Damon Allen Act
Bail Proceedings and Public Safety Report System
FY 2023 Report

CONTENT

Senate Bill 6 - The Damon Allen Act

In September 2021, during the Second Called Special Session of the 87th Legislature, Senate Bill 6, also known as the Damon Allen Act, was enacted. The Damon Allen Act established procedures for setting bail and the reporting of bail information, set the certification and reporting requirements for charitable bail organizations, amended procedures regarding cash bail bonds, and specified additional training requirements for all magistrates. The bill also required the Office of Court Administration (OCA) to implement a public safety report system for statewide use no later than April 1, 2022, and to provide access to the system, at no cost, to the officials in each county and each municipality that perform magistrations. Magistrates who set bail are required to consider the public safety report for defendants charged with Class B misdemeanor or higher categories of offenses.

The Public Safety Report System began operations April 1, 2022, as required by legislation. As of August 31, 2023, there were 6,986 active users and 235 counties had completed magistrations in the system. A total of 540,783 bail forms were completed from September 1, 2022, through August 31, 2023.
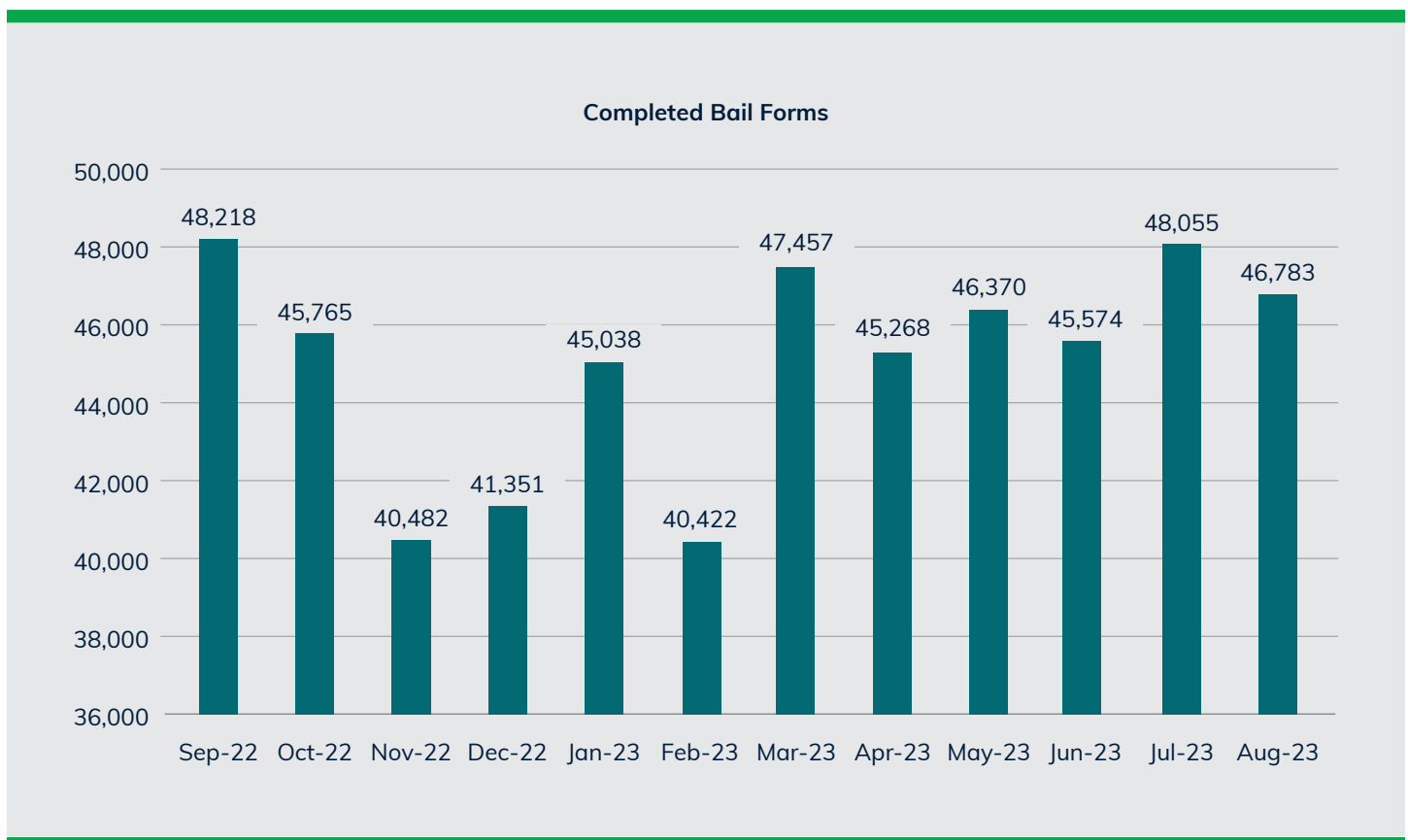

Officer Damon Allen
Photo courtesy Texas Department of Public Safety

PSRS Data from September 2022 through August 2023

Government Code Section 71.0351(a)(1)(A-C) requires the clerk of each court setting bail in criminal cases to report in their Judicial Council Monthly Court Activity Reports the number of defendants for each category of offense, the number of personal bonds, and the number of surety or cash bonds. This information was instead captured from the Bail Form information submitted through OCA's Public Safety Report System established by Article 17.021, Code of Criminal Procedure. The information in the PSRS may be updated at any time; therefore, users should be aware of the possibility of retroactive changes to the data.

Bail forms are completed by system users and could include more than one offense per form. One individual could have multiple bail forms for multiple arrests or modifications made from the original bail form that was completed after initial arrest.

Completed Bail Forms FY 23

Completed Bail Forms

Month	Value
Sep-22	48,218
Oct-22	45,765
Nov-22	40,482
Dec-22	41,351
Jan-23	45,038
Feb-23	40,422
Mar-23	47,457
Apr-23	45,268
May-23	46,370
Jun-23	45,574
Jul-23	48,055
Aug-23	46,783

Statistics on Completed Bail Forms

Locations

Completed Bail Forms by Location

Location	Count
Magistrate Court	150,173
Justice of the Peace	99,947
Municipal	92,284
County	84,343
Sheriff	70,780
District	36,254
Law Enforcement	5,295
Criminal District Court	667
Pretrial	550
Police Department	490

Top 10 Counties with Completed Bail Forms

County	Count
Bexar	60,960
Tarrant	48,143
Harris*	41,427
Dallas	31,028
Travis	25,274
El Paso	22,267
Denton	15,719
Collin	13,300
Nueces	12,957
Hidalgo	12,353

Note: Harris County is required by the consent decree, that resulted from the O'Donnell et al. v. Harris County et al. class action lawsuit, to follow a new local rule that ensures that people charged with most misdemeanor offenses are released promptly after arrest on a personal bond without having seen a judge. Therefore, there are defendants in Harris County who will not have a bail form completed after their arrest since a judge is required by law to review the Public Safety Report and certify the bail form.
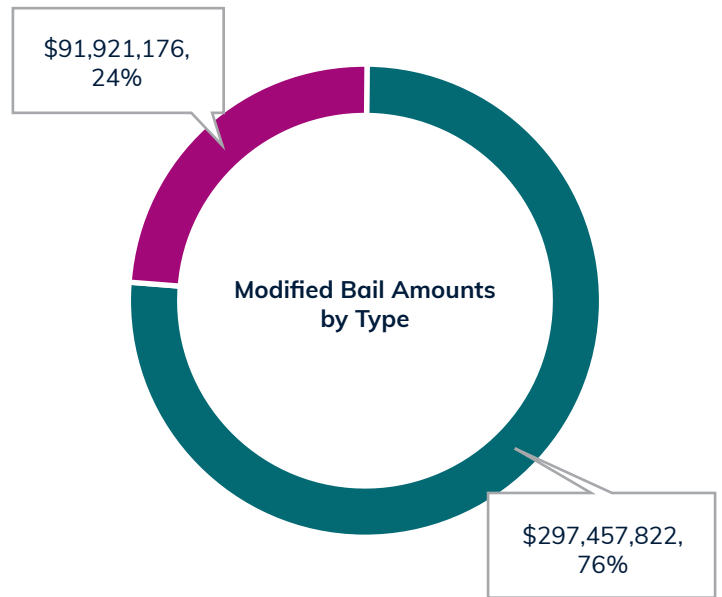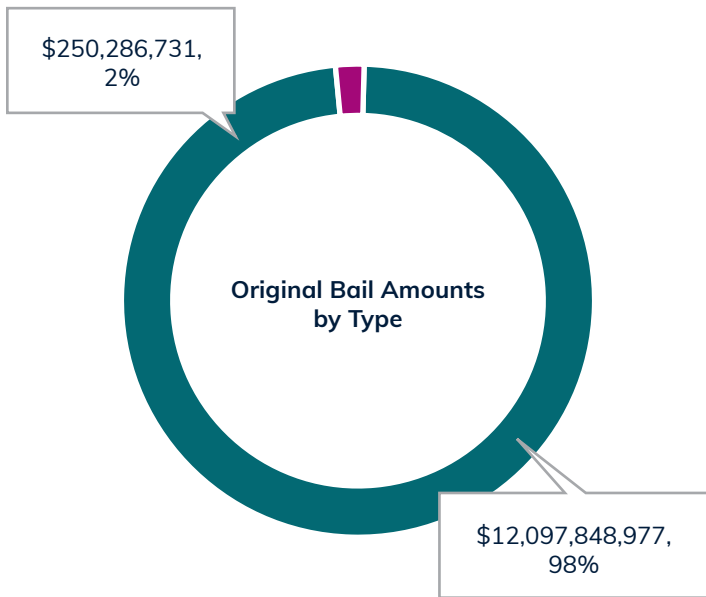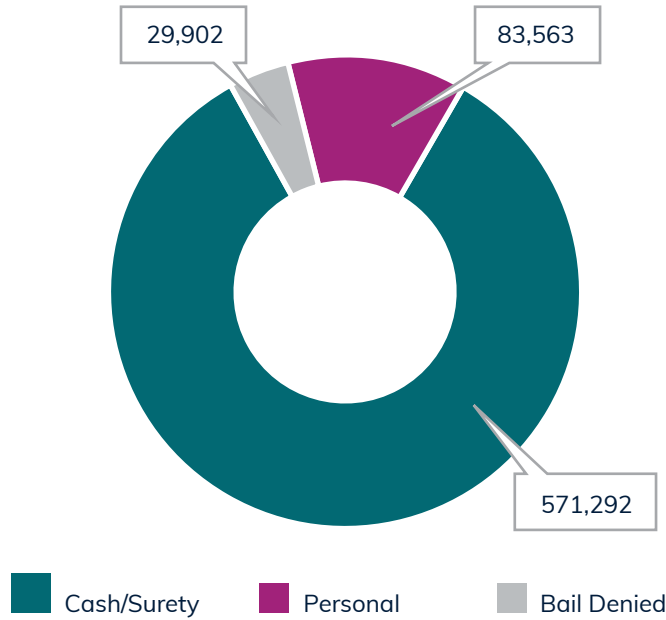
Offenses

Offenses by Level

Capital Felony	Felony 1	Felony 2	Felony 3	State Jail Felony	Misd. A	Misd. B	Misd. C
380	27,867	66,032	121,552	115,218	183,788	168,516	1,414

Most Reported Offenses

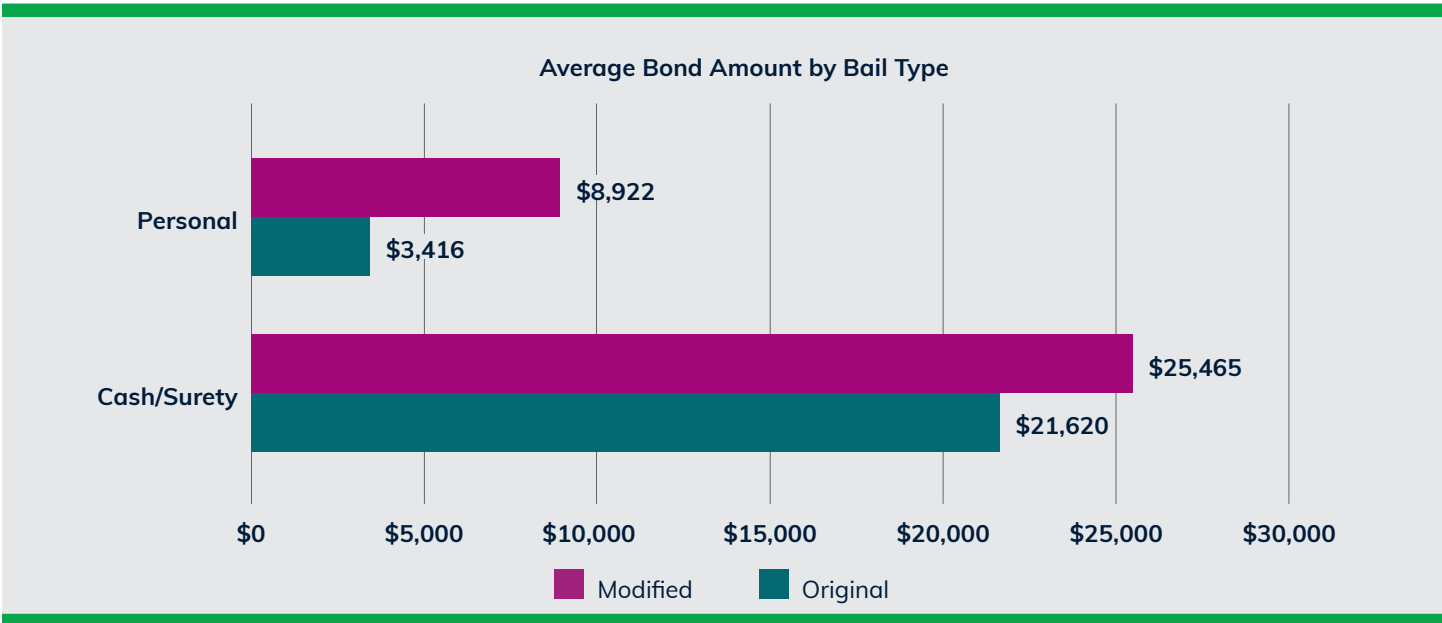| Offense	Count
49.04 Driving While Intoxicated	39,374
22.01(a)(1) Assault Causes Bodily Inj Fam M	38,929
481.115(b) Poss CS PG 1/1-B <1g	36,279
30.05(d)(1) Criminal Trespass	29,244
481.121(b)(1) Poss Marij < 2oz	27,531
481.115(c) Poss CS PG 1/1-B >=1g<4g	20,623
31.03(e)(2)(A) Theft Prop >=$100<$750	19,947
46.02(b) Unl Carrying Weapon	17,220
22.02(a)(2) Agg Asslt w/Deadly Weapon	16,809
38.03(a) Resist Arrest Search or Trans	14,944
22.01(a)(1) Assault Causes Bodily Inj	14,495

BAIL TYPES

The Public Safety Report System reports three different bail types: Cash/Surety Bail, Personal Bail, and Bail Denied. An enhancement allowing users to modify bail forms was completed in July 2022. This allows users to indicate when there is a change to bail amount or type. The system captures all bonds assigned, and if the bond amount was modified after the initial arrest, a modified bail form would reflect the new amount or type.

Reported Bail Types

29,902

83,563

571,292

Cash/Surety   Personal   Bail Denied

Original Bail Amounts by Type

$250,286,731, 2%

$12,097,848,977, 98%

Cash/Surety   Personal

Modified Bail Amounts by Type

$91,921,176, 24%

$297,457,822, 76%

Cash/Surety   Personal

Average Bond Amount by Bail Type

| Bail Type	Modified	Original
Personal	$8,922	$3,416
Cash/Surety	$25,465	$21,620

Legend: Modified, Original

PSRS Training & Support

The Pretrial and Bail Section provides technical assistance to users through our website, www.txcourts.gov/bail, the pretrial inbox, monthly Q&A sessions, and attendance at various statewide conferences. The Bail team also provides one-on-one in-person and online training when requested by users.
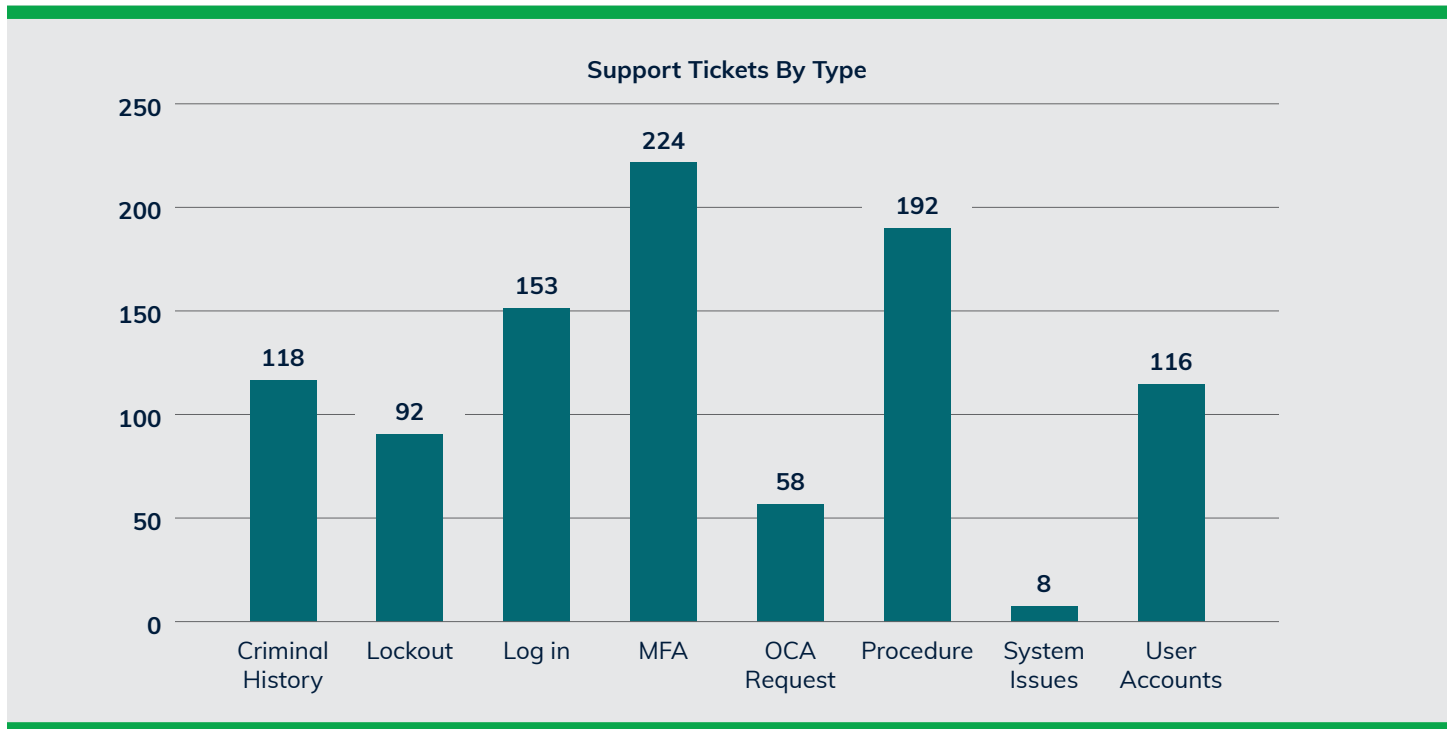
AutoMon Support

AutoMon has been providing support to PSRS users via email, chat, calls, and through the PSRS help center. As expected, the volume of tickets and requests for assistance has decreased significantly as the users have become more familiar with the PSRS.

Support Tickets Opened

	Tickets Opened
FY 22	2,919
FY 23	961
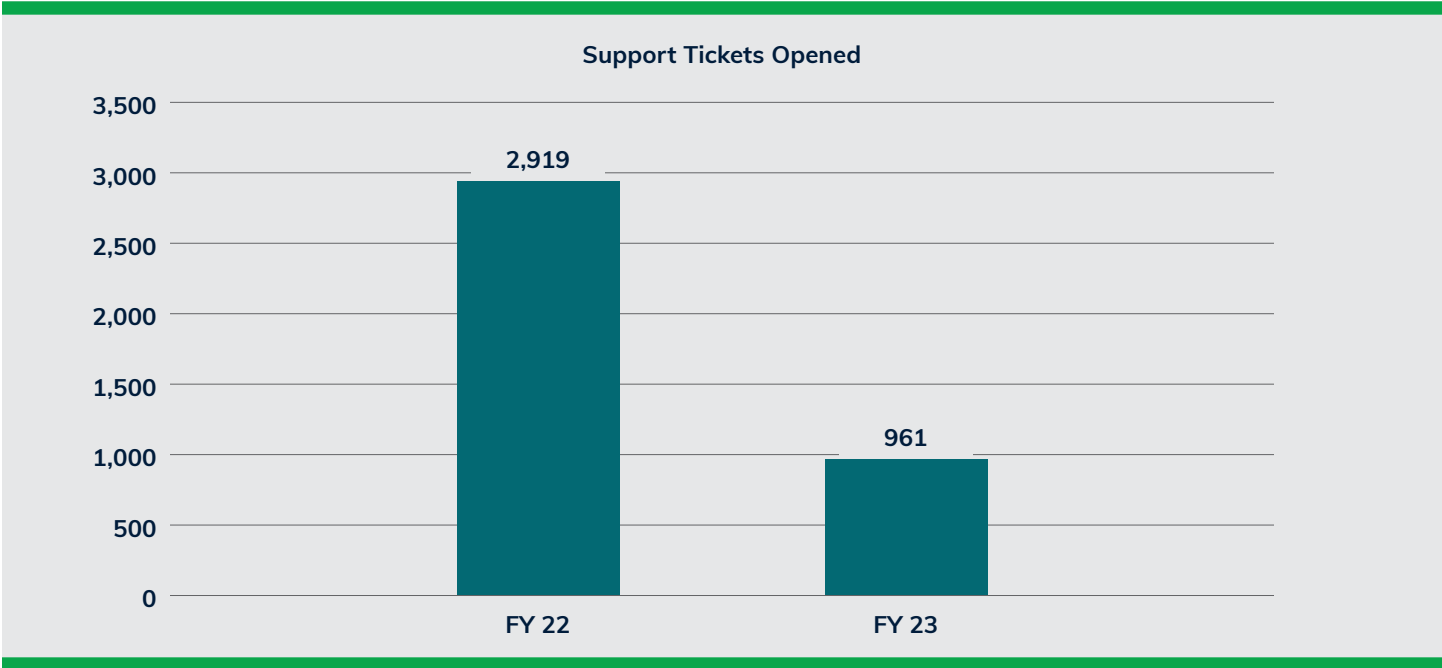
Support Tickets by Type FY 23

Support tickets are divided into eight broad categories. Multifactor Authentication (**MFA**) includes all requests for the user's MFA to be reset. **Lockout** occurs when a user entered their password too many times and they will receive a notice to contact the administrator. **Criminal History** involves any issues with criminal histories, TLETS, and state identification or FBI numbers. **Procedure** questions include proper use of the system, workflow questions, form questions, or how to delete or modify information. **OCA Requests** are data requests, enhancements, support, or API questions from OCA to AutoMon. **User Accounts** relate to the set-up of new accounts, password issues, email changes, updating permissions and roles. **System Issues** designate any system wide problems occurring in the PSRS.
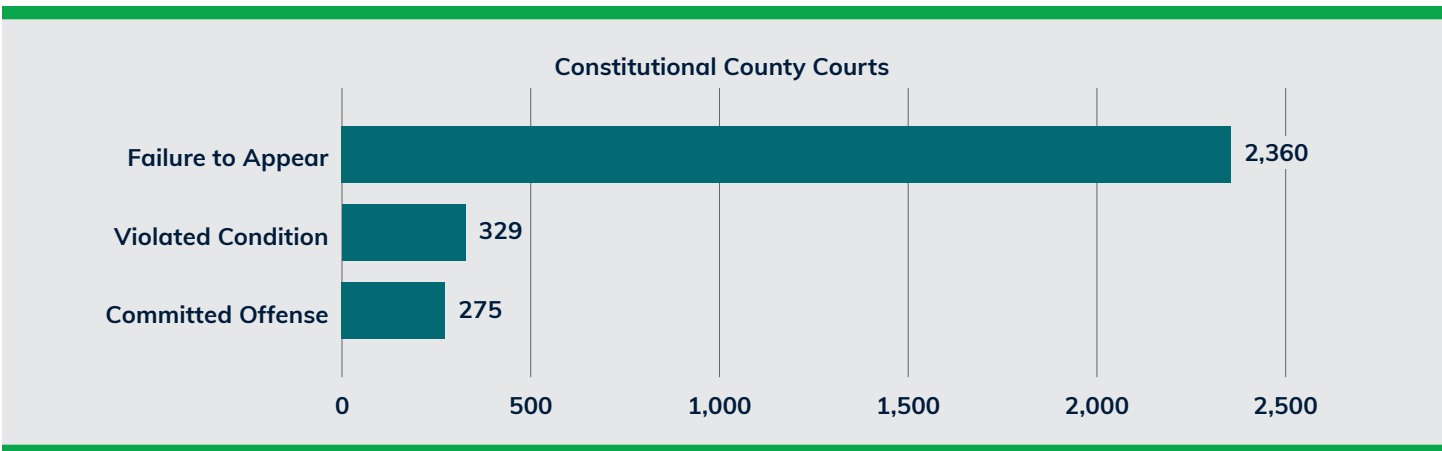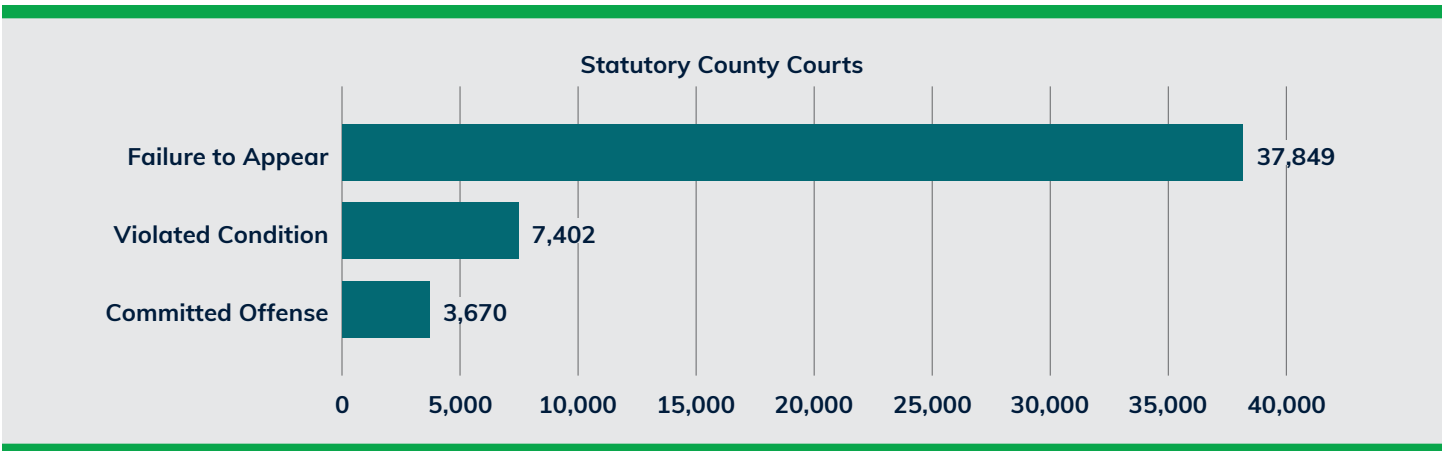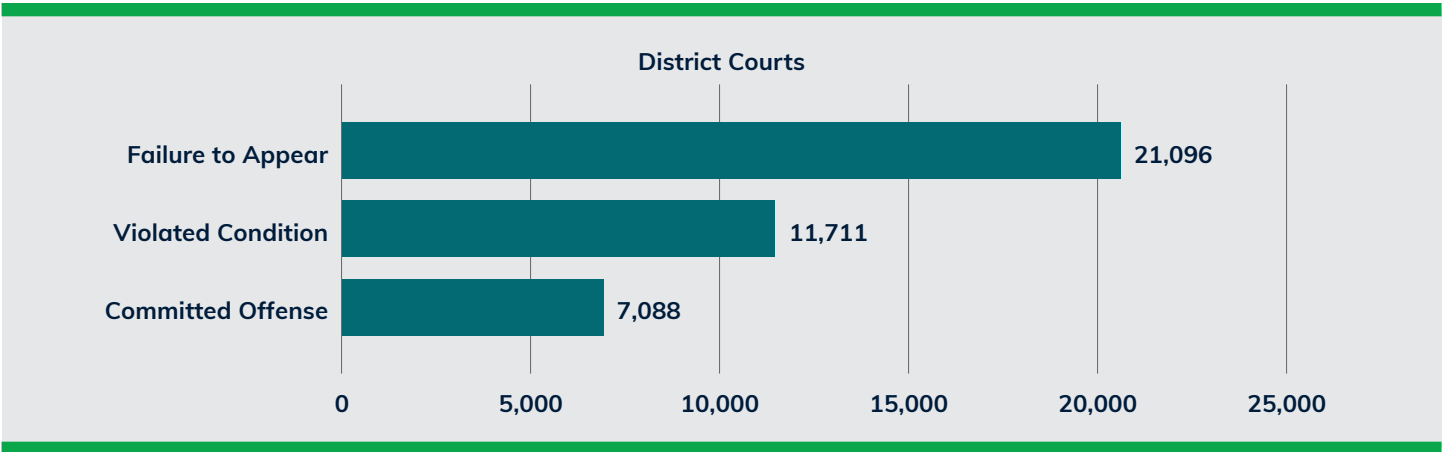
A system update occurred January 30, 2023, in which the OCA Bail Team members were given access to reset user's MFA. This resulted in a substantial decrease in AutoMon MFA tickets, which went from an average of 29 tickets per month to an average of 11 per month. OCA does not have a ticketing or tracking system for requests for assistance from the PSRS users.

Support Tickets By Type

Type	Count
Criminal History	118
Lockout	92
Log in	153
MFA	224
OCA Request	58
Procedure	192
System Issues	8
User Accounts	116

Court Activity Reporting and Directory System

Data September 2022 – August 2023

Section 71.0351(a)(2-3) requires the reporting of the number of defendants released on bail who have subsequently failed to appear, violated a condition of release, and who committed an offense while released on bail or community supervision. This information is being captured in the District and County Criminal section of the Judicial Council Monthly Court Activity Reports. Data is captured by case counts, not defendant count, given that court case management systems and the Judicial Council Monthly Court Activity Reports are designed to track cases.

District Courts

Failure to Appear	21,096
Violated Condition	11,711
Committed Offense	7,088

(x-axis: 0, 5,000, 10,000, 15,000, 20,000, 25,000)

Statutory County Courts

Failure to Appear	37,849
Violated Condition	7,402
Committed Offense	3,670

(x-axis: 0, 5,000, 10,000, 15,000, 20,000, 25,000, 30,000, 35,000, 40,000)

Constitutional County Courts

Failure to Appear	2,360
Violated Condition	329
Committed Offense	275

(x-axis: 0, 500, 1,000, 1,500, 2,000, 2,500)

Judicial Education

Judicial officers who set bail for defendants charged with Class B misdemeanors or higher offenses are required to complete eight hours of judicial education on the duties of magistrates and setting bail, followed by two hours of continuing education during the fiscal biennium. The judicial education is being provided through the Texas Center for the Judiciary, Texas Municipal Court Education Center, Texas Justice Court Training Center, and Texas Association of Counties.

Texas Department of Public Safety (DPS) Required Training

Users of the PSRS who have access to criminal histories are required to complete training based on their type of access. Any PSRS users with access to Criminal Justice Information (CJI) (including Texas Crime Information Center [TCIC] and National Crime Information Center [NCIC]) through Texas Law Enforcement Telecommunications System (TLETS) must take the CJIS Security Awareness Training. Training shall be taken within six months and annually thereafter. Individuals who only access hard or electronic copies of TCIC and NCIC responses, and do not query for criminal history information themselves, must obtain and maintain a Criminal Justice Practitioner (CJP) certification. Individuals who can query TCIC and NCIC for criminal history information must complete at least the 8-hour TLETS Mobile Access Certification Course. Criminal Justice Practitioner and Mobile Access certification must be renewed biannually following the original certification.

DPS Required Certifications and Training			
Potential Users	**Will user need to query TCIC / NCIC for CHRI?**	**Certification Required, per DPS**	**PSRS Permissions**
• Local Law Enforcement • Jails • Magistrates • Court Staff	Yes	**TLETS Mobile Access Certification** • 8-hour live training • Provided by DPS	• Query for CHRI from TCIC/NCIC through the PSRS. • View CHRI already in the PSRS.
	No	**Criminal Justice Practitioner Certification** • 2-hour online training • Provided by DPS	• View CHRI in the system retrieved by a user with a TLETS User ID and TCIC/NCIC access. • **Note**: If the user has the TLETS Mobile Access Certification, the CJP Certification is not needed.
	N/A Both user types required	**Criminal Justice Information Service (CJIS) Security Awareness Training** • Online training, self-paced • Provided by DPS	• Any users with access to Criminal Justice Information through TLETS must take this certification. • This includes users who query for CHRI and user who only view CHRI.

Charitable Bail Organizations

Per Senate Bill 6, charitable bail organizations must submit a report to the sheriff of a county in which the organization paid a bail bond for a defendant. This report must be submitted by the 10th of each month. The sheriff then should provide a copy of the report to the OCA. Bexar, Harris, Hays, and Travis counties have provided charitable bail reports to OCA this year. One non-profit organization, The Bail Project, was responsible for all the bails reported in Harris, Hays, and Travis counties. The Bail Project ceased posting bail in these counties after July 2023. Texas Organizing Project is responsible for the bails reported in Bexar County. The total defendants reported bailed out for the four counties is represented in the chart below:

FY 23 Bail Outs

County	Bail Outs
Bexar	321
Harris	188
Hays	121
Travis	8
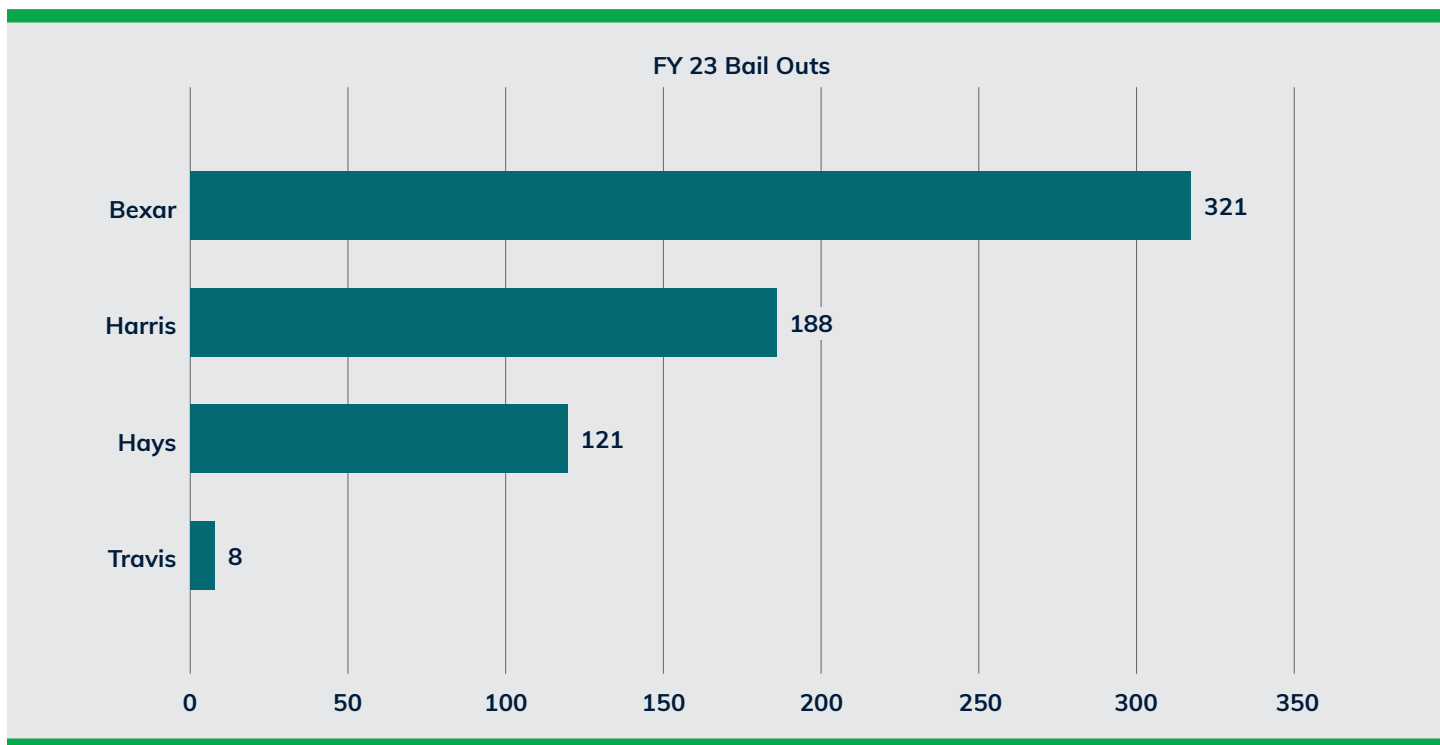
Required Forms

Senate Bill 6 required OCA to develop statewide procedures and forms to be used by courts to facilitate the refund of funds paid toward monetary bonds and/ or application of the cash funds towards the defendant's outstanding court costs and other fees. These forms are available on the OCA website for courts and clerks to access.

Enhancements to the PSRS

OCA and AutoMon continue to plan and implement enhancements to the PSRS. Recent enhancements include an Application Programming Interface (API) which allows courts to electronically send information from their case management systems to the PSRS which will dramatically reduce their workload of having to input the same information in both systems, thus freeing-up personnel resources. Other enhancements include a method of bail modification, the ability to enter separate bail amounts for multiple offenses on the same arrest, and various reports as requested by the users. OCA recently upgraded the bail website where publicly accessible information on the PSRS is posted, to include data dashboards which display the required reporting elements. This data is updated daily to reflect the most recent information.

Upcoming Enhancements

Upcoming enhancements include the availability of additional reports, capability to create reports in excel or CSV format, notation of juveniles who were certified as adults, removal of the date calendar and requiring MM/DD/YYYY format, ability to indicate enhanced or mitigated offenses, users will be able to enter a cause/case number for each offense instead of one per arrest incident, and update of discretionary conditions allowing administrators to determine if they want these conditions to populate on the bail forms.