

# **Burnet County Data Reporting Improvement Plan**

## **SECTION I**

### **LEGISLATIVE REQUIREMENT**

Per new Texas Law, Ch 60.10 Texas Code of Criminal Procedure, counties that do not have an average disposition completeness percentage 90% or better must establish a local data advisory board. This specifically refers to the accurate reporting of the disposition of all criminal cases in the county, including all juvenile crimes, plus all adult misdemeanor and felony crimes. Unfortunately, Burnet County's completeness reporting rate is below the 90% reporting mark.

The law requires the formation of a group to study the reasons why the reporting rate is below par by November 1, 2009. The group must prepare a data reporting improvement plan, describing how all parties that are a part of the reporting structure will improve their reporting requirements to ensure the 90% floor is met and how they will ensure that this mark is continuously met in the future. The plan must be submitted to the Texas Department of Public Safety no later than June 1, 2010 where it shall be posted on its internet website.

Burnet County acknowledges the requirements as set by Chapter 60.10 CCP. In response, the Burnet County Data Advisory Board has been formed in accordance to this statute. Its goal is to identify the issues within Burnet County that negatively affect overall reporting of criminal dispositions and the steps that must be taken for improvement.

## **SECTION II**

### **COMPOSITION OF THE BURNET COUNTY DATA ADVISORY BOARD**

The following are the members of the Burnet County Data Advisory Board:

1. Chief Randy Service- Burnet County Sheriff's Office
2. Chief Mark Whitacre- Marble Falls Police Department
3. Chief Paul Nelson- Burnet Police Department
4. Mr. Marc Bittner- Chief, Juvenile Department 33<sup>rd</sup> and 424<sup>th</sup> Judicial District
5. Mr. Lynn Sheffield- Chief Investigator, Burnet County Attorney Office
6. Ms. Dana DeBerry- District Clerk, 33<sup>rd</sup> and 424<sup>th</sup> Judicial District
7. Ms. Janet Parker- Burnet County Clerk
8. Mr. Gary Bunyard- Assistant District Attorney, 33<sup>rd</sup> and 424<sup>th</sup> Judicial District
9. Ms. Connie Morris- Burnet County IT Coordinator
10. Mr. Eddie Arredondo- Burnet County Attorney
11. Mr. Russell Graeter- Burnet County Commissioner, Pct. 2

In addition to the above described members, personnel from the Burnet County Jail shall be invited to provide necessary insight and opinion to the board. The leader of the board

shall be the County Attorney. Should any member resign, his/her position shall be filled by the leader of board after approval of the Burnet County Commissioners Court.

### **SECTION III**

#### **CURRENT PROCESS IN REPORTING**

Arrest of Individual- Arrestee taken to the Burnet County Jail for processing. TRN report is initiated by the arresting agency or the jail. One police agency has a live scan system; the jail has a live scan system, while other agencies do a manual report.

- TRN prepared manually or electronically at PD or at the Jail
- Hot Check cases initiated at CA Office with Warrant and TRN prepared upon arrest or if summoned, in courtroom
- Out of County Warrant arrests handled and given to Arresting County or PD
- Arrests on Burnet Co. Warrants outside of County to arrive to BCSO from arresting county
- Juveniles detentions are referred to JPO who require a TRN to be completed by arresting agency electronically or manually

Arrest Report and TRN sent to Prosecutor Office by Arresting Agency

- Jail prepares a packet which consists of arrest report, TRN forms, photo, and fingerprint card. This packet is done within 48 hours after individual is brought to jail.
- Arresting agency required to pick up packet and forward entire case with contents of packet to prosecutor office.
- Prosecutor office will screen case while cases never forwarded to prosecutor office must be closed by Agency
- Juvenile case TRN forms given to JPO office are forwarded to prosecutor along with police reports
- TRN reports on hot check arrest warrants are forwarded to prosecutor office by jail

Process of Case Reporting at Prosecutor Office

- Case is reviewed and screened by prosecutor office where it may be accepted, rejected, or returned for further information.
- Any missing TRN reports must be tracked down by prosecutor personnel with the Jail and/or arresting agencies OR case is returned for further information due to missing TRN to arresting agency
- Charges are filed and TRN forms are forwarded to the Clerk's Office
- Charges that are added to or changed by prosecutor must have TRN updated by prosecutor personnel to reflect the change and then TRN forms are forwarded to the Clerk's Office

- Cases Returned for information and thereafter unreturned, must be closed by the arresting agency or the Prosecutor Office
- Juvenile cases that are modified by prosecutor must have TRN updated by prosecutor personnel to reflect the change with assistance of JPO and then TRN forms are forwarded to Clerk's Office
- Rejected cases are reported back to arresting agency and closure is done by arresting agency or prosecutor personnel
- Rejected juvenile cases are reported back to JPO and closure is done by JPO or arresting agency

Case is filed, prosecuted, closed, updated

- TRN is given to Clerk when case filed
- Cases without TRN must be hunted by prosecutor if urgency exists in prosecuting case (jail cases that can't wait for a return after a returned for more information by calling jail and/or arresting agency)
- TRN processing at court for missing cases occurs in rare situations where TRN not done because no arrest was done. (summons on hot checks for example)
- If case is dismissed then TRN closure done by Clerk
- If defendant is convicted then closure done by Clerk
- If defendant is found not guilty then closure done by Clerk
- If defendant is placed on Deferral then closure done by Clerk
- If defendant is allowed to enter a Pre Trial Diversion program then closure occurs by Clerk after notice from Probation office of completion or upon action in court if program is unsuccessfully completed
- When a misdemeanor deferral is successfully concluded then prosecutor dismisses the case with motion and order in Court and the TRN report update is done by the Clerk.
- When an unsupervised misdemeanor deferral is successfully concluded then prosecutor dismisses the case with motion and order in Court and the TRN report update is done by the Clerk.
- When a felony deferral is successfully concluded then the adult probation office notifies the Clerk who updates TRN report
- Successful or Unsuccessful completion of Deferral or Probation requires probation office to notify Clerk in order to do a TRN report update
- Revocation of a deferral or regular probation occurs in Court and Clerk then updates TRN report
- Juvenile prosecution deferrals not in Court must have TRN report update prepared by JPO
- Juveniles prosecuted in Court (prosecution deferral, adjudication, not true finding) have closure reported by Clerk Office.

## SECTION IV

### IDENTIFICATION OF PROBLEMS

- Each Dept/Agency/Jail fails to insure that the next department/agency/Jail to handle the TRN report in the reporting process has all required information
- Jail not consistent is passing TRN reports to prosecutors or arresting agencies due to shift changes /experience /training /emergencies /other duties
- Jail entry mistakes lead to the failure to forward TRN report information appropriately or the creation of a double report for same offense resulting in inaccurate TRN reporting
- Delays in the preparation of jail packets with TRN reports that are to be picked up by arresting agencies or sent to prosecutors office
- Arrest agencies not consistently following through on closure reports on cases returned for further information by prosecutor and thereafter not pursued further
- Arrest agencies not following through on picking up prepared jail packets from jail after arrest
- Cases rejected by prosecutor are not closed by arresting agency/prosecutor on a consistent basis
- Prosecutor personnel are not consistently making TRN report updates on cases with charges added or changed
- Probation Dept not reporting completion of probations to Clerks in order to prepare TRN report updates
- Reports to DPS not reaching DPS from the automated system entries
- Due to various reasons such as the inapprehension of a defendant or the need to wait for lab test results, some cases are not concluded and closed within a two year period
- Clerks overwhelmed with other duties and backup in reporting TRN closures and updates
- Pre Trial Diversion Case completions are not consistently reported by adult probation office to Clerk's Office
- The process for "Out of County Warrants" is not properly identified and followed by all Burnet County Law Enforcement Agencies and the jail
- The process for the TRN reporting on arrest of Burnet County warrants outside of the County is not properly identified and followed by jail and Sheriff's Office
- The completion of a deferral probation of felony cases are not consistently reported by adult probation to the Clerk's Office for a TRN update report to be prepared

- No periodic review of the entire TRN reporting system exists to ensure that the system is working properly
- Currently, there is no mechanism for review of old cases to ensure closure was done by prosecutor, clerk, jail, or arresting agency

## SECTION V

### ACTIONS TO BE TAKEN

The following are the actions identified that will resolve the criminal reporting issues in Burnet County:

1. Funding for training- The various Burnet County Departments and Law Enforcement agencies that are a part of the criminal reporting system must take steps to seek appropriate funding from their governing bodies for the training of personnel on a regular basis. The training will ensure that all party participants understand the requirements and process to follow in TRN reporting.
2. Creation of permanent board- The Committee supports the permanent creation of board that is similar to the make up of this Improvement Committee in order to oversee the TRN reporting processes on a county wide basis. It is suggested that the board meet at least one time a year to re-review the Burnet County Data Reporting Plan, and review the success of the system. Follow up meetings may be called to implement any needed changes to the system. Additionally, any member of the board should be allowed to call a meeting at any time in order to address any immediate need identified for the benefit of the system.
3. Seek Live Scan Equipment- The County is already seeking grants in order to fund the electronic equipment for each Clerk's Office. The equipment will be placed in the appropriate courtrooms for use. Such equipment will be used to create a report for persons appearing under a court summons. Funding for maintenance and training will need to be either provided by the grant process or the Burnet County Commissioners Court.
4. TRN Sergeant at Jail- Southwest Corrections, the private company currently operating the Burnet County Jail, has assigned a sergeant to oversee all jail requirements of the TRN reporting system. This individual will assist in the following:
  - a. addressing the timely preparation of jail packets with TRN reports at the jail
  - b. address training issues at the jail and becoming a resource for personnel
  - c. identify any issues or problems which arise at the Burnet County Jail regarding the TRN reports on any defendants

- d. exist as the person to whom all departments and arresting agencies may call to deal with any specific TRN report problems on any defendant
  - e. become the "follow up" person to find or correct any missing TRN reports
5. County Clerks hire temporary employee- Both of the Clerks offices have already hired individuals to review all outstanding cases still in existence since 2005. The review is aimed at updating these cases up to present.
  6. After indictment of Felony Cases, the District Clerk's Office shall confirm the TRN information of each case is accurate.
  7. Prosecutors to review pending cases- In conjunction to the Clerk's Offices, both prosecutor offices in the County will be reviewing cases in which it has the responsibility to close or update in regards to TRN reporting
  8. JPO to provide training- The Juvenile Probation Office administration shall continue to update and train its personnel to ensure that all proper reporting procedures are followed. This will ensure that the proper reporting of un-adjudicated deferrals, completed adjudications, completed court deferrals, rejected cases, and modifications of probations or deferrals occur.
  9. Law Enforcement processes to be created- With the assistance of all law enforcement in Burnet County, processes shall be identified to ensure proper TRN reporting after the arrest of an individual occurs. The processes shall also address the closing of cases not sent to a prosecutor, the steps to follow for the arrests of suspects outside of the County on Burnet County warrants, the arrest of suspects in Burnet County for an out of County warrant, the picking up of jail packets for arrested suspects, the following up of cases referred back for further investigation by the prosecutors office.
  10. The County Attorney's Office has sent its personnel to TRN training in Dallas to ensure that its obligations to the reporting process are met.
  11. The County Clerk's Office has sent its personnel to TRN training in Dallas to ensure that its obligations to the reporting process are met.
  12. Adult Probation to develop processes- The Adult Probation Office shall institute and train its officers on how and when notice shall be given to the Clerks' Offices for TRN update reporting when individuals complete a pre-trial diversion program, and when a person completes a deferral or probation term.
  13. The DA & CA to report rejected cases or un-returned cases- To ensure that proper reporting is done, both prosecutor offices shall report and close all rejected cases for prosecution. The prosecutor offices shall have returned cases signed for by the arresting agencies; and, time limits shall be set for the return of these cases. When the time limit is triggered, the prosecutors' offices (absent any notice) shall notify the arresting agency of its intent to close the case and will thereafter follow through unless otherwise requested. If an arresting agency chooses not to return such a case for re-review by the prosecutor, it shall so notify the prosecutor.
  14. No cases shall be screen or considered by any prosecutor office when a TRN report is not provided. However, any law enforcement office may send any

case for review purposes only without a TRN report. If such case is ultimately filed, a TRN report must accompany case.

15. Clerks to request additional personnel- The Clerks offices may ask the Burnet County Commissioners Court for additional fund to hire additional personnel to ensure all reporting requirements are met in a timely manner.
16. Use of TRN Reporting by Website- Clerks shall focus its TRN reporting through electronic submission.
17. The Committee recognizes the need for additional personnel in the Burnet County Sheriff Department to process TRN reporting of arrests by warrant and to post warrants on law enforcement networks such as TCIC. Currently, these responsibilities are handled by a single person who is overwhelmed.
18. Each agency or department that is a part of the criminal data reporting process shall designate a contact person for all to address when issues arise. This list will be periodically updated.
19. The Committee stresses that this plan is to be treated as a working document that may be modified as issues arise and the plan is re-reviewed.
20. The Committee shall attempt to discuss with DPS reporting issues and seek policy changes regarding reporting guidelines for criminal cases that are over two years in age and remain open or un-reported for valid reasons.

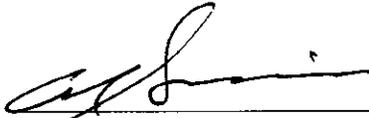
## SECTION VI

### CONCLUSION

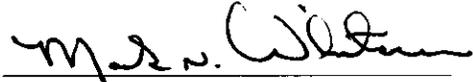
Burnet County Data Advisory Board Members recognize a need to adjust policies in regards to criminal data reporting to the State of Texas. The changes have been identified and are in the process of being implemented. Once in place, these Burnet reporting processes will need to be periodically reviewed to ensure compliance. Such diligence will require further participation between all of the parties that comprise of the criminal reporting system in the county.

This report has been presented and presented to the Burnet County Commissioners Court on this 9<sup>th</sup> day of February, 2010.

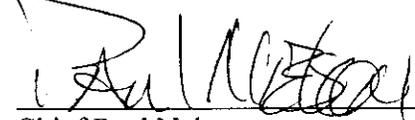
BURNET COUNTY DATA ADVISORY BOARD



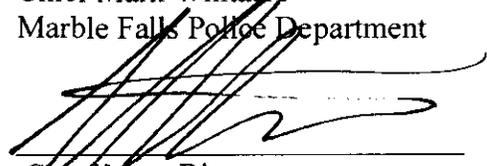
Chief Randy Service  
Burnet Co. Sheriff Office



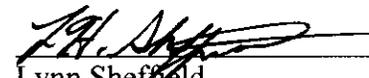
Chief Mark Whitacre  
Marble Falls Police Department



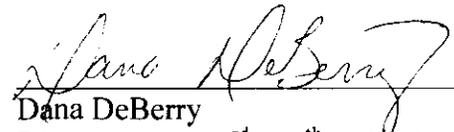
Chief Paul Nelson  
Burnet Police Department



Chief Marc Bittner  
Juvenile Prob. 33<sup>rd</sup> 424<sup>th</sup> Jud. Dist.



Lynn Sheffield  
Burnet Co. Atty. Investigator



Dana DeBerry  
District Clerk 33<sup>rd</sup> 424<sup>th</sup> Jud. Dist.



Janet Parker  
Burnet Co. Clerk



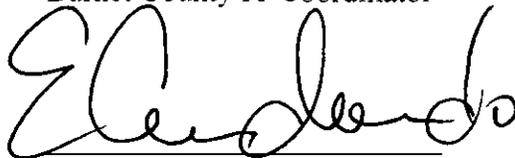
Gary Bunyard  
33<sup>rd</sup> 424<sup>th</sup> District Attorney Office



Connie Morris  
Burnet County IT Coordinator



Russell Graeter  
Burnet Co. Commissioner, Pct. 2

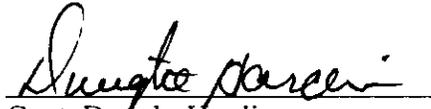


Eddie Arredondo  
Burnet Co. Attorney

ADVISORY PARTICIPANTS



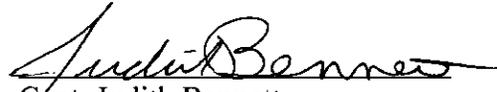
Capt. Robert Sooter  
Marble Falls Police Department



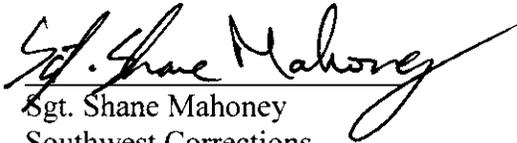
Capt. Dwight Hardin  
Burnet Co. Sheriff Office



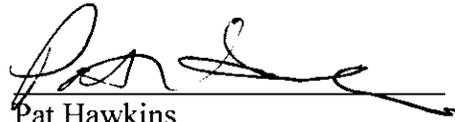
Capt. Richard Gaudin  
Burnet Co. Sheriff Office



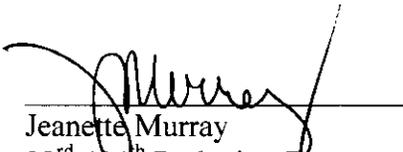
Capt. Judith Bennett  
Southwest Corrections



Sgt. Shane Mahoney  
Southwest Corrections



Pat Hawkins  
Burnet Co. Sheriff Office



Jeanette Murray  
33<sup>rd</sup> 42<sup>nd</sup> Probation Department