

A man in a dark pinstripe suit, light blue shirt, and red patterned tie stands with his arms crossed. He is looking directly at the camera. The background is a blurred city skyline at night with various lights and buildings.

# Changing of the Guard

Photo by Andrew Joseph

## How a young politician from El Paso, Texas, took on corruption and stagnation to reform his county's criminal justice system

By Derek Prall

**A**t the end of 2014, the U.S. held an estimated 6,951,000 individuals behind bars, according to the U.S. Department of Justice. Around 30 percent of those individuals were held in city and county correctional facilities. On top of this, many of these individuals were legally innocent – charged with, but not convicted of, any crimes. This is a problem for El Paso County Commissioner Vincent Perez.

El Paso County was spending about a quarter of its budget, approximately \$71 million a year, on incarceration – a number Perez considers “astronomical.” Due to an inefficient criminal justice system, the county was hemorrhaging revenue. However, through hard work and determination in the face of adversity, Perez was able to overhaul a flawed system, making it more cost-effective and equitable for everyone involved. For these efforts, he has been honored as *American City & County's* 2016 County Leader of the Year.

### THE BEGINNINGS

In high school, Perez says he was fortunate to be part of a program called Community Scholars, which exposed young people to the public policy issues impacting the local community. “It was a really innovative program where they got high school students to... research the ‘hot topics’ facing the community,” says Perez. “We’d research topics and propose recommendations to the community in a public setting, and we’d also present to elected officials.” It was participation in this program, Perez says, that first got him interested in a career in government.

From there, Perez went on to study at Georgetown University, an opportunity that he says “changed his life.” During that time he participated in a congressional internship and later a position under a local congressman – experiences he says convinced him he wanted to work in local, rather than federal, politics.

“Because I had such an interest in local governance, I feel that [after five years] I had plateaued,” says Perez. “[If I had stayed,] I wouldn’t have been as interested in the issues without that connection to home.”

But unfortunately, not all was well at home. Perez’s predecessor pleaded guilty to engaging in drug trafficking while in office, and three of the four

county judges of the County Commissioners Court were facing public corruption charges. According to Kathryn Hairston, Colonia Ombudsman for the Texas Office of the Secretary of State, that after years of scandal, the residents of precinct three were absolutely fed up. The time was ripe for change.

### PEREZ COMES HOME

Although the job in Washington was secure, Perez felt an obligation to take a risk and return home to help his disenfranchised, disillusioned community. Their trust was broken, and they felt misrepresented by their leaders. However, establishing himself as a newcomer in the county government wasn’t easy.

Even though the city has younger leadership, the county government, Perez says, wasn’t as equally representative. “It was a much more difficult office to run for – there are only four commissioners and each commissioner represents 200,000 people. It’s hard for a young person to penetrate into this arena because a lot of the commissioners were very established – I’m the fourth [new] commissioner in something like 50 years to get elected.”

What he saw as stagnation in the government troubled Perez. “It was frustrating because I felt like there were a lot of local issues that needed to be addressed,” he says. “[The county faces] complex problems, and I feel that the people in office weren’t really diving into the issues.”

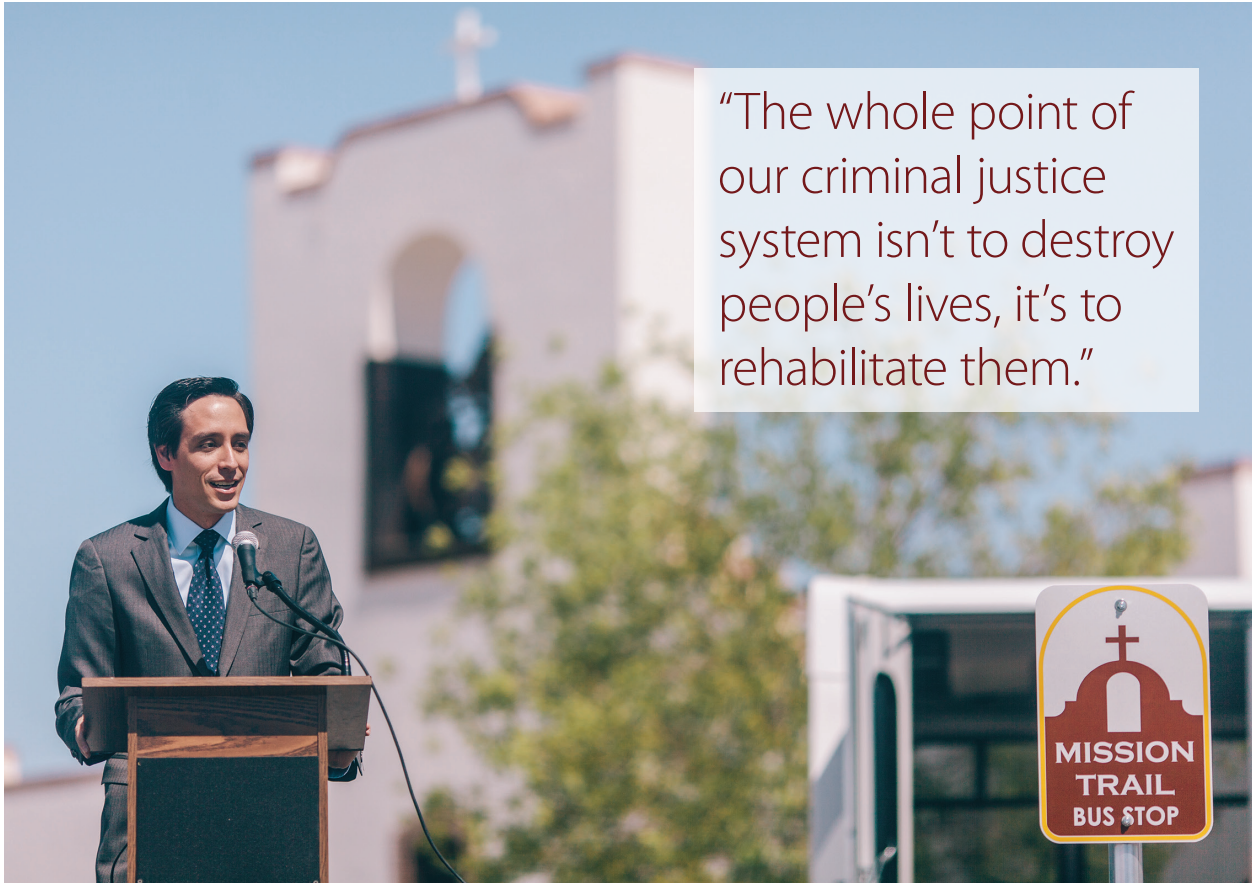
With the help of his then-friend and now-staffer, Jose Landeros, Perez launched a grassroots campaign to change that. But running against a candidate with far more name recognition – a state representative with a decade of experience under his belt – was no easy task, especially for someone so new to the political arena.

“We’d never run campaigns before; we’d never been involved in campaigns before,” says Perez. “It was really just the two of us at the beginning.” Playing on the community’s desire to see change in its leadership, Perez framed his campaign around that message, and took to the streets.

“I want to say we knocked on about 15,000 doors,” says Perez. “I think that personal contact was really important... when you talk to people and you hear them out – that really makes a big difference.”

But even after all the effort, the election was very





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close. Perez ended up losing the primary by around 1,000 votes, but after a runoff was able to secure his victory by a slim margin. "A lot of people didn't think I had a chance," says Perez. "But it ended up being about 56 percent to 44 percent... It was a huge upset."

### ENACTING REFORM

After taking office, Perez noticed one of the main problems El Paso faced was a lack of judicial oversight and accountability. Budgets were seemingly rubber-stamped, and some elected officials didn't seem interested in anything that would upset the status quo.

Nearly every official in Texas is elected, Perez explains, and because of that, there is a pervasive attitude in local and county governments that authority shouldn't be challenged. The line of reasoning behind this, "they are elected officials and how they run their office is their business," he says. However, he adds, "coming from the federal level, I had a very different





view. We're talking about taxpayer money – just because they are elected officials doesn't mean we can't ask questions [like], 'how is this money being utilized?'"

What initially interested Perez in how the county judiciary was run was a request for a budgetary increase of about 20 percent for attorney appointments for indigent defense counsel. "A 20 percent increase is pretty significant," says Perez. "So I asked what was driving up the cost."

Perez was told that the extra funding was needed due to an increase in the number of cases; but data wasn't made available to back up the claim. This caused Perez to look closely at the costs of indigent defense in his county, and what he found was eye-opening.

"There were a lot of serious problems at the county," says El Paso County Judge Veronica Escobar. "It was Vince's tenacity and research abilities that really got to the core of the issues."

Most importantly, Perez and his staff found that a lot of the processes regarding appointing attorneys for indigent defense was out of sync with state laws. The process – often referred to as "the wheel" – should be random; however, this was not the case in El Paso. "There were about 30 attorneys who were handling about 50 percent of all the felony cases," says Perez. "Our practices were inconsistent with what state law requires."

Once the problem was apparent, Perez called in the Texas Indigent Defense Commission, a third-party group which allocates grants and makes policy recommendations for judiciaries across the state.

Jim Bethke, the executive director of the commission, says that Perez took a personal interest in gaining an intimate understanding of the county's criminal justice system. "It caused a bit of a fervor in El Paso," he says, "Because [Perez] was calling into question practices of the judiciary."

*Perez has worked tirelessly to create a more equitable, just El Paso County. Although his efforts were often met with opposition, through determination and hard work, he was able to create meaningful change for residents who desperately needed it.*



Perez requested that the council step in and analyze the county's practices. The commission looked into the judicial system and drafted a list of 10 recommendations to make the workload more equitable for county attorneys and improve the quality of services for defendants.

Most of these recommendations focused on the judiciary – ensuring appointments were random and within a reasonable time frame, limiting case loads and generally aligning with state standards. Oftentimes, Perez explains, defendants would have to spend a few days in jail before their first court appearance. If they didn't have an attorney at that time, the judge would pick one for them on the spot. "That was the standard practice for decades," Perez says, adding that because of the rushed nature, it was impossible for that individual to get the quality defense they needed.

Because of this practice, many defendants simply pleaded guilty. Because they had already spent time in jail, judges would offer a "time served" – if they pleaded guilty to the charge, they were free to go. The problem, however, is that now these individuals would have a criminal record, making it very difficult for them to obtain or maintain employment. The system, Perez says, was unjust.

After examining the recommendations issued by the Texas Indigent Defense Commission, Perez and his staff began looking to other communities across Texas and across the nation for guidance and best practices. One of the immediate needs the county faced, Perez says, was its lack of a functioning pre-trial department.

This absence, Perez says, was creating public safety issues. Most communities will perform a risk assessment on incarcerated individuals to determine

if they should have the opportunity to bond out of jail before their court date. In El Paso, this process didn't exist. Bonds were often set for high-risk individuals such as multiple DWI offenders. "As long as they could afford the bond, they were out," says Perez. "Not having a pre-trial office was a big gap in our criminal justice system."

After establishing this office, El Paso now looks extensively at every incarcerated individual's criminal history before making a determination on their bond. Also, as part of this processes, incarcerated individuals are screened for any potential mental health issues. If an individual is deemed mentally unsound, they are given the help they need, rather than forced through the criminal justice system, says Perez.

"They [now] go through a criminal background check, they go through a mental health assessment, and they are checked for indigence to see if they qualify for an attorney," Perez says. "They are analyzed for their risk."

Before establishing the pre-trial office, many poor, low-level offenders would simply languish in jail until their first appearance in court, says Perez. Now, they are individually screened and officers make informed determinations regarding what should be done.

Since the establishment of the pre-trial office, the jail population in El Paso County has decreased by 20 to 25 percent. "We were averaging, on the high end, about 1,800 prisoners a day," says Perez. "That number today is now about 1,350." It costs about \$104 a day to house an inmate, so the reduction has led to impressive cost savings.

"There's a significant cost to incarceration," says Perez. "If there are individuals who have an underlying mental health condition or can be supervised outside of jail, it's just a much more efficient use of taxpayer funds."



*Perez running for re-election in March of this year.  
Photo by Andrew Joseph.*



However, beyond cutting costs, Perez says his efforts were important in creating a more equitable, more just system in El Paso. “If you’re a low-level offender, you shouldn’t be sitting in jail just because you’re poor and can’t afford to bond out,” he says. “If you have a job, if you have a family, [incarceration] has ripple effects. You may lose your job, you’re not going to be able to take care of your children. The whole point of our criminal justice system isn’t to destroy people’s lives, it’s to rehabilitate them.”

Escobar says Perez’s reforms weren’t outlandish. “We weren’t reinventing the wheel,” she says. “We’re really modeling ourselves after some best practices that had been created in other communities that were trying to reform their own systems, and had done so successfully.”



## THE PEREZ LEGACY

Change is always met with resistance, and El Paso was no exception to this rule. “Many told me to my face, ‘you don’t know what you’re talking about. You don’t understand how things work, you don’t understand the criminal justice system and what you’re doing is an affront to the judiciary,’” Perez says. “I heard a whole litany of things as to why we couldn’t do what we were proposing.”

Despite the highly contentious nature of the changes Perez was trying to make, he was able to accomplish his goal through research, communication and sheer determination. It’s for this drive and for the transformation it accomplished, Escobar feels, that Perez will be remembered.

“Bringing to light what we should and could be doing in the criminal justice administration is one of the most important things that [Perez] could have done and will have done,” says Escobar. “I expect Vince to continue to do great things,



*Perez’s personal connection with residents helped him secure his position in a grassroots campaign. He continues to be as active as possible in the community.*

and I hope he serves for a very long time.”

Bethke agrees that Perez will be remembered as a tremendously positive force for El Paso County. “What impresses me most about Commissioner Perez is he cares and listens. He cares about justice and fairness. He cares about the law and Constitutional principles,” he says. “His desire to have a more detailed understanding of the County’s public defense delivery system... to improve El Paso’s justice system is a model of public service.”

## IN HIS OWN WORDS

When asked if there were any lessons he could share with his peers and colleagues, Perez says one of the most important pieces of advice he ever received was during his time as a congressional staffer. “I asked the person I was replacing if he had any advice for me... he told me ‘your job is to answer the phone, get the mail and to give tours. Just do that, and do it well.’”

Perez explains the advice resonated with him, because too often people in government try to bite off more than they can chew, so to speak, and because of that, they lose sight of what their actual responsibilities are.

“What does it mean to be a county commissioner? What are our duties under the state constitution? What are our responsibilities, what is our scope of authority?” Perez asks. “Really reflecting on that and really understanding that is important, because that’s ultimately what helped lay a roadmap for us in making these critical reforms.”