

SUBJECT: Local data advisory boards to increase low arrest disposition rates

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Gallego, Christian, Fletcher, Miklos, Moody, Riddle, Vaught,
Vo

0 nays

3 absent — Hodge, Kent, Pierson

SENATE VOTE: On final passage, April 22 — 30-0

WITNESSES: No public hearing

BACKGROUND: In 2005, the 79th Legislature enacted HB 967 by Haggerty, which amended Code of Criminal Procedure, Art. 60.21 (b) to require the Department of Public Safety (DPS) to analyze criminal history data based on arrests for felonies and misdemeanors not punished by fine to determine the status of outstanding dispositions of these arrests. DPS also must publish a monthly report on its website listing each arrest by local jurisdiction for which there is no corresponding final court disposition.

Under Code of Criminal Procedure, art. 60.09, a county commissioners court may create a local data advisory board to analyze data, develop recommendations for improvement of local data systems and effective electronic transfer of required data, and other related duties.

DIGEST: SB 1061 would require a commissioners court to appoint a local data advisory committee if the county had an average disposition completeness percentage of less than 90 percent on or after January 1, 2009, as determined by the DPS criminal history report analysis.

The local data advisory committee would have to be established by November 1, 2009. The members could include local data officials already allowed to serve on the board. The rest of the board would be required to include:

- a sheriff or sheriff's designee;
- a district attorney's office prosecutor;
- a prosecutor in county courts;
- a district clerk or district clerk's designee;
- a county clerk or county clerk's designee;
- the police chief for the largest municipality in the county, or the police chief's designee; and
- a representative of the county's automated data processing services, if the county performed those services.

The data advisory committee would be required to develop a data reporting plan that would:

- describe the manner in which the county intended to improve the county's disposition completeness percentage;
- ensure that the county took steps necessary for the average disposition completeness percentage to be equal to or greater than 90 percent in the first DPS report submitted on January 1, 2013; and
- include a comprehensive strategy by which the county would keep its disposition completeness percent at or above 90 percent.

Each county's data advisory committee would be required to submit their data reporting plan to DPS no later than June 1, 2010, and DPS would be required to post the plan on its website. DPS would be allowed to adopt rules on the content and form of a data reporting plan. This provision would expire on September 1, 2013.

SB 1061 would amend Code of Criminal Procedure, Art. 60.21(b) to require that DPS provide a report based on the level of reporting of local jurisdictions to the lieutenant governor and the legislative standing committees with jurisdiction over criminal justice and the DPS, in addition to the current requirement that the reports be furnished to the Legislative Budget Board, the governor, and the state auditor.

The DPS report also would have to list a disposition completeness percentage for each county. For this report, a disposition completeness percentage would mean the percentage of arrest charges a county reports to the DPS computerized criminal history system compared with dispositions of the cases that would be subsequently reported and entered into the computerized criminal history system.

The bill would take effect September 1, 2009.

**SUPPORTERS
SAY:**

SB 1061 would provide incentives for counties to improve their crime-fighting efforts by requiring counties with low disposition completeness percentages to create local data advisory boards. It has been the experience of DPS that counties with high disposition completeness percentages have created effective intra-county communications programs because of local data advisory boards. The bill would help ensure that prosecutors, law enforcement officers, and other county officials would develop the level of coordination needed to fight crime. There would be no need to create a new department, and any administrative support could be provided through existing staff.

Posting information about local data advisory boards on the DPS website would allow local boards to compare their efforts with similar counties and provide for a way to disseminate ideas about innovations and best practices. Also, the ready availability of the information to the general public — as well as to state officials — would allow for transparency and accountability for counties whose crime enforcement efforts fell short.

**OPPONENTS
SAY:**

SB 1061 would be yet another unfunded state mandate on county governments. The provisions of the bill would have a significant fiscal impact on counties that have not attained the 90 percent disposition completeness rate. According to the *DPS Report Examining Reporting Compliance to the Texas Computerized Criminal History System* for 2009, only 38 counties meet the standard of 90 percent completion rates. Therefore, 216 counties fall below that average and would have to hire additional staff and spend considerable time in meetings to study the issue and prepare the plan required by the bill.

SB 1061 at least should provide incentives to meet arbitrary goals at the expense of resources and coordinated efforts needed to address problems in county criminal justice systems. One result could be to dismiss or reduce charges to improve disposition completeness rates. Even the *DPS Report Examining Reporting Compliance to the Texas Computerized Criminal History System* shows how slippery these statistics can be. For example, the report notes that Andrews County reported a disposition completeness rate for juvenile offenders in excess of 104 percent for three straight years. Such “grading on the curve” would not produce meaningful information for either local or state policymakers.