

RESEARCH NOTE

Criminal Justice System Backlogs in the Post-COVID-19 Era: A Case Study of Prosecutorial Reform in Travis County, Texas

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The Big Takeaway: Prosecutorial Reform and Efficiency Go Hand in Hand

Post-COVID-19 criminal justice system backlogs are a major challenge across the country. Efforts made by the district attorney's office in Travis County, Texas, show how local jurisdictions can reduce these backlogs through policy changes that promote fairness, efficiency, and justice. In Travis County, three key changes likely led to a steep drop in backlog cases:

1. The district attorney substantially reformed several prosecution practices, including increasing the use of diversion.
2. The district attorney and county attorney used quantitative data and effectively argued for reduced "tough-on-crime" policing practices.
3. The district attorney established a pre-indictment case screening unit and analyzed pre-indictment data in partnership with the Vera Institute of Justice (Vera).

Introduction

Criminal justice system backlogs, or the number of unresolved cases in a jurisdiction, have long posed a challenge to the timely and equitable administration of justice.¹ Following the COVID-19 pandemic, however, backlogs grew at an unprecedented rate across the nation.² Those same backlogs continue to stymie criminal justice system operations six years later and are among the top three concerns of state court officials nationwide.³

The sudden rise and the persistence of criminal case backlogs has spurred leaders in the field to call for what many see as long-overdue reforms to improve system efficiency.⁴ Surprisingly, few of those calls for reform have addressed prosecutors specifically; instead, most focus more broadly on the courts, such as calling for increased judgeships.⁵ Yet prosecutors have an outsized influence on the early stages of case processing; indeed, prosecutors have near total control over whether a case proceeds to the courts at all.⁶ Addressing backlogs through changes to prosecutor policy aligns well with a broader prosecution reform movement underway across the country. The prosecutors at the head of this movement—often referred to as "reform prosecutors"—establish policies aimed at the more efficient use of limited criminal justice system resources, in addition to their core mission of reducing the justice system's reliance on incarceration and other punitive measures, where

appropriate, and expanding rehabilitative approaches to justice.⁷ In fact, efficiency and progressive reform go hand-in-hand; the longer cases take to resolve, the greater the harm to people affected by and accused of crimes alike—including prolonged trauma for survivors of crime and more time in pre-trial detention and harsher sentences for people facing charges.⁸

Practices that are considered characteristic of reform prosecution include data-informed approaches to case screening and case processing, and the use of more time- and cost-efficient alternatives to traditional prosecution, such as diversion. Practices such as these may hold the key to reducing backlogs and their ill effects. The majority of prosecutors' caseloads are comprised of low-level cases: approximately two-thirds to three-quarters of misdemeanors and felonies, respectively, are low-level, nonviolent, or low-public safety risk charges.⁹ Reform prosecution practices enable prosecutors to resolve these low-level cases more quickly and focus their attention more effectively on the smaller proportion of serious cases that merit greater resource commitments.¹⁰

This research note analyzes the rise and fall of the pre-indictment backlog in Travis County, Texas, from 2018 through 2025. During that time, District Attorney José Garza (2021–present) implemented several reforms in the face of ongoing COVID-19-related court closures and increases in “tough-on-crime” policing by the State of Texas and Travis County. Those reforms included targeted case screening, data-informed case management, and expanded diversion and conditional dismissal, where appropriate. Vera’s analysis of the pre-indictment backlog during that time suggests that these changes likely contributed substantially to prosecutorial efficiency; the implementation of those practices preceded a steep decline in the pre-indictment backlog beginning in April 2024, with a return to close to pre-COVID-19 levels—and lower levels than when District Attorney José Garza took office—by December 2025.

In short, although the issue of post-COVID-19 backlogs has become so pervasive as to seem intractable to many, evidence is emerging from the field that solutions to this pernicious barrier to justice are within reach.

Analysis

Between 2024 and 2026, Vera partnered with the Travis County District Attorney’s Office (TCDAO) as part of the Motion for Justice (MFJ) campaign. MFJ brings together prosecutor offices and community-based organizations to develop diversion programs that enhance public safety. As part of the engagement, Vera offers technical assistance and data analysis. Vera analyzed eight years of person-level criminal case data from the TCDAO. This data included case identifiers, charge information, indictments, and dispositions. In this research note, Vera also includes analysis of publicly available index crime data from the Texas Department of Public Safety.¹¹

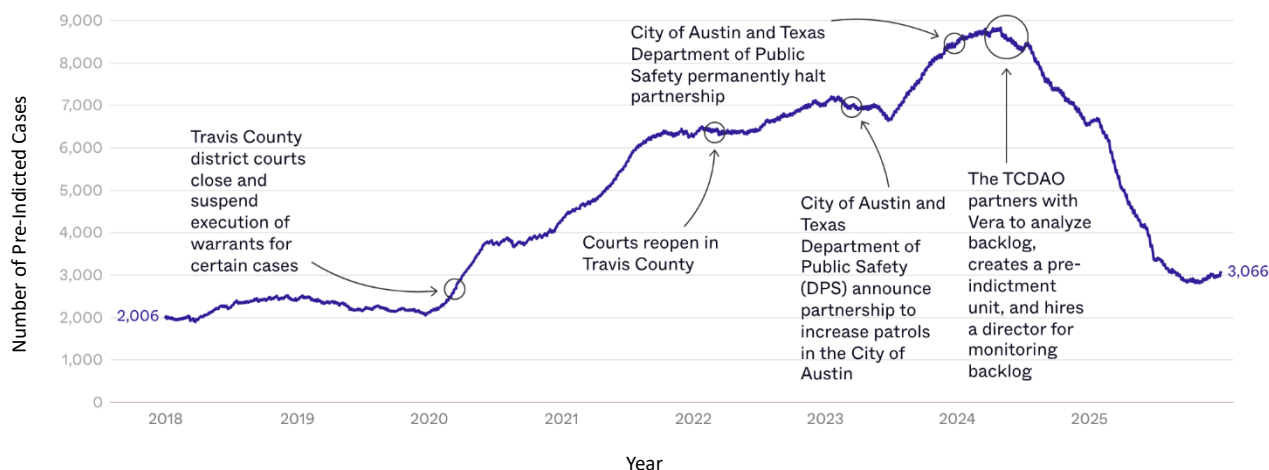
Criminal case backlogs are often measured as a count of all open cases without a final disposition. In this research note, however, Vera focuses on the *pre-indictment* backlog because it is during this period of case processing that felony-only prosecutor offices, such as the TCDAO, have the most influence over how quickly a case proceeds. Reform prosecution policies aimed at more efficient and equitable case processing—such as screening (deciding whether and how to charge a case or particular kinds of cases), diverting, or conditionally dismissing cases—all fall within this period. When assessing the prosecutor’s influence on case resolution, the pre-indictment backlog is a preferable measure to the full open-case backlog because once a case is indicted, the pace of case resolution is much more heavily shaped by court capacity, judicial scheduling, and motions by counsel.¹² For this analysis, Vera defined the pre-indictment backlog as both in-custody and out-of-custody felony cases that remained open more than 90 days after referral without an indictment, a defendant waiving indictment, or a pre-indictment decision such as rejection, dismissal, or a guilty plea.¹³

Findings

Figure 1 shows the pre-indictment backlog of felony cases in Travis County from 2018 through 2025, with indicators of key changes in policy and practice that coincided with notable shifts in the backlog.

Figure 1

Travis County District Attorney's Office pre-indictment backlog, 2018–2025



Source: Travis County District Attorney's Office (TCDAO) internal data.

Pandemic-related court closures and a “tough-on-crime” approach to policing drove sharp increases in the case backlog

At the beginning of 2018, there were approximately 2,006 cases in the pre-indictment backlog. When the courts closed on March 14, 2020, in response to the COVID-19 pandemic, the backlog stood at 2,679 cases.¹⁴ Although the number of cases received per month declined slightly during the height of the COVID-19 pandemic, court closures and related disruptions severely limited system capacity and the backlog exploded in size; when courts reopened for in-person trials on February 28, 2022, the backlog had increased by 140 percent to 6,433 cases.¹⁵ Growth in the pre-indictment backlog slowed and stabilized around this time; however, from March through December 2023, the city of Austin and the Texas Department of Public Safety (DPS) partnered to increase patrols in Austin, and that was followed by a sharp, new increase in the pre-indictment backlog.¹⁶

Although the Austin–DPS partnership was ostensibly initiated in response to staffing shortages and increasing 911 response times by the Austin Police Department, the partnership quickly became unpopular with the people of Austin following the release of data from Travis County Attorney Delia Garza (whose office handles only misdemeanor offenses), showing that nine in 10 arrests for misdemeanor charges in Austin were of Black or Hispanic people (Austin's Black and Hispanic population at the time was approximately 40 percent of the total population).¹⁷ Local news reported that, by April 5, 2023, there were 300 traffic stops and 16 arrests per day in Austin by DPS state troopers.¹⁸ Despite DPS's purported mission to address violent crime, District Attorney José Garza found that the vast majority of DPS arrests for felony cases (90 percent) were not for violent conduct; moreover, a large proportion of them (61 percent) were initiated via traffic stops for administrative violations, such as expired vehicle registration or improper window tint, which do not improve (and may harm) public safety.¹⁹ This sudden spike in arrests led to an overwhelming increase in the TCDAO's caseload; the pre-indictment backlog increased by 20 percent, from 7,008 cases in March 2023 to 8,395 cases by December 2023. Along with County Attorney Delia Garza's analysis, the TCDAO's use of data to analyze the Austin–DPS partnership—which was sent to the mayor of Austin,

per the city's request—preceded a shift in law enforcement policy, leading to the end of the Austin–DPS partnership and stemming the associated uptick in the backlog. Following the dissolution of the Austin–DPS partnership, the growth in the backlog slowed and came to a halt between December 2023 and early Spring 2024.

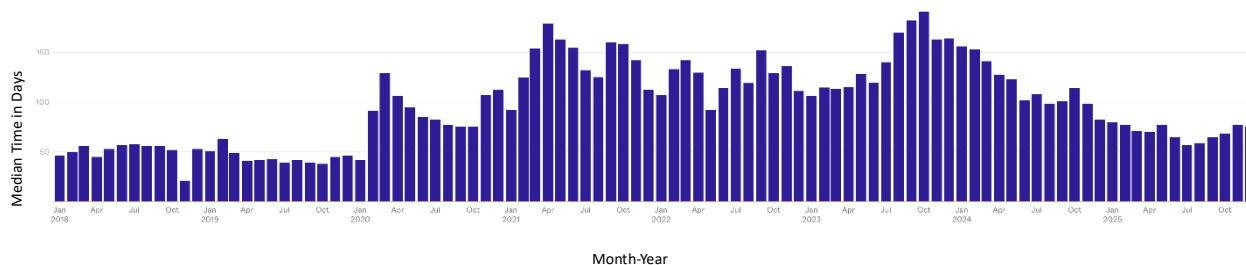
Travis County prosecutors created a pre-indictment team to decrease case backlog

The pre-indictment backlog began to consistently decline in the spring of 2024. Around this time, the TCDAO launched a partnership with Vera to analyze their pre-indictment backlog and introduced several policy changes. These included the creation of a new unit called the pre-indictment team (PIT), which is responsible for screening lower-level cases. As with most prosecutor offices, lower-level offenses make up the majority of the TCDAO's caseload. The PIT team exclusively handles lower-level felonies (such as those that are state jail-eligible as opposed to prison-eligible) and most third-degree felonies. The attorneys assigned to the PIT have both the specialized technical knowledge and mission focus to efficiently address lower-level cases, including by diverting them. This means that the attorneys handling serious felonies are better able to focus on the smaller share of cases that require extensive up-front work to prepare for trial and post-indictment dockets; this case screening practice therefore brings efficiency gains through specialization.²⁰ To ensure that this screening policy is effective and sustainable, the TCDAO additionally hired a director of pre-indictment backlog monitoring who tracks cases by felony class, focuses staff on proximate deadlines, and shifts resources as needed to manage caseloads.

Vera's analysis shows that between April 1, 2024, and December 31, 2025, the pre-indictment backlog declined by an astonishing 64 percent, from 8,444 cases to 3,066 cases, nearly reaching pre-pandemic levels, and falling below levels reached before District Attorney José Garza took office on January 1, 2021. This suggests that the changes made in case processing and management had their intended effect, dramatically increasing pre-indictment prosecutorial efficiency. Figure 2 of this report shows the median number of days between the date a case was referred to the TCDAO and the date the TCDAO either indicted the case, the defendant waived indictment, or the case was resolved through some other pre-indictment prosecutorial action (for example, declination, diversion, guilty plea, etc.). Critically, the TCDAO consistently achieved a median time to indictment or some other pre-indictment case resolution of less than 90 days by December 2024, following a steady improvement in pre-indictment case processing beginning in November 2023.

Figure 2

Travis County District Attorney's Office median time to prosecutorial action, 2018–2025



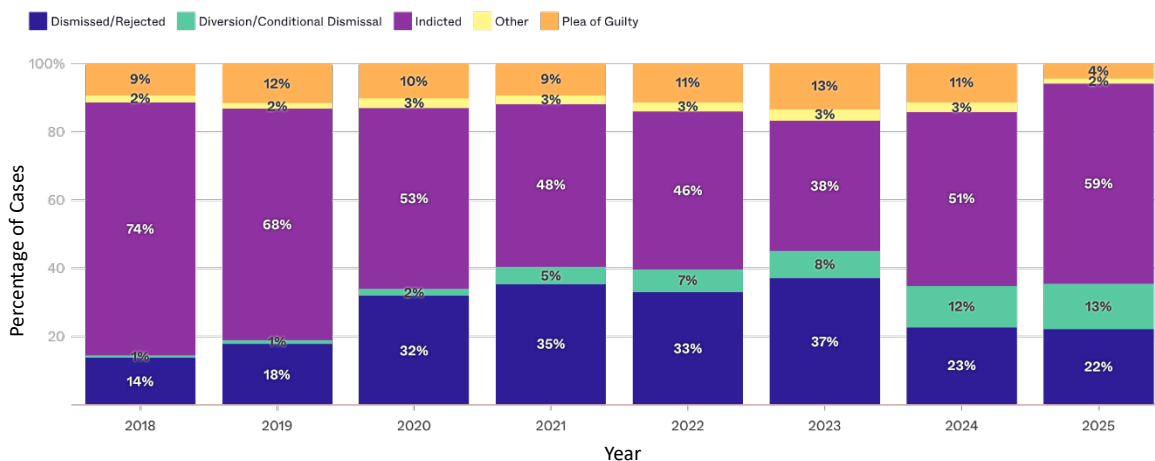
Source: Travis County District Attorney's Office internal data.

TCDAO decreased the backlog while increasing the use of rehabilitative responses

Notably, the decrease in backlog cases does not appear to have come at a cost to other reform prosecution principles, including the expansion of more rehabilitative, less punitive approaches to justice. Figure 3 of this report shows the year-by-year breakdown of pretrial case outcomes, including indictments and all other final case dispositions reached in lieu of an indictment and trial, from 2018 through 2025. Across District Attorney José Garza's tenure (2021–present), the proportion of cases that his office diverted or conditionally dismissed steadily increased by a factor of thirteen (from 1 percent before District Attorney José Garza took office to 13 percent by the end of 2025). Indeed, over the two years that the pre-indictment backlog decreased to near pre-pandemic levels, the proportion of cases diverted or conditionally dismissed was fifty to sixty percent greater (12 percent and 13 percent in 2024 and 2025, respectively) than it was in 2023 (8 percent) when the pre-indictment backlog was peaking. While diversion and conditional dismissal increased, the rate of indictment also reached a high point during District Attorney José Garza's tenure (51 percent and 59 percent in 2024 and 2025, respectively), suggesting that the use of diversion did not come at a cost to indicting cases where the TCDAO deems it appropriate.

Figure 3

Travis County District Attorney pretrial case action by year, 2018–2025



Source: Travis County District Attorney's Office internal data.

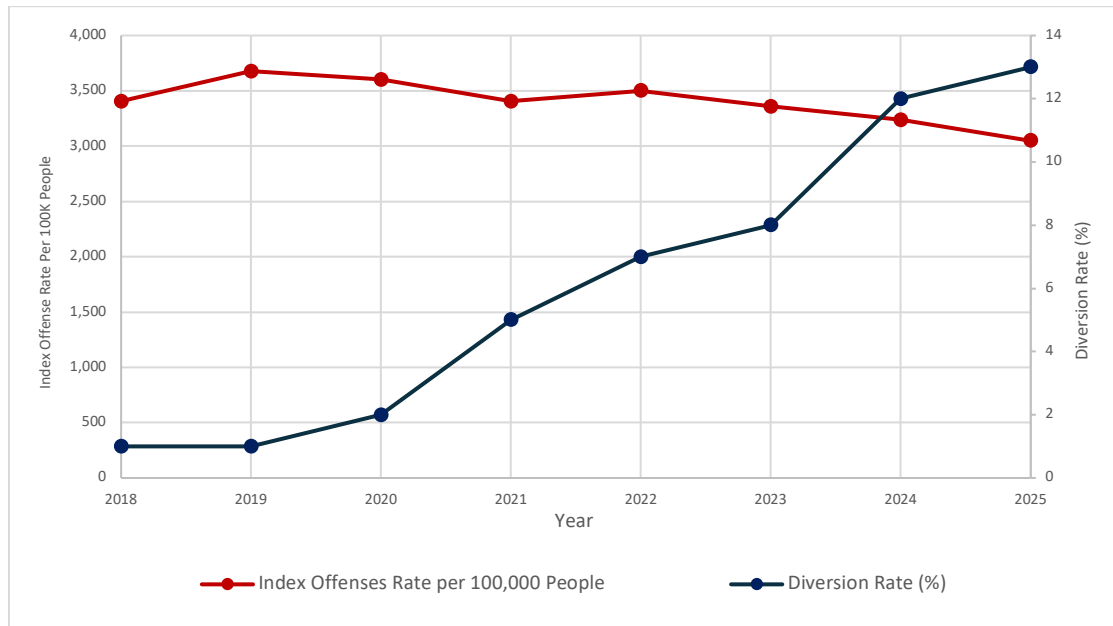
Research suggests that prosecutor-led diversion can be an efficient means of case processing, costing less time and requiring fewer resources than pursuing a guilty plea or a conviction at trial, allowing prosecutors to focus their energy on more serious cases.²¹ Between 2024 and 2025, the highest diversion/conditional dismissal rates in Travis County coincided with the most substantial rate of decline (64 percent) in the backlog since 2020. This suggests that increased diversion may have contributed to the dramatic reduction in the pre-indictment backlog, alongside the TCDAO's newly implemented screening practices.

Prosecutorial reform did not produce a spike in crime

Critically, Vera's analysis shows that public safety did not worsen between 2018 and 2025. Vera measured public safety using an aggregate count of index crimes, which is the FBI's preferred metric for serious reported crime that threatens public safety; index crimes include murder, rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. Instead, while the diversion rate increased, index crimes *declined* by 10 percent (see Figure 4).²²

Figure 4

Travis County index crime rate and felony diversion rate, 2018–2025



Source: Texas Department of Public Safety Uniform Crime Reporting Program crime volume by jurisdiction, Travis County District Attorney's Office internal data.

Conclusion

This report provides a snapshot of one prosecutor's efforts to address the pervasive issue of post-COVID-19 backlogs, and exacerbations to it due to so-called "tough-on-crime" policing. It shows that reform prosecution practices—with their goals of promoting equity in prosecution and reducing mass incarceration—can be a part of the solution. Indeed, it is well-established that "justice delayed is justice denied," for both people harmed by and people accused of crimes.²³ This is not simply a call for efficiency for efficiency's sake; the longer a case takes to resolve, the less favorable plea offers become and the more severe sentencing tends to be.²⁴ For people held in detention pretrial (a disproportionate number of whom are Black and Hispanic/Latino), the odds are even greater that they will experience job loss, reduced future employment, loss of government benefits, and irreparable psychological trauma while held behind bars—all while presumed innocent.²⁵ Meanwhile, case processing delays harm survivors of crime as they struggle to process their trauma amid continuing uncertainty about a case's outcome and as they disrupt their own personal and professional lives to participate in the required steps to reach a final case disposition.²⁶ Greater efficiency in case processing, beginning in the prosecutor's office with case screening and alternatives to prosecution such as diversion, can reduce the likelihood of these harms. While this analysis cannot tease out cause and effect, it suggests that reform prosecution, prosecutorial efficiency, and public safety go hand in hand. This case study may serve as a model for the many jurisdictions across the country that continue to struggle to return to pre-COVID-19 levels of criminal case backlog and deliver timely justice to their communities.

The Vera Institute of Justice is powered by hundreds of advocates, researchers, and policy experts working to transform the criminal legal and immigration systems until they're fair for all. Founded in 1961 to advocate for alternatives to money bail in New York City, Vera is now a national organization that partners with impacted communities and government leaders for change. We develop just, antiracist solutions so that money doesn't determine freedom; fewer people are in jails, prisons, and immigration detention; and everyone is treated with dignity. Vera's headquarters is in Brooklyn, New York, with offices in Washington, DC, New Orleans, and Los Angeles. For more information, visit vera.org. For more information about this research note, contact Mona Sahaf, Director of Reshaping Prosecution, at msahaf@vera.org.

Endnotes

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 - ¹¹ See Texas Department of Public Safety, "Crime Volume by Jurisdiction," database, <https://txucr.nibrs.com/Report/SummaryIndexReport>. Note that data is subject to daily change.
 - ¹² Bruce Frederick and Don Stemen, *The Anatomy of Discretion: An Analysis of Prosecutorial Decision Making – Technical Report*, (Washington, DC: U.S. Department of Justice, 2012), <https://www.ojp.gov/pdffiles1/nij/grants/240334.pdf>.
 - ¹³ Vera chose this 90 day case age threshold for inclusion in the pre-indictment backlog based on Texas Code of Criminal Procedure Article 17.151 (CRIM P Art. 17.151), which states that "...A defendant who is detained in jail pending trial of an

accusation against him must be released either on personal bond or by reducing the amount of bail required, if the state is not ready for trial of the criminal action for which he is being detained within: (1) 90 days from the commencement of his detention if he is accused of a felony....” Prosecutors are, accordingly, incentivized to indict or otherwise dispose of a case prior to this threshold, making it a meaningful case age threshold for inclusion in the pre-indictment backlog.

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