

# THE REAL ‘BOND PANDEMIC’: MISINFORMATION, FALSE NARRATIVES, AND BIAS IN THE MEDIA

## Introduction

Since Harris County’s misdemeanor bond system was first declared unconstitutional by a federal district court in 2017, the county has implemented several reforms as part of the resulting settlement. Before the resolution of the lawsuit, indigent defendants were detained pretrial solely based on their inability to pay bond, while their wealthier counterparts could post bond and expect prompt release. The county corrected this wealth-based discrimination by requiring the majority of misdemeanor defendants to be released on personal recognizance (PR) bonds, which do not require an upfront cash payment. By providing defendants with a new system for bonding out of jail that does not discriminate based on income, the implemented reforms ensure that defendants are not prematurely punished with jail time—upholding the principle of a ‘presumption of innocence’ for the criminally accused, and preventing taxpayers from footing the bill for unnecessary weeks or months of incarceration. Though these changes have only been applied to misdemeanor cases, several ongoing lawsuits have set the stage for reforms that could similarly improve the felony bond system. While these two systems are legally different, the rationale for reform remains the same: protecting constitutionally guaranteed rights and preventing wealth-based discrimination.

Despite the more equitable reforms to Harris County’s misdemeanor system, opponents of bond reform frequently criticize the changes. Though many opponents still claim to support the principles of reform, they regularly scapegoat bond reform for the various failures of the criminal legal system. **Through the use of misinformation, propagation of false narratives, and exploitation of race-based disparities, they portray bond reform as a threat to public safety. Unfortunately, this disinformation effort is facilitated by local media outlets, who amplify the voices of opponents and disseminate the narratives they promote.**

This report aims to examine media coverage of bond in Harris County, and to better understand the media’s role in shaping the narrative of bond reform. It draws on a content analysis of 226 news articles run by six Houston-area television stations between January 2015 and June 2021. Stories qualified for selection if they discussed bond reform, bond debates, and/or people who allegedly committed crimes while out on bond. While bias in coverage was the primary focus of this analysis, we also reviewed 15 other key variables, such as referenced ‘experts’ and the defendant’s race or ethnicity.

This analysis reveals that many local media stations disproportionately publish biased articles in their reporting on bond. The media consistently provide a platform for opponents of bond reform to represent bond release as a threat to public safety, while frequently failing to contextualize opponents’ claims or feature an alternative view. In cherry-picking and sensationalizing stories about defendants who are arrested while out on bond, media outlets construct a distorted narrative of dangerous releasees, in effect exaggerating the risks of bond reform and minimizing its positive impact. These efforts continually undermine bond reform, serving only to generate fear of people released on bond pretrial.

The shift in news coverage of bond is perhaps best seen through a comparison of coverage prior to and following the implementation of Harris County’s proposed settlement in 2019. Over the 48-month period from January 1, 2015, to December 31, 2018, 42 total articles focused on bond in relation to

reform or released defendants. Of those articles, only 33 percent were found to be negatively biased. In contrast, over a shorter 30-month period from January 1, 2019, to June 30, 2021, not only did the number of bond-focused articles more than *quadruple* to 184, but the percentage of negatively biased articles nearly *doubled* to 61.

Although bias in media coverage is one of the most—if not *the* most—alarming variables analyzed in this report, several other variables have revealed similarly concerning trends. With ongoing attacks against bond reform efforts in Texas and in Houston specifically, recognizing and correcting these trends in media coverage is critical to ensuring that Harris County residents have a more informed perspective of both misdemeanor bond reform and bond reform more generally.

## **Separating Arrest from Guilt**

Just as bond is offered to those who are presumed innocent, all people who are arrested are considered innocent until proven guilty. However, one of the most common narratives in both society and the media is that most, if not all, people who are arrested will later be found guilty—a dangerous conflation of arrest with guilt, especially given that arrest predicates a person’s bond assignment. With much of the opposition to bond reform in the media relying on fearmongering that stems from this conflation, addressing misconceptions is a key part of refuting biased anti-reform narratives.

Many anti-reform arguments made by commentators in the media—which frequently go unchecked—point to the arrest of people out on bond as evidence that bond release enables more crime. They refer to such individuals as “repeat offenders” or even “career criminals” who should not have been released in the first place. This narrative fails to acknowledge that people who are accused of “reoffending” while out on bond have not been convicted, merely arrested; an arrest initiated their release on bond, and they were arrested again while out on bond. This distinction is important, as an arrest is by no means a direct path to conviction, nor is it a reliable indicator of guilt. Simply put, there are far more arrests than guilty convictions.

Moreover, given that over 90 percent of convictions are secured through guilty pleas, the ‘true’ number of convictions is likely lower than what is currently recorded.<sup>1</sup> For an arrest to take place, law enforcement must identify a probable cause; conversely, guilty convictions that do not result from pleas only take place after the completion of a robust process involving the collection and scrutiny of evidence, investigations, and attempts by the prosecution to prove guilt beyond a reasonable doubt. Even when just considering differences in prerequisites, being found guilty is far different than simply being arrested.

Conflating arrest with guilt is particularly misguided in Harris County, which has a high case dismissal rate. To explain: One of the most common ‘conclusions’ to an arrest takes place far before the final decision of a judge or jury: dismissal of a case. A case may be dismissed for a number of reasons, but, in essence, a dismissal frequently indicates that the arrest was flawed or should not have taken place. The dismissal numbers in Harris County paint a different picture than the media would have you believe. In 2020, the Harris County District courts reported that there were nearly as many dismissals (8,270) as

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<sup>1</sup> Texas Office of Court Administration, Judicial Activity Reports, <https://www.txcourts.gov/reporting-to-oca/judicial-council-trial-court-activity-reports/sb-1326/>.

there were convictions (8,278).<sup>2</sup> This problem seems to be getting worse through the first half of 2021, during which the Harris County District Courts have reported *over 500 more dismissals than convictions*.<sup>3</sup>

When considering this local context and the significant differences between arrest and guilt, arguing against bond reform on the basis of re-arrest during bond release is inherently flawed—and allowing such arguments to go frequently unquestioned in the media is as misinformed as it is misleading. Not only could a person’s arrest while on bond be later dismissed, but the original alleged charges leading to the bond assignment could *themselves* be dismissed.

### SPOTLIGHT: Case Dismissals

Dismissals appear to be common among defendants whose cases are elevated by the media. We identified a total of 71 individuals who were named in our sample of articles; an analysis of their court records revealed that many of the charges highlighted by local media outlets were ultimately dismissed. Aggregating the charges of defendants in the sample whose cases were disposed, we found that 59 percent of pre-bond charges were dismissed, and 50 percent of post-bond charges were dismissed, with an overall dismissal rate of 55 percent. Among the 26 individuals whose pre-bond and post-bond cases were disposed, five had all charges dismissed. With only six individuals convicted on all charges, the remaining 60 percent had at least one of their charges dropped. Though some of these dismissals may have resulted from a defendant’s conviction on another charge, a look at the universe of Harris County court records suggests that this type of dismissal is quite rare: During the years 2019-2020, only 9.3 percent of all dismissals resulted from a conviction on another charge.

*Methodology:* Using the Harris County District Clerk’s online database, we looked up case records for each defendant identified in a news article as being on bond; we identified a total of 71 defendants who were named in the sample of articles. We then determined which charges were filed against each defendant before they were released on bond (“pre-bond charges”) and after they were released on bond (“post-bond charges”), using the publishing date of the news article as a reference. We identified post-bond charge(s) as any charge(s) filed against the defendant within 2 weeks of the article publishing date. We subsequently identified pre-release charges as the charge(s) filed against the defendant that chronologically preceded the post-release charge(s). In recording pre-bond charges, we included multiple charges if they were filed on the same date, but we did not include all charges filed against the defendant before their release on bond. We then noted whether each charge had been disposed or was still pending. If the case was disposed, we noted whether it was dismissed.

## The Conflation of Reform

Although the only bond reform to have been proposed, approved, and implemented in Harris County applies to misdemeanor cases, its opponents frequently suggest that misdemeanor reform negatively impacts felony case processing—again resulting in false narratives about bond reform that are elevated by the media. In covering the issue of bond reform or a particular felony case, many articles fail to

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<sup>2</sup> Id.

<sup>3</sup> Id. From January 1 – June 30, 2021, Harris County reported 6,447 dismissals and only 5,923 convictions.

specify that reforms apply only to misdemeanor cases, and some even inaccurately suggest that felony bond reform has taken place. Conflation of this issue is perhaps best evidenced by articles that are primarily about bond reform, totaling 68 of the 226 articles we collected for this analysis. These articles directly address bond reform as an issue, and, relative to other articles that are centered around defendants, articles that are primarily about bond reform were found to be more frequently negative towards reform, with 78 percent of the articles identified as being negatively biased.

We analyzed all articles in this analysis for the type of bond they discussed, and we subsequently coded them as being about just misdemeanor *or* just felony, both misdemeanor *and* felony, or not about a specified type. Shockingly, almost *half* of the 68 articles primarily about bond reform—which one would expect to contain the most detail about the subject—*did not* specify which type of reform had been implemented. Moreover, more than a quarter of these 68 articles were about felony ‘reform’ (which has not taken place in Harris County), rather than about the actual reforms that have been approved. When viewing these classifications together, nearly 75 percent of all articles primarily about bond reform fail to mention the only reforms that have been considered and implemented in Harris County. The news media’s failure to make this distinction in their coverage is especially concerning because it is often accompanied by negative bias; among the 51 articles which failed to specify that reform has impacted only misdemeanor cases, 86 percent contain negative sentiment towards reform—a percentage even higher than that of the broader sample of articles primarily about bond reform.

The significance of this disparity in coverage across local television stations calls into question the stations’ ability to inform the public in a balanced way. By propagating an overwhelmingly negative portrayal of bond reform while failing to specify which type of reform is being discussed, some local media outlets are increasing the likelihood that the public will develop a negative association with existing misdemeanor reforms. Furthermore, the disproportionately large number of articles about felony ‘reforms’—which tend to rely on criticisms of bond reform in general, and which fail to even mention misdemeanor bond reform—run the risk of leading the public to conflate the two as essentially the same. Given that only misdemeanor reforms have been implemented in Harris County, this is clearly problematic, especially when considering that court-appointed independent monitors of the newly implemented reforms have found that successes have not come at the expense of “change[s] in reoffending” rates.<sup>4</sup> Additionally, a recent review of Harris County court data revealed that 93 percent of people released pretrial later reappear for court hearings, indicating that the implementation of reform has not jeopardized the target outcomes of the bond system. Lastly, while proposals to fix the felony bond system that are built on reducing (and not increasing) pretrial incarceration, these proposals do not receive the same level of coverage as many regressive proposals, such as one passed by the Texas Legislature in September 2021, as evidenced by the disproportionate level of negative bias in coverage towards progressive reform. Without higher reporting standards that clearly specify and differentiate between existing policy and ongoing debates, the risk of conflating positive misdemeanor bond reform with often negatively portrayed or regressive ‘reform’ proposals will continue.

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<sup>4</sup> Jolie McCullough, “Report: Harris County’s bail reforms let more people out of jail before trial without raising risk of reoffending,” *Texas Tribune*, September 3, 2020, <https://www.click2houston.com/news/texas/2020/09/03/report-harris-countys-bail-reforms-let-more-people-out-of-jail-before-trial-without-raising-risk-of-reoffending/>.

## Bias and Its Sources

The sample of articles we collected for this analysis provide many insights into the frequency, content, and implications of biased media coverage. As displayed in Figure 1, we coded over *half* of all news articles as negatively biased, with less than 1 percent considered positively biased. Even balanced coverage that maintains an impartial tone and offers equal space to both ‘sides’ of the bond debate—which one would presume to be the goal of the media—was found to comprise only 5 percent of the total coverage. Articles coded as “Neutral” were the second most common type, at about 38 percent of coverage; while this is certainly more desirable than negative alternatives, it still raises questions about the intentionality of local reporting on bond.

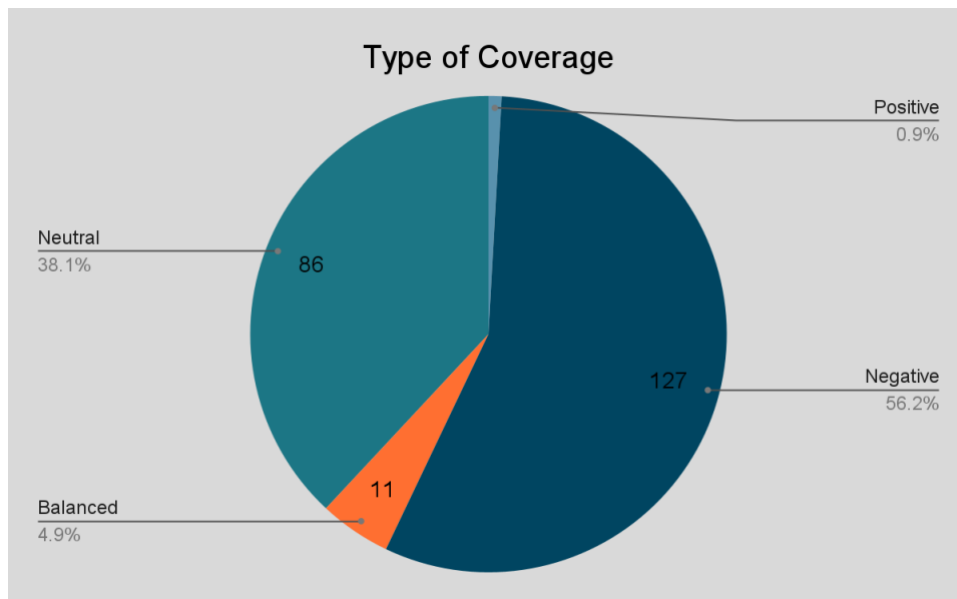


Figure 1: Types of coverage and bias among all stations.

To be coded as “Neutral,” an article must have either lacked outside commentary and debate points or maintained a non-biased tone; in all but three neutral articles, this meant that articles would state that a person was out on bond at the time of an alleged crime, without any additional context for their bond. In such cases, the relevance of being out on bond is often questionable—particularly when considering that this does not account for the rates at which cases are dismissed or fail to lead to a guilty conviction—and could potentially lead to the perception that far more alleged crimes involve people out on bond than actually do. The consequences of a lack of balanced coverage raise separate concerns about the ability of local officials, particularly judges, to serve without fear of false attacks in the media. Ninety-four percent of all articles that mention judges by name were coded as negatively biased and frequently targeted individual judges for their bond decisions. While it is necessary to hold elected officials accountable for their decisions, accountability should not stem from misinformation. Given that both negative and neutral coverage pose significant problems, the lopsided nature of media coverage of bond reform in Harris County must be addressed and corrected.

Though many factors contribute to the imbalance in coverage, the use and selection of ‘expert’ references is particularly revealing; the two most commonly quoted sources in analyzed articles were law enforcement and Crime Stoppers, a local victims’ advocacy organization that is explicitly critical of

bond reform. While these sources do provide information that can be considered relevant to many articles about bond, this often happens without additional information from other sources that may have different views. As a result, the testimony of law enforcement and Crime Stoppers is frequently framed as fact or undisputed, despite the commentary from each group having problematic elements.

Police and other law enforcement officials were cited in 141, or 62 percent of, reviewed news articles—typically to provide details about alleged crimes. Although this may initially seem logical, such an approach is flawed for a number of reasons. For example, as the ones who arrest people suspected of committing crimes, the police are at the front end of the legal process that arrested individuals undergo—a process that, as previously discussed, can deviate far from a guilty conviction and even end in dismissal. And when considering the high rate of dismissals in Harris County, the credibility of police as a definitive reference for what warranted an arrest is, at the very least, questionable. Former police chief Art Acevedo was referenced in 35 of these articles, 77 percent of which we coded as negatively biased coverage. With police being the most commonly referenced group by local stations in their bond coverage, this also raises doubts about articles being fairly framed.

Crime Stoppers is the second most frequent source for articles in our analysis, despite the group lacking the oversight and public accountability of a governmental group. It was referenced in a total of 76, or 34 percent of, all articles analyzed, usually via comment by Andy Kahan, the group’s Director of Victim Services and Advocacy; alarmingly, all but one of these articles contained negative bias. Crime Stoppers is also referenced in half of all articles that are primarily about bond reform, suggesting that quotes from the organization are central in bolstering the overwhelmingly negative coverage of reform. Despite the problems related to conflating arrest with guilt, Kahan and Crime Stoppers frequently do so when providing commentary to the media, and they often directly criticize bond reform.<sup>5</sup> Among other things, Kahan has insinuated that misdemeanor bond reform has led to a spike in homicide rates,<sup>6</sup> pointing to the “bond pandemic” as responsible for the death of a sheriff’s deputy and others.<sup>7</sup> In more than 40 percent of the articles that reference Crime Stoppers, the type of bonds being discussed is not specified—meaning that any criticism of existing bond reform does, by default, refer to misdemeanor bond reform. Kahan was not identified as a reference in *any* of the articles run by the two Spanish-language stations, KXLN and KTMD, and Crime Stoppers as an organization was only referenced in one of their articles.

While the police and Crime Stoppers are the two most referenced groups among local news, we also identified police unions and the Harris County District Attorney’s Office as two groups that may become relatively common sources. Given that police unions are uniquely positioned to share in the flaws of both police and non-governmental groups, referencing them is a point of concern—though only 17 articles in our analysis included commentary from a police union or their spokesperson, 94 percent of which were coded as negatively biased.

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<sup>5</sup> Crime Stoppers Houston, “The Revolving Door at the Courthouse and Rising Crime Rates,” *Bail Reform*, January 4, 2021, <https://crime-stoppers.org/the-revolving-door-at-the-courthouse>.

<sup>6</sup> Randy Wallace, “Breaking Bond: Opponent to felony bond reform in Harris County speaks,” *FOX 26 Houston*, May 19, 2021, <https://www.fox26houston.com/news/breaking-bond-opponent-to-felony-bond-reform-in-harris-county-speaks>.

<sup>7</sup> Phil Archer, “Suspect accused of shooting Harris County deputy was free on multiple bonds,” *Click2Houston*, January 27, 2021, <https://www.click2houston.com/news/local/2021/01/28/suspect-accused-of-shooting-harris-county-deputy-was-free-on-multiple-bonds/>.

## SPOTLIGHT: Crime Stoppers

A review of Texas law suggests that Crime Stoppers Houston is financially incentivized to generate fear of crime, as the organization has a financial stake in churning people through the criminal legal system. Local Crime Stoppers corporations routinely receive funds from criminal courts as authorized by Chapter 414 of the Code of Criminal Procedure.<sup>8</sup> The Texas Crime Stoppers Council, under the Office of the Texas Governor, certifies local Crime Stoppers affiliates as eligible to receive funds from courts in order to pay rewards to tipsters. Crime Stoppers Houston is one of 150 certified Crime Stoppers organizations in Texas, though the Houston affiliate claims to be one of the largest organizations in the country.

According to the Texas Local Government Code, Crime Stoppers receives 0.2427 percent of all court costs collected from convicted criminal defendants.<sup>9</sup> In addition to receiving a portion of all court fees, Crime Stoppers is also the sole recipient of a fine of up to \$50, which may be required of defendants who are placed on probation. Further, a judge can order that a defendant who is placed on probation reimburse Crime Stoppers for the reward amount paid to the tipster whose tip led to the defendant's arrest and conviction. The funds that Crime Stoppers receives through these channels are intended to be used as reward payments for those who provide tips to the organization, but state law allows 20 percent of the funds to go towards administrative spending.<sup>10</sup>

In 2019, Crime Stoppers Houston reported a revenue of \$114,616 from "court rewards" and \$30,427 from "court administrative funds." In 2020, these revenue streams dropped to \$63,494 and \$15,923 respectively.<sup>11</sup> In October 2020, KTRK reported that Crime Stoppers Houston was "running low on reward money for [the] first time."<sup>12</sup> Crime Stoppers Houston CEO Rania Mankarious cited the decrease in court funds over the previous two years, blaming judges for no longer requiring probationers to pay the Crime Stoppers fee. A week later, Andy Kahan (Crime Stoppers' Director of Victim Services and Advocacy) appeared at Harris County Commissioners Court to support a motion from Commissioner Jack Cagle (a Crime Stoppers donor<sup>13</sup>) to have the county partner with Crime Stoppers to release a report showing the impact of bond reform on crime victims. County Judge Lina Hidalgo rejected the motion, arguing that the county should not partner with interested organizations that have "an axe to grind." The following month, Crime Stoppers Houston partnered with KRIV (the FOX affiliate) to launch the 'Breaking Bond' series. These coinciding events raise the possibility that Crime Stoppers escalated its fearmongering efforts in response to a shortage of funds.

The messaging from Crime Stoppers and the police union aligns with that of with District Attorney Kim Ogg (who served as Executive Director of Crime Stoppers of Houston from 1997-2006) and her office, which has been clearly and consistently against pretrial release. Referenced in 53 articles, 23 percent of the sample, the District Attorney's Office is not cited as frequently as police; however, like police, the District Attorney's office is frequently framed as an authoritative source on criminal cases despite its stake in the adversarial process of prosecuting defendants. Accordingly, we found that 62 percent of the 53 articles referencing the District Attorney's office were negatively biased. Further, 71 percent of the articles referencing District Attorney Kim Ogg were negatively biased, though she was only quoted in a total of 14 articles. For the sake of balanced reporting, it would be best for the number of articles citing these sources to remain low or for counter-perspectives to be included in any article referencing them.

Overall, regarding news articles including any of the four above sources, we coded at least 50 percent as negatively biased. In recognizing this level of bias with each of the issues surrounding these sources, we must question the willingness of local media to rely on such references, as well as question which groups are being positioned to push narratives throughout Harris County.

## Reality vs. Media Coverage

Beyond just the implications for reform efforts, local media coverage in Harris County often involves a racialized narrative of criminality and a distortion of the kinds of alleged offenses actually taking place. We collected demographic and offense data from a total of 158 articles that were primarily about defendants and the alleged crimes they were accused of committing while out on bond; since Harris County does not record defendants' ethnicity, we could only record their race. Across all media stations, 49 percent of articles focused on at least one Black defendant, 47 percent focused on at least one white defendant, 4 percent focused on defendants whose race was unknown, and no articles focused on Asian or Indigenous defendants. Like in many other areas of the criminal legal system, these figures are not representative of the broader population, and, in terms of people released pretrial, these percentages are also misleading.

When specifically looking at pretrial data collected from January 1, 2019, to April 13, 2021, Black defendants are over-represented in various ways. Among articles run by the media during this timeframe, 64 percent of covered defendants out on bond were Black, compared to the 41 percent that were actually out on bond overall—a figure that is, itself, also unrepresentative of the broader population of Harris County; according to Census Bureau estimates from 2019, only 20 percent of Harris County residents were Black or African American.<sup>14</sup> Given that almost 85 percent of stories in this sample—and even among all articles discussing defendants—include mugshots, viewers of local media are frequently exposed to coverage that disproportionately portrays Black residents of Harris County as those who allegedly commit crimes while out on bond.<sup>15</sup>

Separately, given that Harris County does not further disaggregate the percentage of white defendants into categories of white alone or white and Hispanic, the percentage of minority defendants covered by the media is likely far higher than what is currently shown by the data, especially when considering that

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<sup>8</sup> Texas Code of Criminal Procedure, <https://statutes.capitol.texas.gov/docs/GV/htm/GV.414.htm#414.010>.

<sup>9</sup> Texas Local Government Code, <https://statutes.capitol.texas.gov/Docs/LG/htm/LG.133.htm#133.102>.

<sup>10</sup> Office of the Texas Governor, *Texas Crime Stoppers Certification Process*, <https://gov.texas.gov/organization/crime-stoppers/certification-process>.

<sup>11</sup> Crime Stoppers of Houston, Inc., *Financial Statements and Independent Auditors' Report for the years ended December 31, 2020 and 2019*, <https://crime-stoppers.org/wp-content/uploads/2021/04/Crime-Stoppers-2020-FS.pdf>.

<sup>12</sup> Courtney Fischer, "Houston Crime Stoppers running low on reward money for first time," *KTRK ABC 13*, October 20, 2020, <https://abc13.com/houston-crimestoppers-tip-line-how-to-submit-a-reward-money-for-tips/7159073/>.

<sup>13</sup> Crime Stoppers of Houston, *Annual Report 2020*, pp. 32-33, <https://crime-stoppers.org/wp-content/uploads/2021/05/2020-Crime-Stoppers-Annual-Report-Web-Version.pdf>.

<sup>14</sup> United States Census Bureau, "QuickFacts: Harris County, Texas," July 1, 2019, <https://www.census.gov/quickfacts/fact/table/harriscountytexas/PST045219>.

<sup>15</sup> See "The Mug Shot, a Crime Story Staple, Is Dropped by Some Newsrooms and Police" (2020) for more information on the history and debates surrounding the usage of mugshots, <https://www.nytimes.com/2020/07/03/us/mugshot-san-francisco-police.html>.



the Census Bureau has estimated that only 29 percent of Harris County residents are white and not Hispanic.<sup>16</sup>

According to media coverage, the offenses themselves are also not representative of the crimes that have allegedly taken place among those out on bond. Per articles from January 2019 to April 2021, 67 percent of defendants were allegedly involved in homicides in some way;<sup>17</sup> this could include a past offense, an offense that led to a bond assignment, or, most importantly, an offense that was allegedly committed while out on bond. But with less than 1 percent of offenses allegedly committed by those out on bond actually related to homicide, the percentage of articles focused on homicide cases is clearly significantly higher than the actual rate of recorded charges for those out on bond. While these types of offenses are often more ‘sensational’ or considered more newsworthy than other, more common offenses allegedly committed on bond, such as those related to controlled substances, over-coverage of homicides runs the risk of distorting reality—especially when also considering the racial aspects of this coverage.

## Conclusion

Though misdemeanor bond reform in Harris County has led to many positive improvements—protecting people’s constitutionally guaranteed rights, preventing wealth-based discrimination, and reducing taxpayer costs—these gains have not been mirrored in local media coverage. If anything, the media actively misrepresents the impact of bond reform through the conflation of separate concepts, promotion of unreliable ‘experts,’ and reliance on statistics that do not reflect reality. In addition to being problematic in and of themselves, current reporting practices have also been used in part of a broader push to tie bond reform to an increase in crime in Houston and Harris County (an increase seen across Texas, even in places without bond reform).<sup>18</sup> As Harris County District Attorney Kim Ogg stated during her testimony before the Texas Legislature in spring 2021, “crime is up, ladies and gentlemen, and it is associated with bail.”<sup>19</sup>

Unfortunately, the nuances of this issue have been relatively unaddressed by local media in comparison to the narratives favored by opponents of bond reform. It is worth noting, however, that these trends are not presented uniformly by each individual news station; for example, in comparison to 85 percent of KRIV’s coverage being identified as negatively biased against reform, less than 50 percent of KPRC’s coverage was found to be similarly biased. Differences in coverage were also apparent when comparing the four primarily English-language stations to the two primarily Spanish-language stations. Just by viewing the difference in number of stations, one would expect more articles to be run by the English-language stations. And in fact, not only did the Spanish-language stations run fewer total articles, but they also ran only 11 percent of all articles *combined*. Since the beginning of 2015, no Spanish-language

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<sup>16</sup> United States Census Bureau, “QuickFacts: Harris County, Texas.”

<sup>17</sup> Further review of these cases showed that 46% of defendants were charged with a homicide-related offense, suggesting that stories related to homicide are published multiple times OR not all defendants are actually charged with homicide offenses.

<sup>18</sup> Grits for Breakfast, “Murders in Texas increased 37% statewide in 2020, with Republican-led communities suffering the biggest spikes. But overdose deaths doubled murders. Are we focused on the wrong problems?,” July 22, 2021, <https://gritsforbreakfast.blogspot.com/2021/07/murders-in-texas-increased-37-statewide.html>.

<sup>19</sup> Randy Wallace, “Shocking statistics revealed during Senate hearing for bill aimed at stopping repeat violent offenders,” *FOX 26 Houston*, March 18, 2021, <https://www.fox26houston.com/news/shocking-statistics-revealed-during-senate-hearing-for-bill-aimed-at-stopping-violent-offenders>.

station ran more than 15 articles about this subject, while each English-language counterpart ran at least 30 articles.

This disparity prompts questions about the validity of claims that bond reform is a pressing issue for Harris County and the city of Houston. The causes for the disparity could be as simple as a difference in what is regarded as interesting to viewers or ‘profitable’ as news. Conversely, when considering that Spanish-language stations referenced Crime Stoppers just once—and police unions not at all—perhaps they do not receive outreach from these groups or choose not to elevate their false narratives. Regardless of the ultimate reason for these differences in coverage, residents of Harris County should reflect on the quality of reporting from whichever station they trust to provide them with news—especially since, as a whole, the media seems interested in telling only one side of the story.

## Recommendations

Academics and journalists have recognized the media’s complicity in the racism and harm of the criminal legal system, highlighting their role in promoting a narrative of crime that legitimizes the police and promotes maintenance of the status quo. In light of the findings detailed in this report, **local media outlets should acknowledge that their approach to reporting on bond and bond reform functions to undermine police accountability, bolster the power of law enforcement, reinforce racial stereotypes, and undercut further reform efforts.**

Media outlets can rectify the issues outlined in this report by transforming their approach to reporting on crime, including developing a station-wide policy on crime reporting that includes the following measures:

- **Given the implications of conflating arrest with guilt, reporters should uphold the presumption of innocence by protecting the identities of people who have been merely arrested or accused of crime.** Media outlets frequently broadcast the names and likenesses of suspects, which amounts to public shaming of people who are legally innocent.<sup>20</sup> This public identification has lasting consequences for the accused. Despite the frequency of wrongful arrests and high dismissal rates, news providers rarely follow up on breaking crime stories to report the outcome of a case.<sup>21</sup> Though a large portion of defendants ultimately have their charges dropped, the stories identifying them as responsible for a crime remain on the internet indefinitely, which can impact their ability to gain employment and housing, among other necessities. Citing these concerns, media outlets across the nation have announced new policies that aim to protect the identities of people accused of crimes. Several media outlets have chosen to cease publication of mugshots, acknowledging that in addition to criminalizing people who have not been found guilty, the photos bolster racial stereotypes associating blackness with criminality. The Associated Press recently announced that it will no longer publish the names of people accused of minor crimes if it does not plan to offer continuing coverage of the story. Several news outlets have rolled out a process through which people can request their names and mugshots to be removed from old stories about minor crimes. These practices ensure that the media do not participate in criminalizing defendants when they have not been found guilty.

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<sup>20</sup> Keri Blakinger, “Newsrooms are rethinking their use of mugshots in crime reporting,” *Poynter*, February 11, 2020, <https://www.poynter.org/ethics-trust/2020/newsrooms-are-rethinking-their-use-of-mugshots-in-crime-reporting/>.

<sup>21</sup> John Daniszewski, “Why we’re no longer naming suspects in minor crime stories,” *Associated Press*, June 15, 2021, <https://blog.ap.org/behind-the-news/why-were-no-longer-naming-suspects-in-minor-crime-stories>.

- **Reporters can avoid conflating arrest with guilt by providing context when a person is arrested or indicted and by refraining from using language that implies guilt.** Most articles in our analysis refer to defendants as being out on bond without any additional context or acknowledgement of the likelihood of a dismissal—ultimately distorting the frequency of crimes that are committed by “repeat offenders.” To avoid over-coverage and the spread of such misinformation, reporting that a defendant is out on bond at the time of an alleged crime should be an exception that reflects the unique circumstances of specific cases, rather than a norm.
- **To give the public a more balanced perception of crime, public safety, and the impact of reform efforts, the media should stop uncritically amplifying the voices of law enforcement and instead center community voices.** Breaking stories about criminal incidents often rely on police as the sole source of information. Police accounts are typically relayed as fact, despite evidence that police frequently provide inaccurate or incomplete narratives. Initial media coverage of several high profile cases—including the killings of Ahmaud Arbery, George Floyd, and Breonna Taylor—highlight the problems with reliance on police sources, as police accounts of these incidents diverged dramatically from the truth.<sup>22</sup> Especially in the case of George Floyd’s murder, the vague police report significantly contrasted with the eyewitness cell phone video of Derek Chauvin kneeling on Floyd’s neck.<sup>23</sup> In allowing police to control the narrative around crime, the media undermine police accountability. News outlets should refuse to run stories that reference police as the sole source of information. Reporters should uphold their obligation to verify and corroborate police accounts of crime, rather than reporting their testimony as fact.<sup>24</sup> Where police are quoted, reporters should contextualize their claims or provide space for comment from members of the community. A letter from activists to *The Philadelphia Inquirer* called for journalists to “diversify their sources and deepen their relationships with community members impacted by these unjust systems.” If the media continues to reify the unchecked power of police by parroting their narratives of crime and criminality, then Black and Brown communities will continue to suffer harm, and the unjust nature of the criminal legal system will continue to be misrepresented.
- **Media outlets should shift coverage from breaking crime towards systemic criminal justice issues.**<sup>25</sup> The issues posed by conflating arrest with guilt and relying on police as sources call into question the enterprise of “breaking crime” reporting. Because police accounts of crime are frequently inaccurate and arrested suspects are infrequently convicted, elevating these stories does little to inform the public; instead, it dangerously bolsters police legitimacy, creating the illusion that police are necessary and perform a central role in promoting public safety. In covering developing criminal cases, reporters should emphasize the processual nature of the legal system and focus on investigations, prosecutions, and court proceedings. Coverage of criminal justice should be geared towards holding public officials accountable for their ostensible function of promoting public safety.

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<sup>22</sup> Paul Farhi and Elahe Izadi, “Journalists are reexamining their reliance on a longtime source: The police,” *The Washington Post*, June 30, 2020, [https://www.washingtonpost.com/lifestyle/media/journalists-are-reexamining-their-reliance-on-a-longtime-source-the-police/2020/06/30/303c929c-b63a-11ea-a510-55bf26485c93\\_story.html](https://www.washingtonpost.com/lifestyle/media/journalists-are-reexamining-their-reliance-on-a-longtime-source-the-police/2020/06/30/303c929c-b63a-11ea-a510-55bf26485c93_story.html).

<sup>23</sup> Drew Shenkman and Kelli Slade, “Police Reports Shouldn’t Set the News Agenda: A Guide to Avoiding Systemic Racism in Reporting,” *American Bar Association*, January 22, 2021, [https://www.americanbar.org/groups/communications\\_law/publications/communications\\_lawyer/fall2020/police-reports-shouldnt-set-news-agenda-guide-avoiding-systemic-racism-reporting/](https://www.americanbar.org/groups/communications_law/publications/communications_lawyer/fall2020/police-reports-shouldnt-set-news-agenda-guide-avoiding-systemic-racism-reporting/).

<sup>24</sup> Paul Farhi and Elahe Izadi, “Journalists are reexamining their reliance on a longtime source: The police,”

<sup>25</sup> Id.

## Case Studies

These articles exemplify issues associated with the conflation of arrest with guilt, sensationalized use of PR bonds and bond status, the conflation of misdemeanor and felony bond reform, linkage of a “crime wave” to bond reform, the use of extreme stories to link bond reform to bad outcomes, misrepresentation of the purpose of bond, targeting of individual judges for their bond decisions, an assumption that poor defendants are more dangerous than wealthy defendants, and other insinuations about legally innocent people. *TCJE has bolded specific instances and offered our commentary.*

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### **‘Enough is enough’: Caitlynn’s Law would change bond system that puts violent criminals back on Houston streets**

*Caitlynn Guajardo was 20 and pregnant when her husband, who was out on multiple bonds, allegedly stabbed her 20 times, killing her and her unborn baby.*

**KHOU** | Michelle Homer | February 1, 2021

HOUSTON — Since her daughter’s murder in 2019, Melanie Infinger has been on a mission to change a revolving door bond system that puts violent criminals back on Harris County streets.

A bill in Caitlynn Infinger Guajardo’s name was introduced in the Texas legislature to **help keep some of those criminals in jail.**

In consistently referring to accused defendants as “criminals,” this article conflates arrest with guilt. Describing defendants as “criminals” conceals the reality that they have not been convicted of a crime, and it promotes the idea that legally innocent people deserve pretrial punishment.

Caitlynn was 20 and pregnant when her estranged husband, who was out on multiple bonds, allegedly stabbed her 20 times, killing her and her unborn baby.

Alex Guajardo had been arrested a few days before the murder after allegedly assaulting Caitlynn and torturing and killing her cat. But a Harris County judge **let him out on a PR – or personal recognizance – bond, which means he didn’t have to pay a dime.**

Despite claiming to have no specific qualms regarding the type of bond offered to defendants, opponents of bond reform consistently highlight the use of PR bonds in specific cases in order to condemn the practice. Although monetary bonds do not increase the safety of the community, the media frequently sensationalize the use of PR bonds to characterize unsecured bonds as unreasonable and unsafe.

When the assault happened, Guajardo was already out on another PR bond for his second DWI.

“When I found out she was murdered, after the numbness and the shock and the denial and the sadness and the pain, I was just angry because I wanted to know who bonded him out,” Infinger said Monday at a news conference announcing Caitlynn’s Law.

**Loved ones of dozens of other victims killed by people out on bond** in Harris County have asked the same question: why are judges letting suspects charged with violent crimes out of jail?

In covering bond reform, the media frequently privilege the perspectives of crime victims while neglecting to explore the perspectives of people who are victimized by the harms of the criminal legal system. It is important to recognize the harm that pretrial incarceration imposes on people accused of crime. For an indigent defendant who cannot afford the monetary bond amount required to secure their release, jail time represents a debilitating life disruption: detained people may experience an array of social and financial costs, such as loss of employment and time away from children. Though victims' advocates promote the idea that pretrial detention makes the community safer, research conducted in Harris County shows that people detained pretrial are more likely to commit future crimes.

"These PR bonds are being handed out like popcorn. It has to stop," Infinger said. "These criminals are laughing at our Harris County justice system. Criminals who are violent belong behind bars." Andy Kahan, Crime Stoppers' Director of Victim Services & Advocacy, has also been sounding the alarm about the broken bond system for months.

The issues stem partly from a lawsuit challenging the county's cash bond system that often discriminated against the poor and people of color. Before that lawsuit led to bond reform, defendants on misdemeanors could spend months in jail because they didn't have money to post bond.

But Kahan and others say **bond reform was never meant to protect violent offenders** and judges have gone too far.

Bond reform was meant to protect the constitutional rights of criminal defendants. The misdemeanor bond reforms implemented in Harris County aimed to correct the unconstitutional, wealth-based discrimination inherent in the monetary bond system.

"The ramifications of **felony bond reform** have taken their toll on our citizens. It's **created more crime victims than I've seen in my 30 years of working in the criminal victims' advocacy field**," Kahan said.

Felony bond reform has not taken place in Harris County. Although this article clarifies that reform stemmed from the misdemeanor bond lawsuit, it still tends toward conflation of misdemeanor and felony bond reform. In quoting Kahan's criticisms of "felony bond reform," the article suggests that felony bond reform *has* taken place or that the misdemeanor lawsuit has affected felony case processing. Also note: Despite opponents' efforts to link Houston's 2020 "crime wave" to bond reform, empirical evidence demonstrates that releasing people pretrial does not harm public safety. In reviewing data from several jurisdictions that implemented bond reform, The Prison Policy Initiative found that the vast majority of jurisdictions saw decreases or negligible increases in crime after implementing reforms.

Texas Senator Paul Bettencourt is the sponsor of Caitlynné's Law.

It would require judges to:

- Stop issuing PR bonds to suspects who've already had one
- Set a minimum bond of \$10,000 for anyone who's had three or more felony charges

Bettencourt stressed this is an issue that affects everyone.

"It's time for the entire community to come together. We can't let this continue," he said. "Judges stop releasing these people! It's killing people in the community. Stop it!"

Melanie Infinger said she had begged Caitlynn to press charges against her husband and was so proud of her when she did.

They never dreamed a judge would release him within days.

"Obviously, your world stops. The pain is unimaginable. She wasn't just my daughter, she was my best friend," Infinger said.

She hopes the bill, if passed, will help prevent others from going through the nightmare shared by her family.

Pasadena police say Guajardo confessed to killing his wife. He told them he purposely stabbed her in the stomach multiple times to make sure the unborn baby died, too.

Guajardo is charged with capital murder for the deaths of Caitlynne and their unborn baby. He remains in the Harris County Jail with no bond.

## Houston police chief blames ‘broken’ bond system, COVID-19 for alarming increase in homicides

“If you would tell me I’d be in a major U.S. city and violent criminals would get out in Texas on \$100 bonds, I would have said you’re crazy,” the chief said.

**KHOU** | Michelle Homer, Jeremy Rogalski | November 20, 2020

HOUSTON — The number of homicides in Houston is up an alarming 44% compared to this time last year.

For perspective, the current murder numbers surpass yearly totals dating back to 2007, when the city recorded 351 murders. We’re already up to 350 with more than five weeks to go.

Police Chief Art Acevedo said Friday that a “perfect storm” is to blame.

- Gang crime and drug-related murders account for some of the increase.
- COVID-19 is also a key factor, as people struggle with the stress of a pandemic.
- **But the biggest problem, according to the chief, is the “broken” bond system that has put dozens of violent criminals back on the streets.**

In the face of rising crime rates, public officials who are seen as responsible for ensuring public safety often scapegoat bond reform. Blaming crime rates on bond reform allows them to avoid responsibility for the problem by deflecting attention from their own departmental failures.

“If you would tell me I’d be in a major U.S. city and **violent criminals would get out in Texas on \$100 bonds**, I would have said you’re crazy,” Acevedo said.

Proponents of monetary bond frequently balk at low bond amounts, suggesting that higher bonds keep the community safer. This rests on the assumption that poor defendants are more dangerous than wealthy defendants. Under a money bond system, a wealthy defendant can secure prompt release even when their bond is set extremely high, demonstrating that the dollar amount of a bond has nothing to do with community safety.

**Releasing suspects in violent criminals on bond also makes it tougher to solve the crimes because witnesses are scared to cooperate.**

A few weeks prior to this article’s publishing, the *Houston Chronicle* released a report exposing the Houston Police Department’s alarmingly low clearance rates. The timing of Acevedo’s comments suggests that the chief was attempting to shore up his department’s reputation by scapegoating bond reform for its failures.

“If you witness a murder, and you’re seeing time and again that the murderer is going in one door and, a day or two later, they’re back out, our level of cooperation is quickly going down,” Acevedo said. “People are afraid, and they should be afraid.”

Andy Kahan, a victims’ advocate with Crime Stoppers, is also frustrated.

“It’s high time we recognize that **the revolving door at courthouse is playing a significant, major role in the increased crime rates**,” Kahan said. “Get a grip on the courthouse and you will get a grip on what’s happening with crime.”

Despite opponents’ efforts to link Houston’s 2020 “crime wave” to bond reform, empirical evidence demonstrates that releasing people pretrial does not harm public safety. In reviewing data from several jurisdictions that implemented bond reform, The Prison Policy Initiative found that the vast majority of jurisdictions saw decreases or negligible increases in crime after implementing reforms.

Kahan gave several examples, including the recent case of Jon Parfait. Two weeks after Parfait was released on bond, he was arrested for the shooting death of 39-year-old Danielle Bradley.

**Jason Frank Vasquez, the “extreme person of interest” in connection with the murder of HPD Sgt. Sean Rios, had failed to comply with bond orders for a year but no one did anything, according to Kahan.**

In many cases, a defendant’s bond status is of questionable relevance. The media often highlight a defendant’s bond status in order to sensationalize a story. In this example, Vasquez was an “extreme person of interest” because police wanted to question him, but he was not a murder suspect.

Acevedo said bond reform should be the top issue for the Texas legislature next year because other cities are dealing with the same issues as Houston.

Acevedo wants judges to use a risk-based tool when setting bond based on three factors:

- Flight risk
- Risk of reoffending
- Threat to public safety

Acevedo also addressed a report questioning why so many homicides in Houston are going unsolved. The chief said they’ve beefed up the number of homicide investigators and are using funding from the city to pay for their overtime, but it will take years to catch up.

The two bright spots in the city’s violent crime trends are a decrease in rape and robbery, which are down 20 percent and 5 percent respectively.



## **Breaking Bond: One year after 80-year-old grandmother is murdered by a repeat violent offender** *Dozens of murders linked to repeat violent offenders*

**KRIV** | Randy Wallace | May 4, 2021

HOUSTON - You would think the savage murder of 80-year-old Rosalee Cook a year ago would have been a call for action for Harris County's Criminal Justice System.

Instead, District Court judges pushed the revolving door even harder spitting out repeat violent offenders to wreak even more havoc.

**"It's kind of like Rosalee Cook was simply collateral damage of criminal justice reform," said Andy Kahan with Crime Stoppers.**

In covering bond reform, the media frequently cherry-pick extreme stories in order to link bond reform to bad outcomes. Despite Kahan's attempts to generate fear of bond reform by suggesting that homicides are regularly committed by released defendants, in reality, defendants who are released on bond are rarely involved in homicides; a review of Harris County court data revealed that among defendants who were rearrested post-release, less than 1% of arrests resulted in homicide charges.

On a bright sunny Saturday in May of 2020, Cook was stabbed to death while walking to her car in a Walgreens parking lot.

"It was disbelief," said Rosalee's son Chuck Cook. "I kept saying over and over my mother was killed that makes no sense to me."

What makes even less sense, why in the world was a **habitual criminal** like 37-year-old Randy Lewis free from jail on two felony personal recognizance bonds.

The media and quoted opponents of bond frequently refer to released defendants as "habitual" or "career" criminals, a characterization that is often misleading if not inaccurate. While this article does not even go so far as to detail Lewis's criminal history, reporters frequently cite a defendant's rap sheet without clarifying whether they were convicted of the charges listed. Given the high dismissal rates in Harris County, this is an important distinction. If a defendant has been arrested, released on bond, and then rearrested, they cannot fairly be classified as a "repeat offender" because they have yet to be convicted of a crime.

**"They let him out on a PR bond without any kind of supervision, not even an electronic monitoring device,"** Cook said.

Opponents of bond reform consistently highlight the use of PR bonds in specific cases in order to condemn the practice. Although monetary bonds do not increase the safety of the community, the media frequently sensationalize the use of PR bonds to characterize unsecured bonds as unreasonable and unsafe.

A year has passed and 115 Harris County residents have been killed allegedly by repeat violent offenders free from jail on multiple felony or PR bonds. 80 of those killings happened after Rosalee Cook's murder.

"And we haven't changed one bit;" her son said. "The judges are still held unaccountable and **the criminals let out are still held unaccountable.**"

A bond is intended to ensure a defendant's appearance in court. Despite opponents' calls for the pretrial punishment of criminal defendants, the purpose of a bond is not to prevent crime; rather, its function is to allow an arrested person to remain free.

Take 178th Criminal District Court Judge Kelli Johnson.

Last December, she gave 29-year-old Aaron Chissom, a felony PR bond for a charge of felon in possession of a weapon.

He failed to appear in court so he went back to jail.

On February 15, **Judge Kelli Johnson** gave Chissom a cash bond. The very next day the career criminal allegedly shot a man to death. Chissom is now charged with Capital Murder.

Articles frequently target individual judges for their bond decisions, particularly when a judge releases a defendant who is later rearrested. In our sample, 94% of all articles that mention judges by name were coded as negatively biased. The consequences of a lack of balanced coverage raise concerns about the ability of local officials, particularly judges, to serve without fear of false attacks in the media. While it is necessary to hold elected officials accountable for their decisions, accountability should not stem from misinformation.

"In hindsight, what I'd, it was 5 days later, what if he was still in custody, this gentleman would be alive today," Kahan said.

182nd Criminal District Court Judge Danny Lacayo freed 28-year-old Darius Jackson from jail five times with felony cash bonds. Then Judge Lacayo gives him a freebie. A PR bond.

"How on Earth can you justify getting a PR bond when you're already out on five felony bonds," said Kahan.

Jackson is now a wanted fugitive after shooting a woman 11 times.

"What I want to see is laws passed that hold these judges accountable," Chuck Cook said. "That gives some common sense criteria to bond reform."

## Judge frees repeat violent offender by granting 16 bonds, takes no action against convicted sex offender

*A Harris County Criminal District Judge has freed a repeat violent offender by granting him a total of 16 bonds. That same judge took no action against a convicted sex offender who's now a wanted fugitive.*

**KRIV** | Randy Wallace | June 22, 2021

HOUSTON - Andrew Cruz is only 23 but he already has an array of mug shots.

"He's pretty much shown the court **I'm going to commit crimes every time you let me out,**" said Andy Kahan with Crime Stoppers. "From where we sit, when is enough enough?"

Many anti-reform arguments made by commentators in the media—which frequently go unchecked—point to the arrest of people out on bond as evidence that bond release enables more crime. This narrative fails to acknowledge that people who are accused of “reoffending” while out on bond have not been convicted, merely arrested; an arrest initiated their release on bond, and they were arrested again while out on bond. This distinction is important, as an arrest is by no means a direct path to conviction, nor is it a reliable indicator of guilt.

The only person who can answer that question is **232nd Criminal District Court Judge Josh Hill.**

Articles frequently target individual judges for their bond decisions, particularly when a judge releases a defendant who is later rearrested. In our sample, 94% of all articles that mention judges by name were coded as negatively biased. The consequences of a lack of balanced coverage raise concerns about the ability of local officials, particularly judges, to serve without fear of false attacks in the media. While it is necessary to hold elected officials accountable for their decisions, accountability should not stem from misinformation.

Since 2017, he had granted Cruz a total of 16 bonds.

"Of which 6 are for Aggravated felonies including 4 aggravated robberies with a deadly weapon aggravated assault," Kahan said.

**"He is a repeat violent offender who needs to be locked up and away from society,"** said Douglas Griffith President of the Houston Police Officers Union. "Sadly our courts are failing us in that."

Opponents of bond reform frequently highlight examples of defendants who have been granted multiple bonds consecutively in an attempt to generate fear of people released pretrial. Despite opponents pointing to a high number of bonds as evidence that a defendant is a “repeat offender,” having multiple bonds does not indicate that someone is particularly dangerous; rather, it indicates that the person has been arrested multiple times, likely due to over-policing. Regardless of the number of bonds a person is granted, they cannot be presumed guilty.

“We arrest these violent offenders put them in jail over and over again and the courts continue to let them out,” said Griffith,

Cruz is free from jail on bonds totaling \$300,000. That means he had to come up with around \$30,000. Now guess who’s paying for his attorney.

“You and I - the taxpayers are and that makes no sense,” said Kahan.

Even more troubling than Cruz is 23-year-old Carlos Martinez, a registered sex offender. In 2018 Judge Josh Hill put Martinez on deferred probation for 5 years for sexual assault of a child.

Martinez has spent his time on probation picking up 6 new criminal charges including aggravated robbery and aggravated assault. The DA’s office repeatedly asked Judge Hill to revoke Martinez’s probation and sentence him to prison for 5 to 99 years. Hill let Martinez remain free.

“Now we have no clue where Carlos Martinez is he’s now a wanted fugitive,” Kahan said.

“That just blows my mind,” said Griffith.

## Station Reports

Our analysis reviewed articles from four English-language stations: KPRC, KHOU, KTRK, KRIV. In this section, the stations are listed in order of least to highest percentage of coverage that was negatively biased against bond reform. These station reports also include information on subjects of coverage, quoted sources, reporter trends, and changes in coverage over time.

### KPRC - NBC Affiliate

KPRC had the lowest percentage of negatively biased coverage among the primarily English-language stations, at 48 percent. No articles from this station were coded as positive, and only about 6 percent were balanced. Articles run by KPRC on this subject were found from July 14, 2015, to June 10, 2021, and totaled 52. Of these articles, 17 were primarily about bond reform while 35 were primarily about defendants.

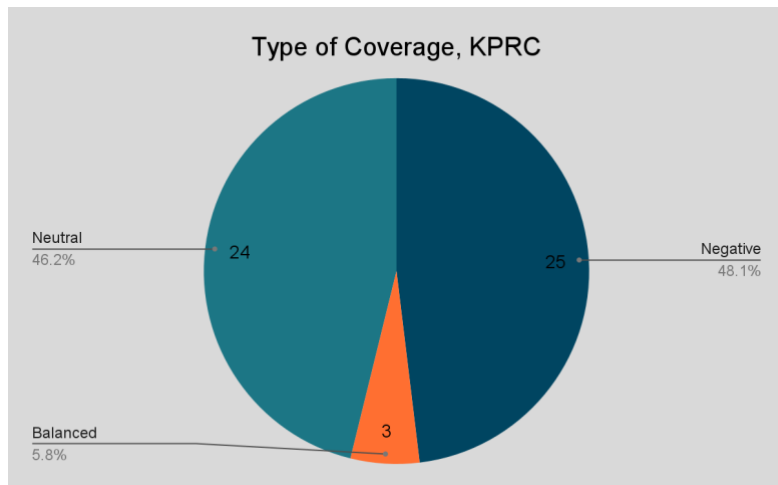


Figure 2: Types of coverage for KPRC.

Ten of the 17 articles primarily about bond reform were either about felonies or did not specify the type of bond being discussed, risking conflation of reforms among its viewers.

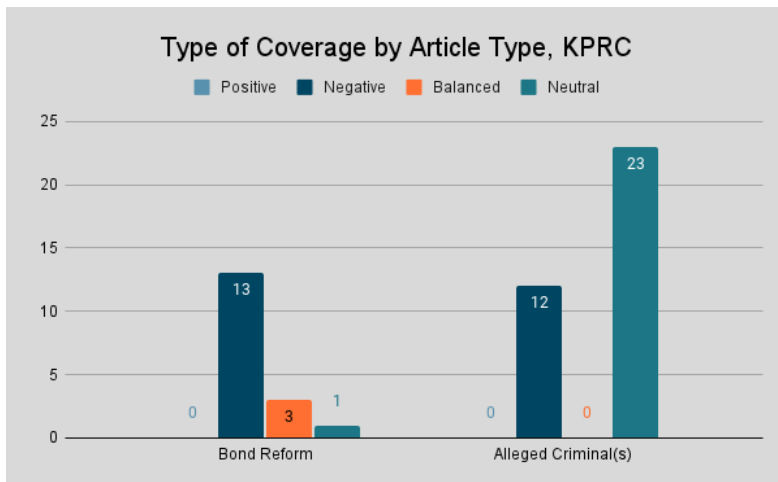


Figure 3: Types of coverage by article type for KPRC.

Fifty-one percent of articles about defendants were about Black defendants, which is an over-representation relative to the 20 percent Black population in Harris County; this disparity is compounded by the fact that 83 percent of all “defendant” articles include a mugshot. Similarly, nearly 30 percent of defendants were allegedly involved in homicide cases in some way—indicating that these types of cases are likely over-covered.

Law enforcement was referenced in 35 total articles, making it the most common reference for KPRC, with 25 articles coded as negative. Crime Stoppers was referenced in 13 articles and police unions in 5 articles; all articles that referenced these two groups were coded as negative. The Harris County District Attorney’s Office was referenced in 13 articles, with 6 coded as negative.

Other findings from KPRC relate to coverage of judges, reporter trends, and changes in coverage over time. Local district or felony court judges were identified by name in 8 articles; interestingly, 7 of those were coded as negative, which raises questions about the potential motivations for referring to judges by name.

## KTRK – ABC Affiliate

KTRK had the second-lowest percentage of negatively biased coverage among the primarily English-language stations, at 51 percent. No articles from this station were coded as positive, and less than 2 percent were balanced. Articles run by KTRK on this subject were found from February 13, 2015, to June 21, 2021, and totaled 61. Of these articles, 13 were primarily about bond reform while 48 were primarily about defendants.

Eleven of the 13 articles primarily about bond reform were either about felonies or did not specify the type of bond being discussed, risking conflation of reforms among its viewers.

Fifty percent of articles about defendants were about Black defendants, which is an over-representation relative to the 20 percent Black population in Harris County; this disparity is compounded by the fact that 81 percent of all “defendant” articles include a mugshot. Similarly, 67 percent of defendants were allegedly involved in homicide cases in some way—indicating that these types of cases are likely over-covered.

Law enforcement was referenced in 40 total articles, making it the most common reference for KTRK, with 19 articles coded as negative. Crime Stoppers was referenced in 13 articles, all of which were coded as negative; police unions were referenced in 2 articles, with 1 coded negative. The Harris County District Attorney’s Office was referenced in 18 articles, with 13 coded as negative.

Other findings from KTRK relate to coverage of judges, reporter trends, and changes in coverage over time. Local district or felony court judges were identified by name in 8 articles; interestingly, all of those were coded as negative, which again raises questions about the reason for referring to judges by name.

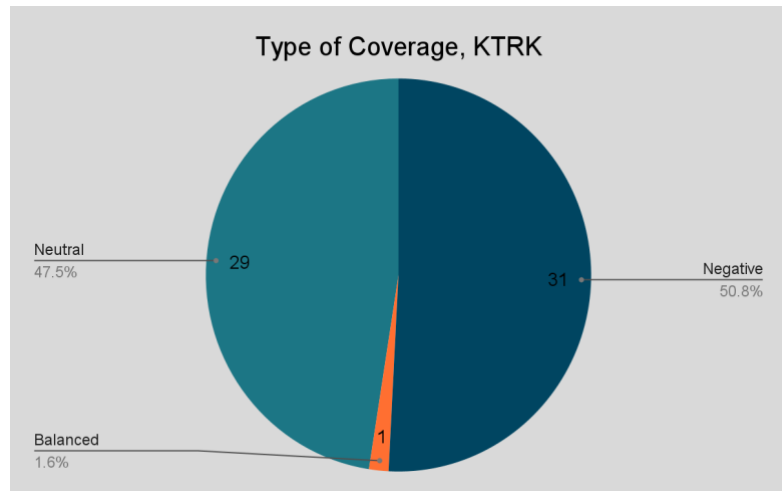


Figure 4: Types of coverage for KTRK.

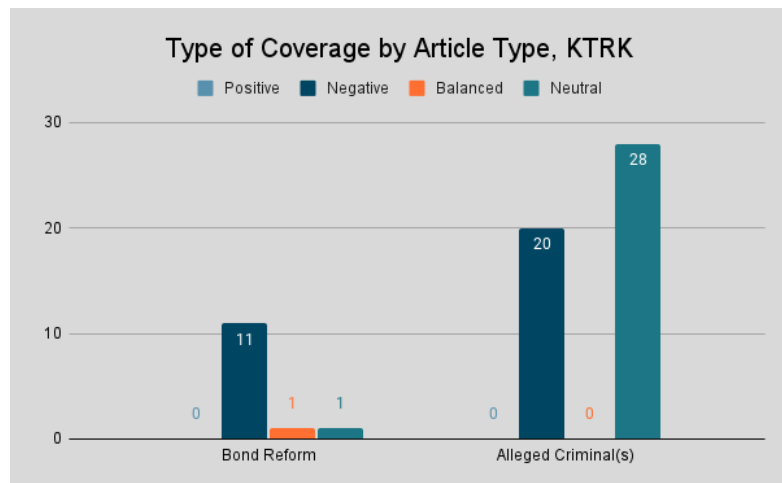


Figure 5: Types of coverage by article type for KTRK.

## KHOU – CBS Affiliate

KHOU had the second-highest percentage of negatively biased coverage among the primarily English-language stations, at 62 percent. One article from this station was coded as positive, and nearly 12 percent were balanced. Articles run by KHOU on this subject were found from February 16, 2015, to June 23, 2021, and totaled 34. Of these articles, 12 were primarily about bond reform while 22 were primarily about defendants.

Eight of the 12 articles primarily about bond reform were either about felonies or did not specify the type of bond being discussed, risking conflation of reforms among its viewers.

Fifty-nine percent of articles about defendants were about Black defendants, which is an over-representation relative to the 20 percent Black population in Harris County; this disparity is compounded by the fact that 86 percent of all “defendant” articles include a mugshot. Similarly, nearly 77 percent of defendants were allegedly involved in homicide cases in some way—indicating that these types of cases are likely over-covered.

Law enforcement was referenced in 23 total articles, making it the most common reference for KHOU, with 14 articles coded as negative. Crime Stoppers was referenced in 10 articles, 9 of which were coded as negative; police unions were referenced in 1 article, which was coded as negative. The Harris County District Attorney’s Office was referenced in 8 articles, with 4 coded as negative.

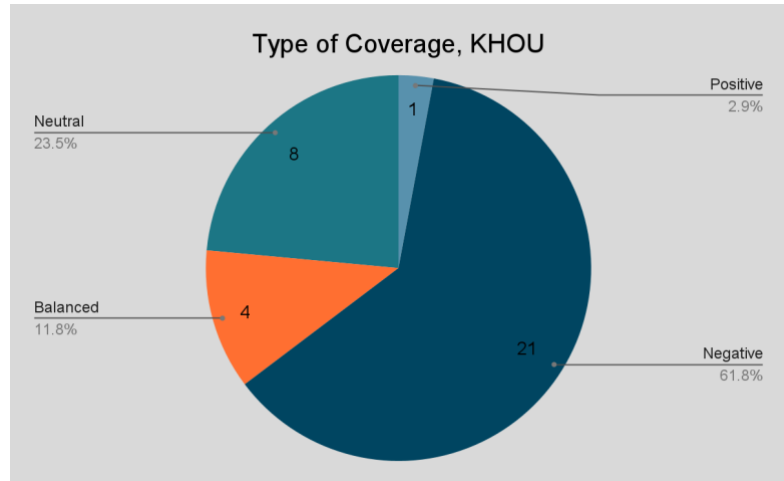


Figure 6: Types of coverage for KHOU.

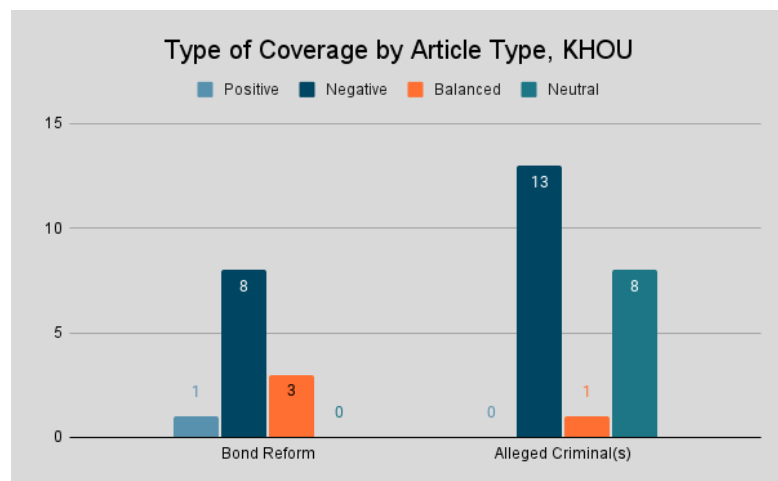


Figure 7: Types of coverage by article type for KHOU.



## KRIV – FOX Affiliate

KRIV had the highest percentage of negatively biased coverage among the primarily English-language stations, at 85 percent. One article from this station was coded as positive, and only about 4 percent were balanced. Articles run by KRIV on this subject were found from July 27, 2015, to June 29, 2021, and totaled 54. Of these articles, 21 were primarily about bond reform while 33 were primarily about defendants.

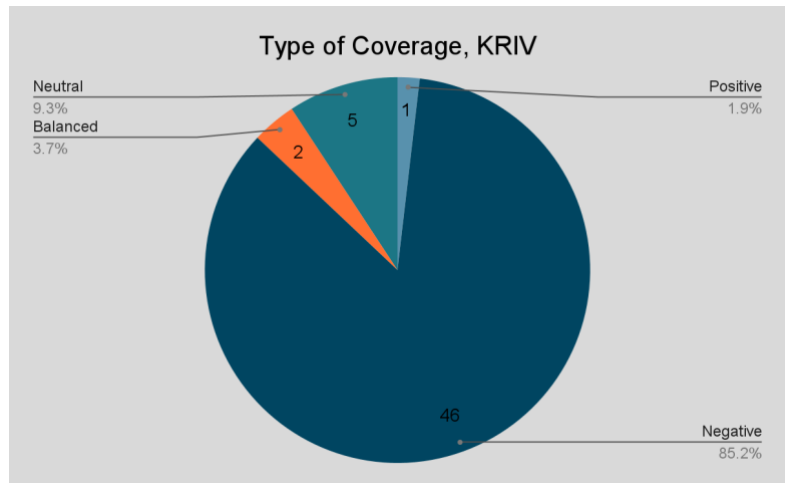


Figure 8: Types of coverage for KRIV.

Eighteen of the 21 articles primarily about bond reform were either about felonies or did not specify the type of bond being discussed, risking conflation of reforms among its viewers.

Fifty-five percent of articles about defendants were about Black defendants, which is an over-representation relative to the 20 percent Black population in Harris County; this disparity is compounded by the fact that 97 percent of all “defendant” articles include a mugshot. Similarly, 70 percent of defendants were allegedly involved in homicide cases in some way—indicating that these types of cases are likely over-covered.

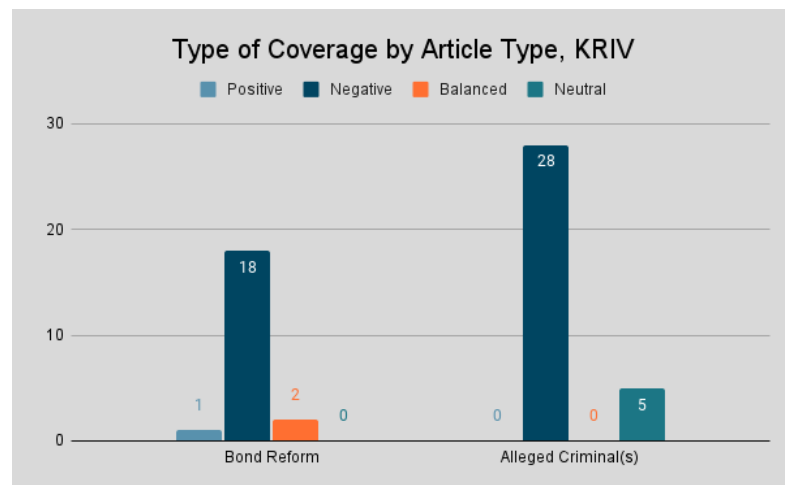


Figure 9: Types of coverage by article type for KRIV.

Crime Stoppers was referenced in 39 total articles—all of which were coded as negative—making it the most common reference for KRIV, even over law enforcement, which was referenced in 27 articles, 22 of which were coded as negative. Police unions were referenced in 9 articles, all of which were coded as negative. The Harris County District Attorney’s Office was referenced in 10 articles, all of which were coded as negative.

Other findings from KRIV relate to coverage of judges, reporter trends, and changes in coverage over time. Local district or felony court judges were identified by name in 32 articles; interestingly, all of them were coded as negative, which raises questions about the reason for referring to judges by name.

## KRIV Spotlight: *Breaking Bond*

In addition to having the highest level of negative bias in its media coverage of bond, KRIV was also the only station we identified as having a special series dedicated to this subject. Of the 54 total articles KRIV ran, 33 were found to be part of the *Breaking Bond* series—though this may not be an all-inclusive accounting—starting on November 25, 2020. All 33 articles were coded as negative, accounting for a substantial amount of KRIV’s negative bias. Furthermore, Crime Stoppers was referenced in 30 of these articles, which may explain why 12 of the 15 articles primarily about bond reform make no mention of the actual misdemeanor reforms that have taken place. It is also worth questioning how deeply ingrained this unelected, non-governmental group is with KRIV<sup>26</sup>, particularly when considering the extent to which Crime Stoppers is referenced in negatively biased articles. Other issues with *Breaking Bond* stem from its racialized coverage, which over-represents Black defendants at an even higher rate than KRIV more broadly, and its continued, likely over-coverage of homicide cases.

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<sup>26</sup> Crime Stoppers also refers to *Breaking Bond* as “our [...] Series” in one of their press releases: <https://crime-stoppers.org/fox-26-breaking-bond-series-segment-8/>.

## Comparing English- and Spanish-Language Stations

As discussed above, the Spanish-language stations that we analyzed ran fewer total articles than English-language stations about this subject, and ran only 11 percent of all articles *combined*. Since the beginning of 2015, no Spanish-language station ran more than 15 articles, while each English-language counterpart ran at least 30 articles.

There are also notable differences in *type* of coverage among English- and Spanish-language stations. Overall, English-language stations' coverage was over 60 percent negatively biased, while Spanish-language stations were 80 percent neutral. Again, neutral coverage *can* have problems associated with it, but, when considering the levels of bias among English-language stations, the coverage distribution of the Spanish-language stations is much more balanced in comparison.

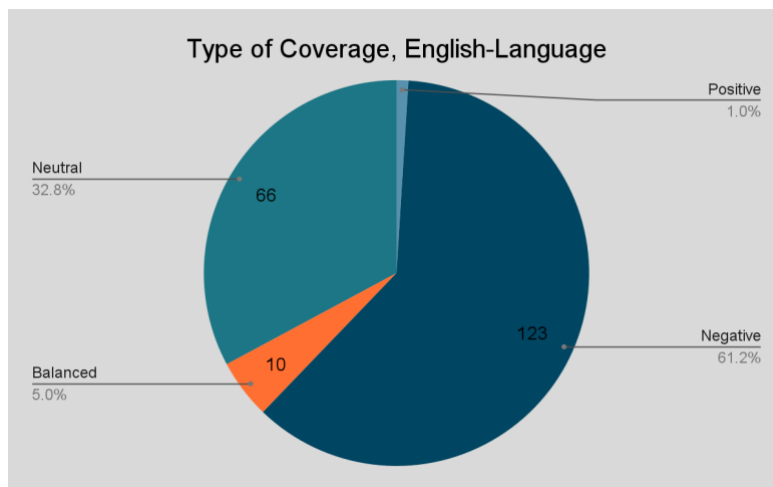


Figure 10: Types of coverage for English-language stations.

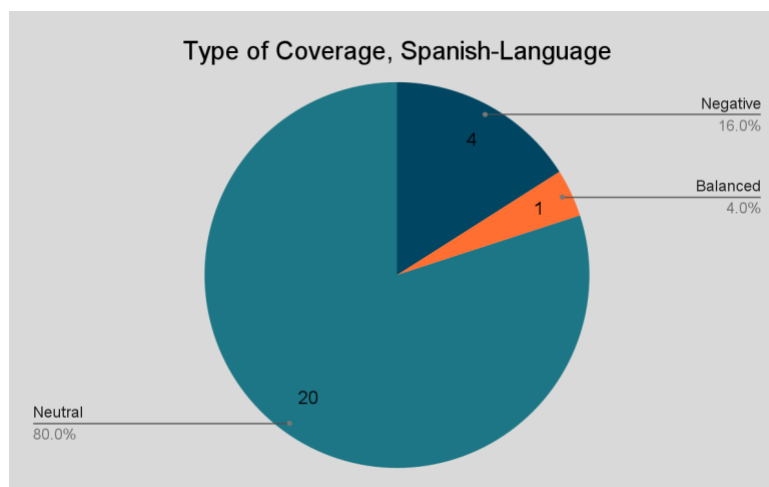


Figure 11: Types of coverage for Spanish-language stations.

## KXLN – Univision Affiliate

KXLN had the highest percentage of neutral coverage among Spanish-language stations, at 92 percent. No articles from this station were coded as positive or balanced, and only about 8 percent were negative. Articles run by KXLN on this subject were found from November 12, 2020, to June 27, 2021, and totaled 13. Of these articles, 1 was primarily about bond reform while 12 were primarily about defendants.

The 1 article primarily about bond reform did not specify the type of bond being discussed, risking conflation of reforms among its viewers.

Black defendants were not over-represented relative to the 20 percent Black population in Harris County; however, 92 percent of all “defendant” articles include a mugshot. Forty-two percent of defendants were allegedly involved in homicide cases in some way—indicating that these types of cases are likely over-covered.

Law enforcement was referenced in 9 total articles, making it the most common reference for KXLN, with 1 article coded as negative. Neither Crime Stoppers nor police unions were referenced. The Harris County District Attorney’s Office was referenced in 14 articles, with 1 coded as negative.

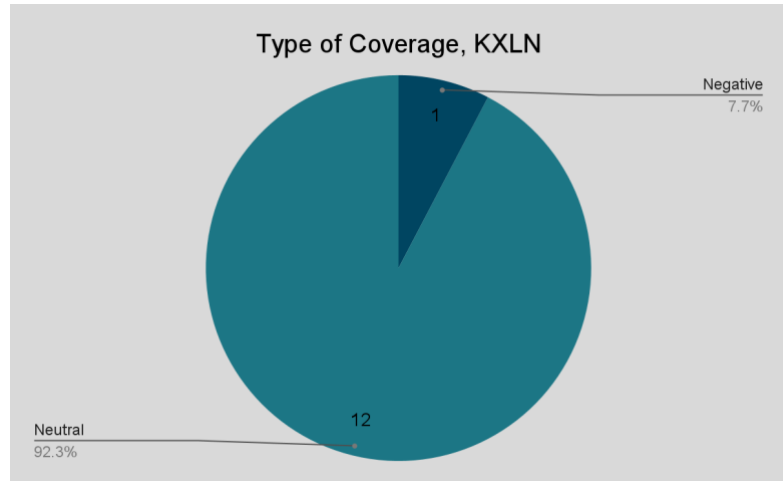


Figure 12: Types of coverage for KXLN.

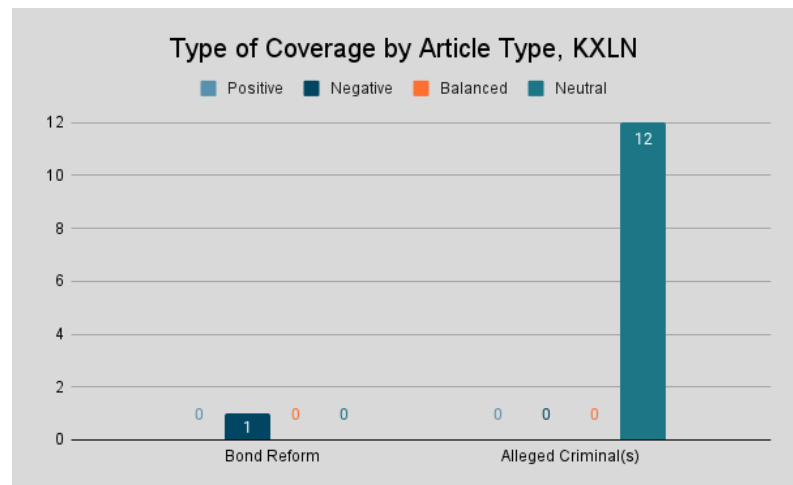


Figure 13: Types of coverage by article type for KXLN.

## KTMD – Telemundo Affiliate

KTMD had the second-highest percentage of neutral coverage among Spanish-language stations, at 67 percent. No articles from this station were coded as positive, though 8 percent were balanced and 25 percent were negative. Articles run by KTMD on this subject were found from August 7, 2019, to June 16, 2021, and totaled 12. Of these articles, 4 were primarily about bond reform while 8 were primarily about defendants.

Half of the articles primarily about bond reform did not specify the type of bond being discussed, risking conflation of reforms among its viewers.

Also, half of articles about defendants were about Black defendants, which is an over-representation relative to the 20 percent Black population in Harris County; this disparity is compounded by the fact that 63 percent of all “defendant” articles include a mugshot. Similarly, 50 percent of defendants were allegedly involved in homicide cases in some way—indicating that these types of cases are likely over-covered.

Law enforcement was referenced in 7 total articles, making it the most common reference for KTMD, with 3 articles coded as negative. Crime Stoppers as an organization, and not Andy Kahan, was referenced in 1 article, which was coded as negative. Police unions and the Harris County District Attorney’s Office were not referenced.

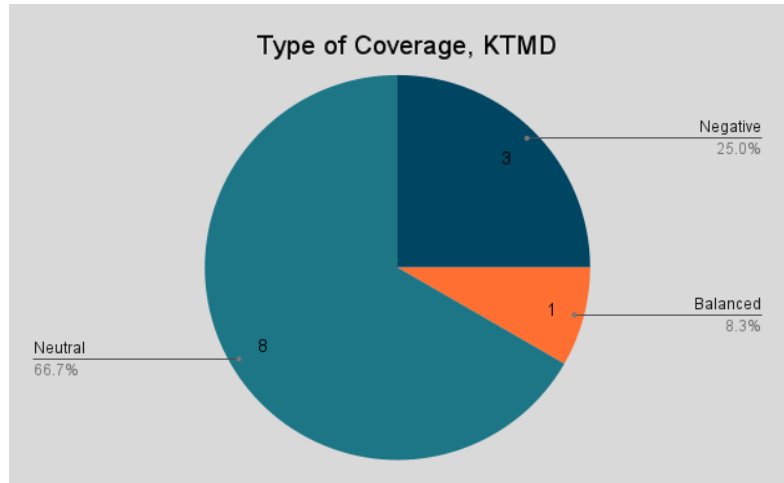


Figure 14: Types of coverage for KTMD.

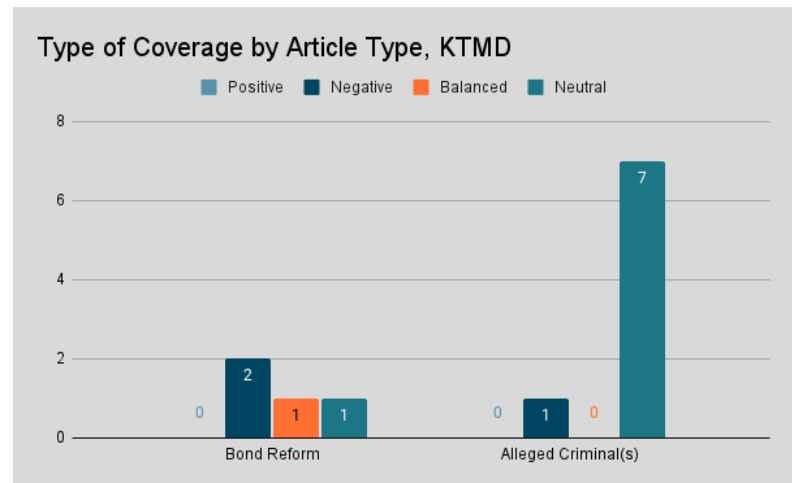


Figure 15: Types of coverage by article type for KTMD.

## Methodology

We conducted a content analysis of 226 news articles run by six Houston-area television stations from January 1, 2015, to June 30, 2021. While bias in coverage was the primary focus of this analysis, we also reviewed 15 other key variables, such as referenced ‘experts’ and the defendant’s race or ethnicity. Listed below are additional details about each element of the analysis.

### Sample

We selected news articles for this analysis from six television stations, four of which—KPRC, KTRK, KHOU, and KRIV—primarily provide news coverage in English, and two of which—KXLN and KTMD—primarily provide news coverage in Spanish. We found articles using a three-step process: first, we searched for bond topics on each station’s website; second, we searched for bond topics for each station on google while filtering by “News” and year; third, for each article that named an individual(s), we searched their name(s) in both each news station’s website and on google to find follow-up articles. Stories qualified for selection if they discussed bond reform, bond debates, and/or individuals who allegedly committed additional crimes while out on bond; stories were not qualified for selection if they simply mentioned bond assignments in high-profile cases. While this sample is composed of only digitally-available content, we only selected articles for review, and not photo or video reports.

- ***KPRC – NBC Affiliate***  
A total of 52 articles ran from 07/14/2015 to 06/10/2021. We identified but did not include republished Texas Tribune and AP articles, and we did not find any special segments related to this subject.
- ***KTRK – ABC Affiliate***  
A total of 61 articles ran from 02/13/2015 to 06/21/2021. We identified but did not include republished Texas Tribune articles, and we did not find any special segments related to this subject.
- ***KHOU – CBS Affiliate***  
A total of 34 articles ran from 02/16/2015 to 06/23/2021. We identified but did not include republished Texas Tribune articles, and we did not find any special segments related to this subject.
- ***KRIV – FOX Affiliate***  
A total of 54 articles ran from 07/27/2015 to 06/29/2021. We identified but did not include republished AP articles, and we found and included a special segment about bond, Breaking Bond.
- ***KXLN – Univision Affiliate***  
A total of 13 articles ran from 11/12/2020 to 06/27/2021. We did not identify any republished articles, and we did not find any special segments related to this subject.
- ***KTMD – Telemundo Affiliate***  
A total of 12 articles ran from 08/07/2019 to 06/16/2021. We did not identify any republished articles, and we did not find any special segments related to this subject.

## Coding

A team of 10 people participated in coding each of the variables for every article; each person was assigned to code articles in one of four groups of variables. Additionally, each person attended at least one briefing on the coding process and received access to a coding guide for reference; coders were also provided opportunities to ask questions, if necessary. We considered 16 variables as key for the analysis, while 5 others were used to provide logistical information. Once the initial coding process concluded, we audited the variables for accuracy.

### Key Variables

- **“Primarily Bond Reform”** refers to whether or not the focus of each article’s content was primarily about bond reform. Coding terms for this variable include: “Yes” and “No.” Coding an article as “Yes” indicates that it is primarily about bond reform and that a majority of the article’s focus is on bond reform, not on a defendant. Coding an article as “No” indicates that it is primarily about a defendant who allegedly committed a crime while out on bond. This variable is part of Group 1.
- **“Type of Coverage”** refers to the type of bias in an article, if any. Coding Terms for this variable include: “Positive,” “Negative,” “Balanced,” and “Neutral.” Coding an article as “Positive” or “Negative” depended on the overall article tone, on which outside sources were used to provide commentary in the article, and which ‘side’ of the bond reform debate received more space in the article. Articles coded as “Positive” indicated a positive bias (in favor of bond reform), while those coded as “Negative” indicated a negative bias (against bond reform). The presence of bias does not necessarily reflect an internal check for inaccurate information—though negative bias often overlaps with the use of inaccurate information. If the article maintained a neutral tone and offered equal space to both ‘sides’ of the debate, we coded it as “Balanced.” If the article mentioned bond reform or defendants who allegedly committed a crime while out on bond without providing outside commentary, debate points, or a slanted tone, we coded it as “Neutral.” Given the differences in content between the two article types, “Balanced” was overwhelmingly coded for articles coded as “Yes” for “Primarily Bond Reform,” while “Neutral” was overwhelmingly coded for articles coded as “No” for “Primarily Bond Reform”; “Positive” and “Negative” were equally applicable to both article types. This variable is part of Group 1.
- **“Law Enforcement Referenced”** refers to whether or not a law enforcement official is referenced to provide either commentary on bond reform or details about a case. Coding terms for this variable include: “Yes” and “No.” This variable is part of Group 1.
- **“CS/Kahan Referenced”** refers to whether or not Crime Stoppers (CS) or one of their spokespeople—specifically Andy Kahan—is referenced to provide either commentary on bond reform or details about a case. We did not select articles that simply mentioned or included the name Crime Stoppers or their tip line. Coding terms for this variable include: “Yes” and “No.” This variable is part of Group 1.
- **“Police Union Referenced”** refers to whether or not a police union—or other law enforcement union—or one of their spokespeople is referenced to provide either commentary on bond reform or details about a case. Coding terms for this variable include: “Yes” and “No.” This variable is part of Group 3.

- **“Mention Statistics”** refers to whether or not statistics or figures are mentioned in an article’s commentary or characterization of bond. Coding terms for this variable include: “Yes” and “No.” This variable is part of Group 1.
- **“Mention Judges”** refers to whether a local district or felony court judge(s) is mentioned by name in the article. We did not consider federal judges or county judges. Coding terms for this variable include: “[Judge’s Name]” and “Unmentioned.” This variable is part of Group 3.
- **“Mention Homelessness”** refers to whether or not homelessness is mentioned as a relevant detail in the article. Coding terms for this variable include: “Yes” and “No.” This variable is part of Group 3.
- **“Mugshot/Picture Included”** refers to whether or not a mugshot(s) or mugshot-like picture(s) is used in the article; this can include an embedded image, video thumbnail, or use of a mugshot by the station in an embedded video. Coding terms for this variable include: “Yes” and “No.” This variable is part of Group 2.
- **“Misdemeanor/Felony”** refers to the kind of crime/bond explicitly mentioned and/or the primary focus of the article. Coding terms for this variable include: “Misdemeanor,” “Felony,” “Both,” and “Unmentioned.” Coding an article as “Misdemeanor” or “Felony” indicates that the article only discusses either misdemeanors or felonies by name. “Both” indicates that both misdemeanors and felonies are discussed. “Unmentioned” indicates that neither misdemeanors nor felonies are specified and that the type of bond being discussed is ambiguous. This variable is part of Group 4.
- **“Defendant Name”** refers to the name of the defendant(s) that is the subject of an article. Coding terms for this variable include: “[Defendant’s Name],” “Unknown,” and “N/A.” We only considered names in articles coded as “No” for “Primarily Bond Reform”; for articles coded as “Yes” for “Primarily Bond Reform,” we coded “Subject Name” as “N/A.” For articles about multiple defendants, we coded defendants who were not out on bond as “N/A.” This variable is part of Group 2.
- **“Defendant Race/Ethnicity”** refers to the race or ethnicity of the defendant(s) that is the subject of an article. Coding terms for this variable include: “White,” “Non-White,” “Unknown,” and “N/A.” After the initial coding, we searched for defendants by name on the Harris County District Clerk’s website to confirm their recorded race; Harris County does not record defendant ethnicity, so only race was used. Following confirmation, coding terms include: “Asian,” “Black,” “Indigenous,” “White,” “Unknown,” and “N/A.” We only considered race in articles coded as “No” for “Primarily Bond Reform”; for articles coded as “Yes” for “Primarily Bond Reform,” we coded “Subject Race/Ethnicity” as “N/A.” For articles about multiple defendants, we coded defendants who were not out on bond as “N/A.” This variable is part of Group 2.
- **“Defendant Sex”** refers to the sex of the defendant(s) that is the subject of an article. Coding terms for this variable include: “Male,” “Female,” “Unknown,” and “N/A.” We only considered sex in articles coded as “No” for “Primarily Bond Reform”; for articles coded as “Yes” for “Primarily Bond Reform,” we coded “Subject Sex” as “N/A.” For articles about multiple defendants, defendants who were not out on bond were listed as “N/A.” This variable is part of Group 2.



- **“Defendant Bond”** refers to the kind of bond that was received by the defendant(s) that is the subject of an article. Coding terms for this variable include: “Paid,” “Unpaid,” “[Bond Name],” “Both,” “Unmentioned,” and “N/A.” If applicable, we coded multiple bond types. “Paid” refers to a bond that required a payment from the defendant, whereas “Unpaid” refers to a bond that did not require a payment, such as a PR bond. We only considered the kind of bond in articles coded as “No” for “Primarily Bond Reform”; for articles coded as “Yes” for “Primarily Bond Reform,” we coded “Subject Bond” as “N/A.” This variable is part of Group 4.
- **“Defendant Offense”** refers to the offense that was allegedly committed by the defendant(s) that is the subject of an article. The alleged offense can refer to a past offense, the offense that led to a bond assignment, or the offense that the defendant(s) may have committed while out on bond. Coding terms for this variable include: “[Offense Name],” “Unclear,” “N/A (suspect killed by police),” and “N/A.” We only considered the offense in articles coded as “No” for “Primarily Bond Reform”; for articles coded as “Yes” for “Primarily Bond Reform,” we coded “Subject Offense” as “N/A.” This variable is part of Group 4.
- **“Defendant Characterization”** refers to characterizations of the defendant(s) that is the subject of an article that may reflect case details, such as mental health, or may reflect false narratives, such as conflating arrest with guilt. Coding terms for this variable include: “[Type of Characterization],” “None,” and “N/A.” We only considered characterizations in articles coded as “No” for “Primarily Bond Reform”; for articles coded as “Yes” for “Primarily Bond Reform,” we coded “Subject Characterization” as “N/A.”

#### Other Variables

- **“Article Link”**
- **“Television Station Name”**
- **“Reporter Name(s)”**
- **“Publishing Date”**
- **“Notes”** provides a chance for coders to note any unique article details or requests for other coders.