



TEXAS JUDICIAL COUNCIL

2022

DATA COMMITTEE

REPORT
AND
RECOMMENDATIONS



Background

In August 2021, the Texas Judicial Council charged the Data Committee with:

- Monitoring the implementation of the Statewide Uniform Case Management System.
- Continuing to work on guiding the revisions of the court activity reporting database to collect case-level statistical data.

Members of the Committee are:

Honorable Bill Gravell, Chair

Ms. Sonia Clayton

Senator Brandon Creighton

Honorable Jon Gimble

Honorable Sharon Keller

Honorable Claudia Laird

Honorable Emily Miskel

Ms. Rachel Racz

Honorable Sherry Radack

The Texas Judicial Council's Data Committee met on April 25, 2022, and September 21, 2022.



Recommendations in Brief

Uniform Case Management System

Recommendation: The Texas Judicial Council should continue to monitor implementation of the Uniform Case Management System as most counties come online in 2023.

Case Level Data

Recommendation: The Legislature should fund the tools necessary for the Texas Judiciary to collect case level data.

Weighted Caseload Study

Recommendation: The Judicial Council should monitor the weighted caseload study and actively encourage judges to participate.

Bail Data

Recommendation: The Office of Court Administration should further analyze and study the information produced by bail forms in the Public Safety Report System to identify trends.

Recommendations in Detail

Uniform Case Management System

Background

In response to Governor Greg Abbott's School Safety Action Plan, the 86th Texas Legislature appropriated funds to the Office of Court Administration (OCA) to contract with a third party to establish a uniform case management system for use by counties, focusing primarily on counties with a population of 20,000 or less. It was the intent of the Texas Legislature that OCA procure a system that would: (1) collect county judicial data, including mental health adjudications and domestic violence protective orders; (2) provide timely and accurate reporting of judicial data to the office and the national criminal history record information and mental health record repositories; (3) easily integrate with existing state and countywide systems to allow frequent sharing of information between systems; and (4) include adequate reporting standards to ensure the accurate reporting of information through the system.

In August of 2021, following a year-long competitive bidding process, OCA successfully executed contracts with three vendors (Icon Software, iDocket, and Tyler Technologies) for a Statewide Uniform Case Management System (UCMS) access. Clerk's Offices across Texas will have the opportunity to work with a selected vendor, at no-cost, for implementation of a UCMS. The vendors will be responsible for implementing UCMS for use by the Clerk's Offices and will provide hosting, training, maintenance, and ongoing production support services for Clerk's Offices that elect to use UCMS. To the extent that a Clerk's Office seeks data conversion or migration, it may contract directly with the vendor for such services. The UCMS is web-based, and counties need only a computer and an Internet connection to use the system. The system will provide document management and automation of business processes, and will fully integrate with the statewide eFiling System (eFileTexas) and Document Access system (re:SearchTX) for quicker access to the courts and court document. UCMS will also feed information to the Department of Public Safety's Criminal Justice Information System (CJIS) to upload criminal records to DPS in a more timely and efficient manner. The system supports standardized data files for easy and efficient monthly reporting of court data to OCA, and it supports all types of cases handled by District Courts and County Courts.

OCA's project team is currently working on system configuration with the selected vendors and early

adopters in Crane and Brewster counties. Crane County is scheduled to go-live in December 2022, and Brewster County is scheduled to go-live by the end of February 2023. The project team continues to work on participation agreements with 65 additional subsequent counties anticipated to all go-live by August 2023.

Recommendations

Recommendation: The Texas Judicial Council should continue to monitor implementation of the Uniform Case Management System as most counties come online in 2023.



Case Level Data

Background

The Legislature established the Texas Judicial Council in 1929.¹ Set out in statute, the Council's mission involves:

- Continuous study of the courts and methods for their improvement;
- Consideration of advice concerning remedies for faults in the administration of justice;
- Designing methods for simplifying judicial procedure, expediting the transaction of judicial business, and correcting faults in or improving the administration of justice; and
- Gathering judicial statistics and other pertinent information from judges and other court officials.

As Judicial Council President M.N. Chrestman observed in the Council's first annual report, data are critical to the Council's work: "[I]t must therefore be apparent that to deal intelligently with the problems which will confront this Council it must first obtain accurate and complete data concerning the conditions in the Courts of Texas[.]" This reality is arguably truer now than it was 90 years ago, as the number of cases and courts has grown, the complexity of cases has increased, and the expectations that the Council and its partners within and outside of the judiciary bring strategic focus to their work. The administration of justice in Texas is a dynamic and sometimes complex affair, and the need for reliable and complete data about the work of the courts is essential.

The Council began collecting aggregate statistics in 1929, first with the appellate and district courts. In 1973, data collection expanded to the county, justice, and municipal courts. Over the years, data collection evolved as resources and technology improved the capability of the Council to collect more and different information. Judicial data collection requirements also come from the Legislature. Over the last two decades, the Legislature established over 20 requirements mandating the collection by OCA of specific information on case activity.

The case-level data project began with the review and assessment by the Data Committee of data currently being collected by the Judicial Council in 2017. In its 2018 report, the Data Committee recommended that the Council collect case-level data from all courts and that data collection be relevant to supporting key functions for the justice system, judiciary, and other policy makers. The report also noted that the

¹ TEX. GOV'T CODE CH. 71.

Council must remain sensitive to costs and other burdens that any reporting-related changes may place on local jurisdictions or other reporting entities and warned that information that is too granular and/or difficult for reporting entities to capture results in poor data quality, rendering the information unusable. The Committee acknowledged the wide scope and large volume of data that would be involved in changing to case level information, that it would be a long-term project, and that major policy questions would need to be addressed related to the appropriate level of detail for the data collection, what case categories should be used, and what data currently collected needed to be discontinued.

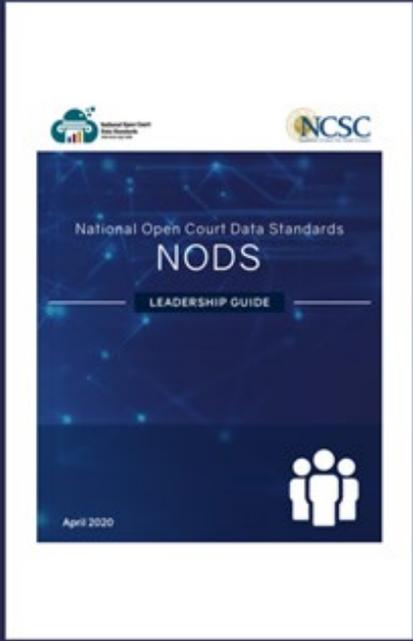
Recommendations

Recommendation: The Legislature should fund the tools necessary for the Texas Judiciary to collect case level data.

In 2018, the Conference of State Court Administrators, made up of the heads of the administrative offices of the courts across the United States and territories, passed a motion supporting the National Open Data Standards (NODS) project proposed by the National Center for State Courts to create national data standards that would create a common framework and language that could be used to make data across the nation more comparable and useful for users of that data. The next year, COSCA released a policy paper endorsing making court case data open and accessible to the degree possible when balanced with legal restrictions, protection of privacy interests, and within resource constraints. The National Center released the initial NODS in 2020. The purpose of the standards were to:

- Model data standards to develop standardized reporting protocols for regular and ad hoc reports;
- Make case-level data available to policymakers, researchers, media, and the public;
- Provide transparency in court operations to improve public confidence; and
- Reduce the burden on judicial system staff responding to data requests.

National Open Data Standards (NODS)





Model data standards to develop standardized reporting protocols for regular and ad hoc reports.



Make case-level data available to policymakers, researchers, media and public.



Provide transparency in court operations to improve public confidence.



Reduce burden on judicial system staff responding to data requests.

The model standards include more than 300 data elements covering 7 major case categories for trial courts. The model is aspirational in that it is a wish list of data that various consumers of judicial data would love to have though may not be things that courts currently collect or would require extensive integration of information from law enforcement, prosecutors, probation departments, child protective services, the department of motor vehicles, etc., to capture a much fuller picture of the judicial system. Following the standards is voluntary, and there is no national data collection envisioned. Each state decides for itself what it wants to collect.

National Open Data Standards (NODS)



The National Center recommends that, at a minimum, states determine what already exists then identify additional elements needed for best practices in court operations or needed for important policy reasons, while also considering state law and court rules regarding the availability of the data.

Case-Level Project Status

A workgroup of OCA staff began with the NODS models as a starting point to develop recommendations for data collection. Initial review of data elements has been completed for 6 of the 7 major case categories. Traffic remains outstanding. Initial review involved assessing the difficulty of collecting each data element with ratings from easy to hard, and initial proposals were made to make the elements required, optional, or to not collect it.

Case-Level Data Project – Initial Review



Began with NODS model as starting point.

Assess difficulty in collecting each data element:

Easy – currently captured in most case management systems

Medium – may be available from jurisdictions integrated with law enforcement/prosecutor systems; would otherwise need changes to case management systems, business processes

Hard – unlikely to be able to capture



Completed initial review of data elements for 6 of 7 major case categories. Traffic outstanding.



Initial proposals made about whether to make data elements required, optional, or not to collect.

In-depth reviews are nearing completion for the Criminal case category and have started for the Juvenile case category. In-depth review involves making final recommendations for whether each element should be required, optional, or not collected and flagging any proposed requirement that would be important to collect for policy reasons but may require changes to case management systems and business processes so that a policy decision may be made about whether to require them. Examples in criminal and juvenile cases are listed below.

Case-Level Data Project - In-Depth Review

Recommended Data Collection

- Final recommendations for required/optional/no collection
- For proposed required fields, identify those important to collect for policy reasons but will require changes to case management systems and business processes

Examples in Criminal or Juvenile Cases

Demographic information

- Sex
- Race
- Ethnicity
- Age

Representation status

Defense attorney type

Pre-trial release/bond information

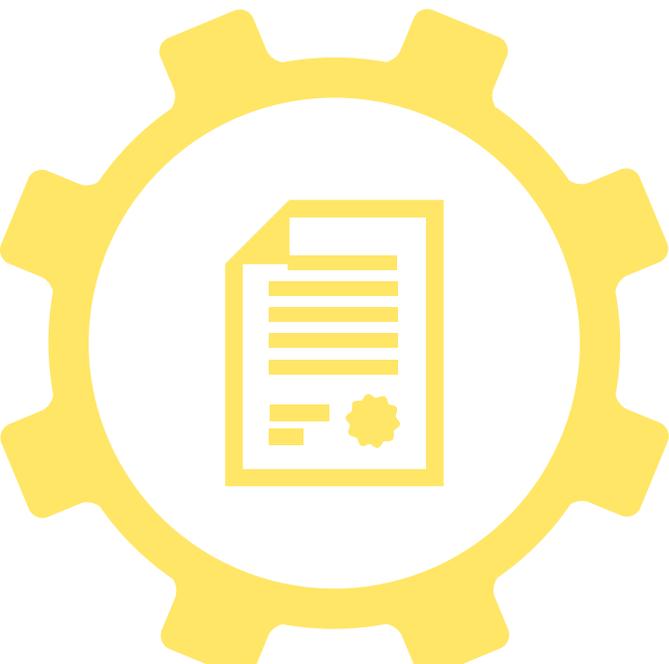
Diversion or specialty docket program

Length of time served

Orders granted or denied

- Motion for new trial
- Motion for recusal

The workgroup is also ensuring that the terms and values correspond to the Texas environment, defining acceptable values for data elements where necessary to ensure consistency in reporting and determining which elements will satisfy current statutorily required reporting needs, what could be added to satisfy requirements not met by the model, and document reporting requirements that will not be satisfied by case-level reporting.



Case-Level Data Project - In-Depth Review

| Define Values | Statutorily Required Reporting | Identify Any Statutory/Rule Changes Needed |
|--|--|---|
| <ul style="list-style-type: none"> • Ensure that terms/values correspond to Texas • Define acceptable values for dispositions and other data elements where necessary to ensure consistency in reporting | <ul style="list-style-type: none"> • Final review and documentation of which data elements will satisfy current statutorily required reporting requirements • Document reporting requirements that will not be satisfied by case-level reporting | <ul style="list-style-type: none"> • For sharing, collecting and protecting confidential and sensitive information (juvenile, mental health, etc.) |

Finally, as part of each in-depth review the workgroup is identifying applicable statutes and rules, as well as any potential changes that might need to be made to those, to enable collection, sharing, and protection of confidential and otherwise sensitive information. Certain information may be held as confidential at the local level based on the case type and the information contained in the record. Reporting and collection of this information may not be possible without changes to statutes or rules. In addition, the collection of detailed case information will require careful consideration about appropriate data use, access and privacy protections as well as the identification of any statutory, rule or policy changes necessary to protect information that should not be shared publicly.

The workgroup has so far identified the following areas involving confidential, sealed, and secured records.

Confidential/Sensitive Records

| Civil | Juvenile | Probate & Mental Health |
|--|--|---|
| <ul style="list-style-type: none">• Structured Settlements• Expunctions• Non-Disclosures• Registry Funds• Cyber Bullying | <ul style="list-style-type: none">• Child in Need of Supervision• Delinquent Conduct Cases• Truancy• Class C Misdemeanor involving juveniles/minors (Non-Traffic) | <ul style="list-style-type: none">• Guardianship• Mental Health, including Relief from Firearms Disability |

Confidential/Sensitive Records

| Family | Criminal | General |
|---|--|---|
| <ul style="list-style-type: none">• Divorce/Annulment (30 days in Harris County)• Adoption• Child Protective Cases (Harris)• Parentage• Termination• Parental Notification | <ul style="list-style-type: none">• Arrest and Search Warrants• Presentment of Indictment | <ul style="list-style-type: none">• Sensitive Data Rule for E-file (Civil and Criminal)• Sealed by Court Order |

Statutes and Rules for Confidential, Sealed and Secured Records

| Case Category | Case Type | Statute Reference | Notes |
|---------------|--|--|---|
| Civil | Structured Settlements | Civil Practice and Remedies Code, Secs. 141.006(d) and (e) | Information redacted to the public at time of disposition. |
| | Expunctions | Code of Criminal Procedure, Arts. 55.01 and 55.02 | Record removed after Granted disposition. |
| | Non-disclosures | Government Code, Ch. 411, Subchapter E-1 | Record is non-disclosed to public and only available to statutorily authorized agencies, parties, etc. |
| | Registry Funds | Local Government Code, Sec. 117.003 | Information provided for account is not subject to public disclosure. |
| | Cyber Bullying | Civil Practice and Remedies Code, Ch. 129A | Forms promulgated by Supreme Court provide for a redacted petition being filed when a Minor is involved. |
| | Communicable Disease | Health and Safety Code, Sec. 81.046 | Cases and medical records are confidential. |
| Juvenile | Case Records – -Child In Need of Supervision -Delinquent Conduct | Family Code, Sec. 58.007 | Juvenile records maintained as confidential |
| | Truancy | Family Code, Secs. 65.201(c) and (d), 65.202 | Juvenile records maintained as confidential. |
| | Class C – Misdemeanor Involving Juvenile (Non-Traffic) | Code of Criminal Procedure, Arts. 45.0217 and 45.052 | Class C misdemeanors in justice or municipal court are confidential and may not be disclosed to the public. |

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| Mental Health and Guardianship | Mental Health, including Relief from Firearms Disability | Health and Safety Code, Secs. 571.015 & 574.088 | Mental health cases confidential. |
| | Guardianship | Estates Code, Secs. 1053.104, 1052.053, and 1053.103 | Confidentiality of persons protected by a protective order, by petition. Tex. Estates Code § 1052.053: “The county clerk shall keep the index open for public inspection but may not release the index from the clerk’s custody.” See also 1053.103: “Court shall render a decision, order, decree or judgment in a guardianship proceeding in open court.” |
| Family | Divorce/Annulment with and without Children | Family Code, Sec. 6.411 | 30-day delay in counties with a population of 3.4 million or more. |
| | Register Foreign Judgment | Family Code, Sec. 102.0086 | Confidential in counties with a population of 3.4 million or more until return of service or the 31st day after date of filing. |
| | Name Change of a Minor | Family Code, Sec. 102.0086 | Confidential in counties with a population of 3.4 million or more until return of service or the 31st day after date of filing. |
| | Adoption/Termination | Government Code, Ch. 552; Family Code, Sec. 162.022 | Upon the entry of a Final Order the case is made confidential. |
| | Grandparent Access | Family Code, Sec. 102.0086 | Confidential in counties with a population of 3.4 million or more until return of service or the 31st day after date of filing. |

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| Child Protection - Harris County | Government Code, Sec. 24.620; Family Code, Sec. 262.308; and Local Rule | Abandoned Child case is confidential. Local Rules provide all CPS cases are maintained as confidential. |
| Custody or Visitation | Family Code, Sec. 102.0086 | Confidential in counties with a population of 3.4 million or more until return of service or the 31st day after date of filing. |
| Child Support | Family Code, Sec. 102.0086 | Confidential in counties with a population of 3.4 million or more until return of service or the 31st day after date of filing. |
| Gestational Parenting | Family Code, Sec. 160.757 | Maintained confidentially as an adoption. |
| Garnishment/Withholding Order | Family Code, Sec. 102.0086 | Confidential in counties with a population of 3.4 million or more until return of service or the 31st day after date of filing. |
| Protective Order | Family Code, Sec. 82.010 | Delay of 30 days in Harris Country |
| Parentage/Paternity/Voluntary Legitimation | Family Code, Sec. 160.633; But see Family Code, Sec. 160.105 | FC 106.033 provides that Paternity documents are available for public inspection, but FC 160.105 provides for protection of participants including health, safety, privacy and liberty of a child including identity personal information and day-care facility and school. |

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|----------|------------------------------------|---|--|
| | Termination of Parental Rights | Family Code, Secs. 161.210, 102.0086 | Confidential in counties with a population of 3.4 million or more until return of service or the 31st day after date of filing. |
| | Habeas Corpus | Family Code, Sec. 102.0086 | Confidential in counties with a population of 3.4 million or more until return of service or the 31st day after date of filing. |
| | Unaccompanied Alien Child | Family Code, Sec. 102.0086 | Confidential in counties with a population of 3.4 million or more until return of service or the 31st day after date of filing. |
| | Removal Of Disabilities of a Minor | Family Code, Sec. 102.0086 | Confidential in counties with a population of 3.4 million or more until return of service or the 31st day after date of filing. |
| | Parental Notification Records | Family Code, Sec. 33.003 (k) | Jane Doe Process- Maintained as confidential. |
| Criminal | Arrest and Search Warrants | Code of Criminal Procedure, Arts. 15.26 & 18 | Made public after execution unless sealed by the court. |
| | Presentment of Indictment | Code of Criminal Procedure, Art. 20A.304 | If defendant is in custody or under bond it can be made available publicly. If defendant is not in custody or under bond, the indictment may not be made public. |
| General | Sensitive Data Rule | Rule of Civil Procedure Rule 21 C, Court of Appeals E-file Rules Part 4 | Privacy Protection for filed documents of personal information. Should be included if required by statute but prohibits the clerk to post them on the internet unless redacted |
| | Sealed by Court Order | Rules of Civil Procedure 76a | Provides the ability for the court to seal filing by court order. |

Weighted Caseload Study

Background

Weighted caseload is used in Texas as a means of evaluating the need for judges, with the most recent model developed by the National Center for State Courts (NCSC) in 2007. Periodic updates are necessary to ensure that workload standards continue to represent judicial workload accurately. Over time, the integrity of any set of workload standards is affected by changes in legislation, court rules, legal practice, technology, and administrative factors. Moreover, the addition of remote and hybrid hearings have also had an impact on necessary judicial resources. Senate Bill 891 of the 86th Regular Legislative Session directed the Office of Court Administration (OCA) to work with NCSC by comprehensively reviewing, updating, and extending the Texas weighted caseload system. Updating the case weighting system will provide a clear and accurate measure of workload and allow for the determination of how many District Court and County Court at Law judges are needed to resolve all cases coming before the court, and how these resources can be allocated effectively and efficiently throughout the state.

In early 2023, OCA will work with judges across the state to conduct this 4-week study. The weighted caseload method represents the state of the art in judicial workload assessment. By weighting different types of cases to account for variations in complexity and the need for judicial attention, workload assessment translates the number of cases that come before the court into the total amount of judicial work required to dispose of those cases. The result is an objective and standardized measure of judicial workload that provides an effective basis for determining judge need and for equitably allocating judicial resources. More than 30 states currently employ weighted caseload models to analyze resource needs in their trial courts.

Recommendations

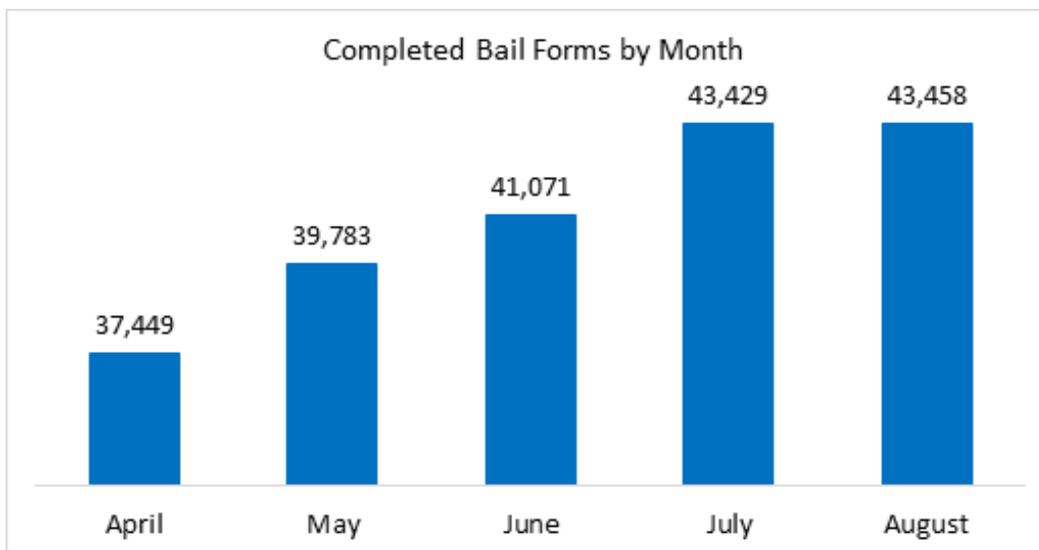
Recommendation: The Judicial Council should monitor the weighted caseload study and actively encourage judges to participate.

Bail Data

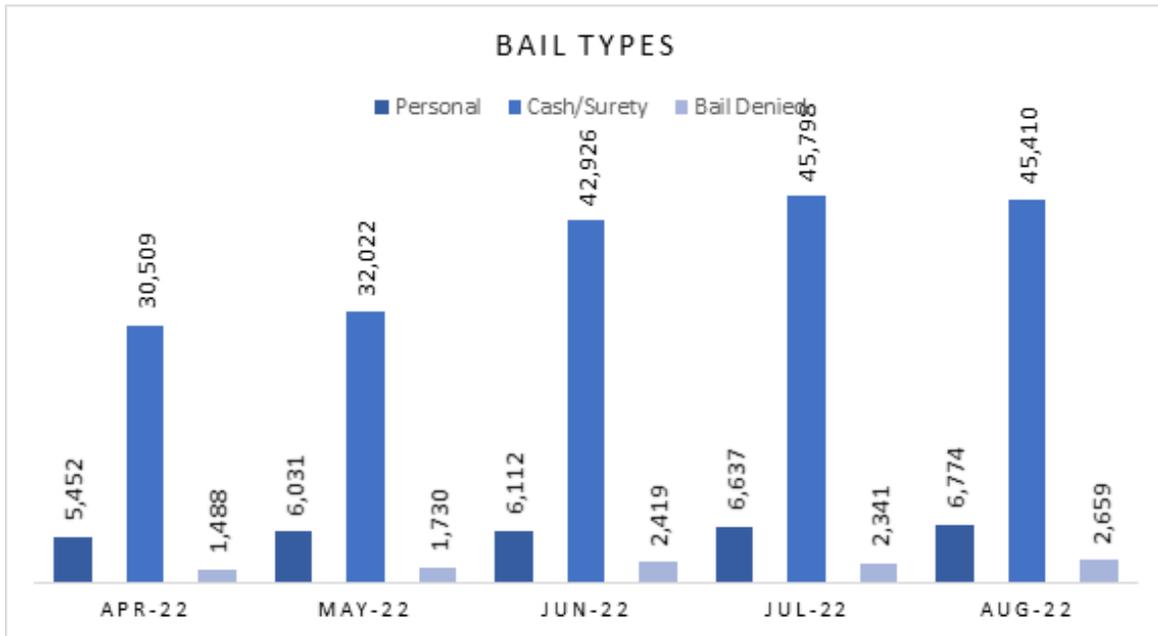
Background

The 87th Texas Legislature enacted Senate Bill 6 during its Second Called Special Session. The law required the Office of Court Administration (OCA) to develop a statewide Public Safety Report System (PSRS) and requires magistrates who set bail for defendants charged with a Class B misdemeanor or higher category offense to consider a public safety report generated by the PSRS. The bill also requires any magistrate, judge, sheriff, peace officer or jailer who sets bail under Chapter 17, Code of Criminal Procedure, for a defendant charged with a Class B misdemeanor or higher category offense to complete a bail form with information about the defendant and bail amount set and to promptly (but no later than 72 hours) submit it to OCA through the PSRS.

The PSRS went live on April 1, 2022. SB 6 also mandated the reporting of additional data elements, bail, and pretrial release information, and required OCA to post this information in a publicly accessible place. OCA places the captured information on its website. As of September 20, 2022, there are 6,035 active PSRS users from 253 counties. From April 1, 2022 through August 31, 2022, 205,190 bail forms have been completed. There has been a consistent increase in the number of bail forms completed each month.

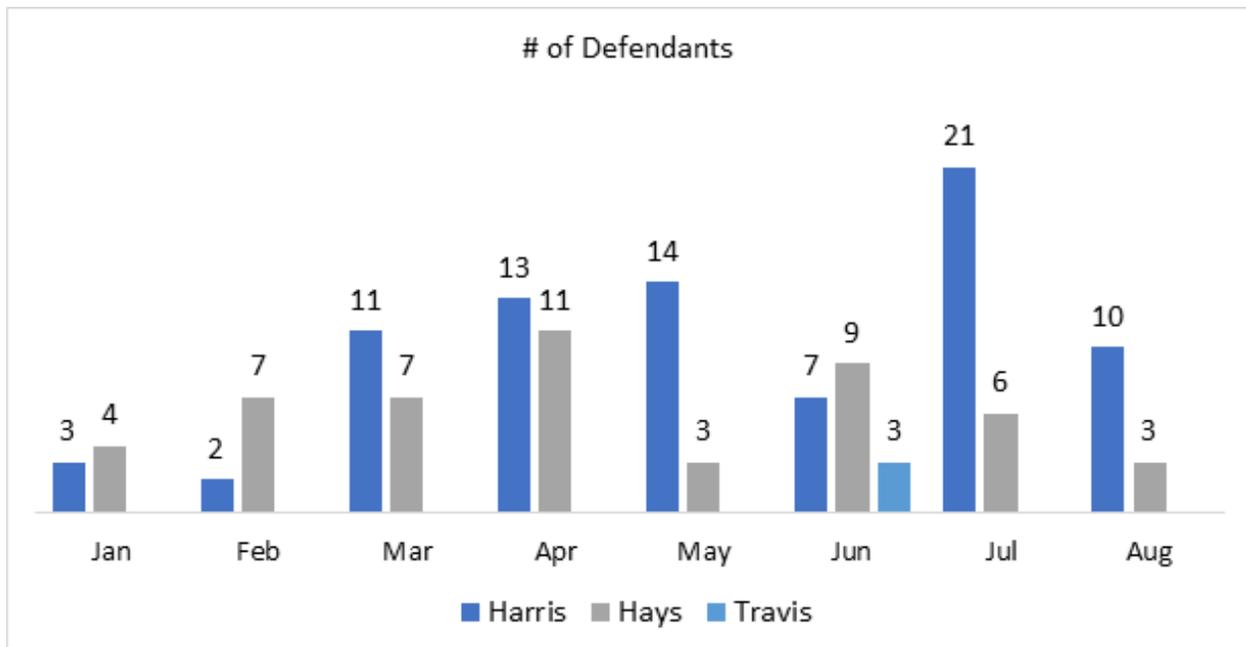


Cash and Surety has been the most reported bail type every month since April 2022.



Since the system’s launch date, Magistrate Courts have completed the highest number of bail forms and Class A misdemeanors has been the most reported offense type.

Harris, Hays, and Travis counties have provided charitable bail organization reports to OCA this year. One organization, The Bail Project, is responsible for all the charitable bail reports. These counties have submitted a total 17 reports for 134 individuals from April 2022 to August 2022.



Three updates to the original system have been released and further system improvements are scheduled.

The Pretrial and Bail Section continues to provide technical assistance to users through the OCA PSRS website, the pretrial inbox at bail@txcourts.gov, Q&A sessions, conference attendance, the PSRS help center, and the vendor's technical support at support@automon.com.

Recommendations

Recommendation: The Office of Court Administration should further analyze and study the information produced by bail forms in the Public Safety Report System to identify trends.





www.txcourts.gov/tjc/committees/data-committee/

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