

# Justice & Safety Data Infrastructure

## Fill Gaps, Improve Quality, Capitalize on Progress

The Texas Legislature in 2025 can build on progress made by the 88th Legislature, which made promising investments in the data capacity of the judiciary and the IT infrastructure of law enforcement regulation.

The next steps involve closing the gaps on criminal justice data and providing additional resources to key justice & safety agencies.



## Key Recommendations

Providing public safety is a basic function of government that is extremely decentralized. To evaluate performance and promote transparency and accountability, we need reliable data about how justice and safety agencies operate at multiple levels of government and across multiple points in the criminal justice system.

1

**Empower the Texas judiciary to collect basic data from prosecuting attorneys.**

2

**Improve standards for collecting motor vehicle stop data from law enforcement agencies.**

3

**Give key agencies the personnel, IT, and resources needed to implement new data policies.**

# IMPROVING DATA FOR THE REGULATION OF LAW ENFORCEMENT

## Fixing Problems in Motor Vehicle Stop Data Collection

Law enforcement agencies are required to report data to the Texas Commission on Law Enforcement (TCOLE) about all the motor-vehicle stops conducted by officers every year. However, the motor vehicle stop data have been plagued with quality problems for years.

For example, 2021 data improbably suggests that the number of stops where both officers and suspects were injured outnumbered the total number of stops where an injury occurred.

### Vehicle Stop Data Challenges

**6.8**  
Million

Motor vehicle stops conducted by Texas law enforcement agencies in 2021.

**4,893**

Stops in 2021 where physical force led to any bodily injury

≠

**4,897**

Stops in 2021 where office & suspect were both injured by force



## Support for TCOLE Sunset Implementation

After a 2020 Sunset Report described a "fundamentally broken" regulatory system overseeing Texas law enforcement, the Legislature responded by passing the TCOLE Sunset Bill, representing a sea change in how law enforcement is regulated. It includes significant changes to how 2,800 law enforcement agencies keep records and report information to TCOLE.

This means TCOLE needs more resources. In addition to IT, data, and overall capacity to serve, research, and innovate, TCOLE needs personnel. Field Service Agents – the front lines of implementing the TCOLE Sunset Bill – need their numbers increased to lower the training technical support caseload as they help local agencies navigate new rules.



## Key Provisions of TCOLE Sunset Bill

### Misconduct Reporting

New requirements for local law enforcement agencies to investigate misconduct and report the results to TCOLE

### Law Enforcement Database

New requirement for TCOLE to maintain sensitive data on law enforcement employment records and files

### Public-Facing Licensee Database

A free, online tool for members of the public to access the employment, training, and license history of virtually every licensed law enforcement professional

### Minimum Standards for Law Enforcement

Robust policy and equipment requirements for all new and existing agencies that are reviewed and audited by TCOLE on a regular review basis.

# THE LACK OF PROSECUTION DATA

## There is a prosecution-shaped hole in our justice & safety data

The offices of more than 330 district attorneys, county attorneys, and criminal district attorneys do not report information directly to the state on their activity.

In contrast, **most justice and safety entities have reporting obligations to the state.** All 2,800 law enforcement agencies report data to DPS, TCOLE, and other agencies. Courts report data to OCA. County jails report data to TCJS. Local CSCDs report data to TDCJ, and TDCJ maintains data on its own corrections operations.

The following questions are unanswerable without over 330 public information requests

### Grand Jury Cases

How many felony cases before grand juries in Texas were true-billed, and how many were no-billed?

### Case Acceptance

How many cases brought by law enforcement are accepted, returned, or rejected, and why?

### Staffing and Caseloads

How many cases are handled by the average prosecuting attorney? What are vacancy rates in offices?

**The Texas Judicial Council**, which already writes data reporting requirements for courts and oversees data collection on indigent defense, is **best suited to fill the prosecution-data gap.**



## Anecdotally, Prosecutor Vacancies Are Widespread; True Scale is Unknown

A 2023 paper reviewed information from two dozen district attorney offices, concluding that “[t]here is a prosecutor vacancy crisis in the United States.”<sup>1</sup> Five of the offices in Texas that were reviewed reported vacancies that ranged between 8% - 65%. In discussions surrounding the passage of SB 22 (2023), Midland County’s District Attorney asserted out of 26 budgeted attorney positions, 5 were vacant, leading to a 19% vacancy rate.

As the paper acknowledges, shortages lead to increased caseloads, which can leave defendants in jail longer and lead to avoidable Brady violations.



## Selected District Attorney Office Vacancies in 2023<sup>1</sup>

| County  | Prosecutor Positions Allocated | Prosecutor Positions Filled | Percentage of Positions Vacant |
|---------|--------------------------------|-----------------------------|--------------------------------|
| Bexar   | 237                            | 218                         | 8%                             |
| Gregg   | 17                             | 6                           | 65%                            |
| Harris  | 441                            | 373                         | 15%                            |
| Hidalgo | 98                             | 72                          | 27%                            |
| Nueces  | 44                             | 33                          | 25%                            |

1. Gershowitz, Adam. “The Prosecutor Vacancy Crisis.” *William & Mary School of Law*, Research Paper No. 09-480, December 2023.

# SUPPORTING THE JUDICIARY'S DATA INFRASTRUCTURE

## Building on Accomplishments of the 88<sup>th</sup> Legislature

In 2023, the Texas Legislature made remarkable strides in improving the quality and utility of court data.

The Legislature began to move away from aggregate, county-level data and mandated the collection of case-level data. It also appropriated more than \$10 million to upgrade the IT capacity at the Office of Court Administration (OCA) to begin receiving that data.



## Personnel Support for New Data Needs

As the hundreds of district and county courts transition to new, case-level data reporting requirements, OCA will need the personnel to provide technical support to district and county court clerks and other reporting entities.

Regional data coordinators can help smooth the transition and provide policymakers and the public with accurate, actionable court data.

### Shortcomings of the Outgoing Aggregate, County-Level Data Reporting

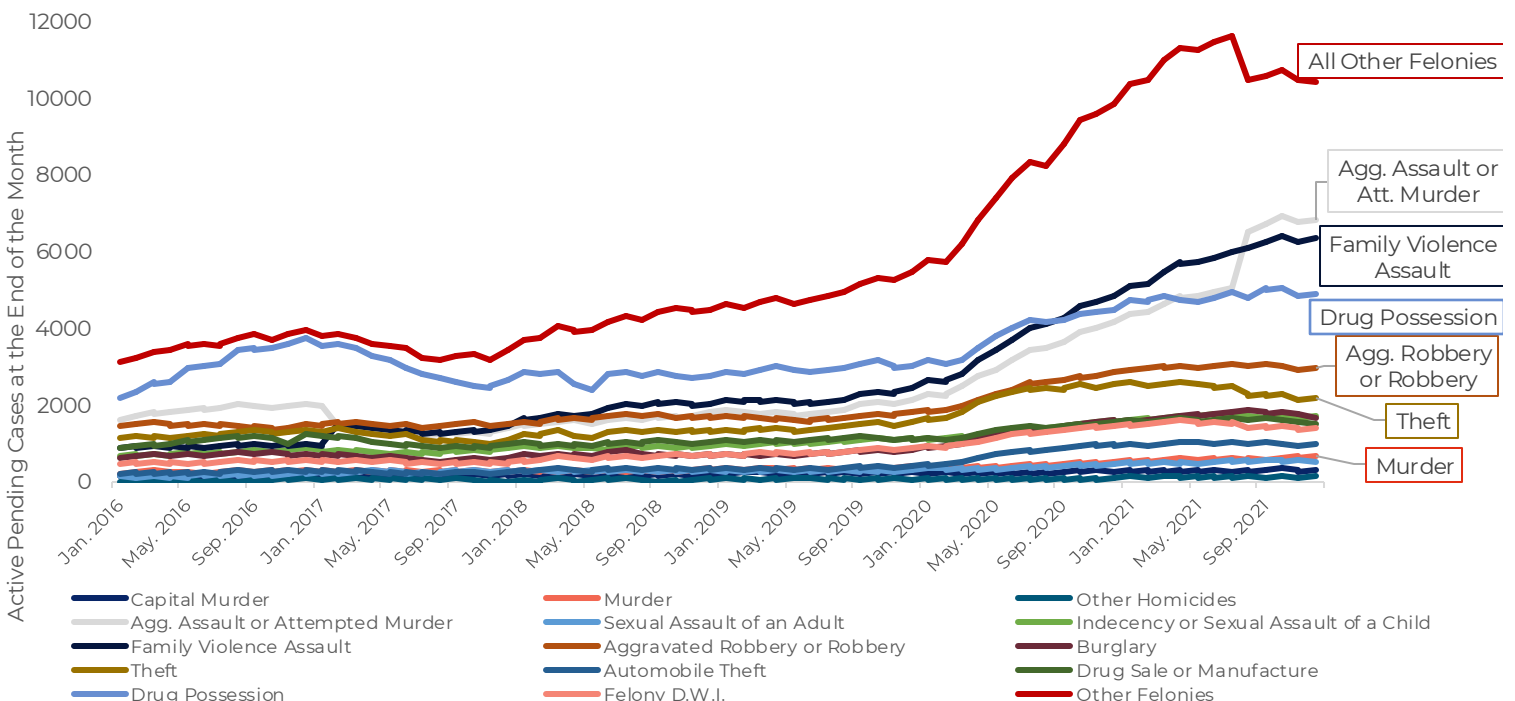
- **Obscures Urban & Rural Court Performance**

In urban counties with many courts and in rural counties that share courts with overlapping jurisdictions, the performance of any individual court is muddled or lost. This means we can't differentiate between judges who are effective and those who are not.

- **Obscures the Cases Driving Backlogs**

In Harris County, "other felonies" were 26% of the district courts' pending caseload in 2020. As the graph below shows, the vague "other felonies" have been driving the backlog of pending criminal cases in Harris more than any one case category.

### Cases Pending in Harris County among 22 Criminal District Courts\* (Jan. 2016 - Dec. 2021†)



\* A new district court for Harris County, the 482nd Judicial District, was established by HB 3774 in 2021; judge was appointed in October of that year.

† Data produced by queries run on the Office of Court Administration's Court Activity Reporting and Directory System at <https://card.txcourts.gov/>