote greater justice.

PROJECTS

■ **To remove the apprehension that many children feel about going to court for foster care hearings**, Texas Appleseed is coordinating a **Kids in Court video** sponsored by the Texas Children’s Commission and the Texas Center on the Judiciary. Harris County’s **Juvenile District Court Judge Mike Schneider**, **Associate Court Judge Angela Ellis**, and **Family District Court Judge David Farr** describe what to expect in court. Travis County **District Court Judge Darlene Byrne** also appears in the film.

■ **Special thanks to Houston Endowment** for awarding Texas Appleseed a two-year grant to support our work.

■ **We welcome the Austin Black Lawyers Association** as our newest partner in the Diversity Legal Scholars Program to help boost minority student admissions to law school.



Why Update Texas' Mental Health Code?

Q&A with The Honorable Guy Herman,
Travis County Probate Court



Appleseed is pursuing legislative updates to the Texas Mental Health Code this Session. This Code governs detention and treatment of individuals with mental illnesses who pose a danger to themselves or others. Under the leadership of Dr. Susan Stone, J.D., M.D., a Steering Committee of experts, including Judge Herman, recommended needed updates based on input from 43 hearings held across the state.

Why is there a need to update the Texas Mental Health Code?

The Texas Mental Health Code has not been systematically reviewed for more than 25 years, and substantive reforms are lagging best practices. Among needed changes are modernizing involuntary outpatient treatment procedures, streamlining emergency detention procedures, protecting patient rights throughout the process, and basically making the civil commitment process work more smoothly.

Describe one of the needed Code changes.

One bill will grant hospitals the authority to detain patients who come in for health services for a short amount of time while they seek judicial determination of the patient's need for involuntary mental health services. Under current law, hospitals have no authority to detain patients they suspect are in need of involuntary detention while they seek judicial intervention. Patients would be protected from undue involuntary detention in the emergency room by a clear review process.

Impacting Nation's Disaster Recovery

Texas Appleseed's hurricane recovery work is having a national impact! Many of the policy gains we helped secure in Texas are reflected in new requirements governing how billions of federal dollars can be spent to repair damage to East Coast states from Hurricane Sandy. The U.S. Department of Housing and Urban Development is requiring that states:

- Spend 80% of federal relief dollars in areas with most documented hurricane damage;
- Demonstrate that recovery projects affirmatively further fair housing;
- Set up websites to let the public see what recovery projects are funded and track their progress; and
- Apply performance requirements and penalties for all awarded contracts.

"It's exciting to see the Gulf Coast experience impact national public policy. It is critical that disaster relief benefit the families that need it most," said **Appleseed Staff Attorney Madison Sloan.**

School Ticketing *Continued from page 1*

ticket for Disruption of Class or Disorderly Conduct-Language, Fowler said.

"In Texas, the consequences are particularly serious because ticketed students are sent to adult courts that do not extend young people the confidentiality and other protections provided in juvenile courts. These tickets can create a permanent criminal record—impacting applications for college or employment," she said.

Appleseed Board Chair Allene Evans said school districts should adopt programs proven "to keep misbehavior in check without treating young people like criminals. Experts agree that issuing tickets to children does not make schools safer."

The NAACP Legal Defense and Educational Fund and the **National Center for Youth Law** are serving as our legal counsel. Texas Appleseed is urging Bryan ISD to adopt guidelines delineating police officers' school safety role and limiting their involvement in student discipline.

Why We Support Payday, Auto Title Loan Reform

In the last year alone...

- 35,000 Texas families lost their cars to auto title businesses
- Texas borrowers paid nearly \$1 billion in fees for loans at 500%+ interest
- Texans paid nearly TWICE the fees of borrowers in other states
- 32% seeking assistance from Texas charities were mired in payday loan debt

Contact your elected officials. Be a voice for fair lending practices.



Texas Appleseed Board Member Clinton Cross addresses the El Paso City Council on the need for payday reform.



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Texas Appleseed: School Discipline Reform Bills

One of our top legislative priorities is reducing the number of Class C tickets, court referrals, and fines that now ensnare thousands of Texas students every year for behavior that used to mean a trip to the principal’s office. Research shows this approach increases students’ risk of dropping out and slipping farther into the justice system. That’s why we and the Texas Judicial Council are endorsing a system of **graduated sanctions** for minor misbehavior (**SB 393 West, SB 1114 Whitmire, HB 3057 Herrero, HB 2266 Larson**) that would begin with letters home, community service at school, and counseling. Georgia and Alabama have done this, freeing school police to focus on school safety. Also important: **child-centered training for school police officers, decriminalizing truancy, and keeping tickets issued at school from becoming part of a criminal record.** Visit our website for updates!

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