



## COMAL COUNTY DATA REPORTING IMPROVEMENT PLAN

Pursuant to Article 60.10, Texas Code of Criminal Procedure, the Comal County Local Data Advisory Board adopts this as the Data Reporting Improvement Plan. On the 1<sup>st</sup> day of November, 2009, the Comal County Commissioners Court established this board to meet and establish a data reporting and improvement plan which would:

- (1) describe the manner in which the county intends to improve the county's disposition completeness percentage;
- (2) ensure that the county takes steps necessary for the county's average disposition completeness percentage to be equal to or greater than mandated by statute;
- (3) include a comprehensive strategy by which the county will permanently maintain the county's disposition completeness percentage at or above the percentage mandated by statute.

### **History:**

Chapter 60 of the Texas Code of Criminal Procedure (CCP) defines the "Computerized Criminal History System" (CCH) as the statewide repository of criminal history data reported to the Texas Department of Public Safety (DPS) by local criminal justice agencies for Texas. CCH is one component of the Texas Criminal Justice Information System (CJIS). The other component of CJIS is the Corrections Tracking System (CTS) managed by the Texas Department of Criminal Justice (TDCJ).

### **Data to Include in CCH:**

Chapter 60 of the CCP requires that information on arrests, prosecutions and dispositions for cases on persons arrested for offenses greater than and including Class B Misdemeanors shall be included in CCH. The statute identifies many of the actual data elements. In addition, although not required by statute, CCH has traditionally included limited supervision data reported to DPS by TDCJ. Of special note is that Chapter 60 of the CCP creates an Incident Tracking Number (TRN) and Incident Tracking Number Suffix (TRS) as the keys for linking charges from arrest through adjudication. Use of the TRN and TRS ensures that the outcome of each arrest can be tracked through the system, but establishing this capability requires each reporting entity to be extremely careful in its management of cases to include the TRN and TRS.

## **LOCAL REPORTING RESPONSIBILITIES:**

Chapter 60 of the CCP establishes a flow of information at the local level that is required for successful CCH reporting from each county. The statute places responsibility for reporting to CCH on specific local criminal justice agencies, as follows:

### **Arresting Agencies:**

The local law enforcement agencies within Comal County that arrest a person for a Class B misdemeanor or higher violation of a Texas statute are required by Chapter 60 of the CCP to report that event to DPS within seven days. The report, if on paper, must be on the Criminal History Reporting Form (CR-43) created by DPS. The report must include the arrested person's fingerprints, the TRN and other data required by statute. If available, electronic transmission of the data is the preferred method. A critical component of successful reporting is communication and cooperation within the county. A large part of that cooperation is each reporting agency passing the TRN and TRS to the next level. The arresting agency needs to send the TRN and TRS to the prosecutor, as indicated below.

The following CIJIS procedures for arresting agencies in and for Comal County are as follows:

### **Juvenile**

- Detaining officer completes a photocopy of CJIS reporting Form and fingerprints juvenile using CJIS fingerprint card;
- Once report is approved by the shift supervisor it is reviewed by CID;
- CID approves the report and gives all attachments to the Records Division;
- Records personnel detach the CJIS paperwork (original form and photocopy completed by the officer) and gives it to the Assistant Support Services Supervisor;
- Assistant Support Services Supervisor fills out the original CJIS form with information provided by the officer on the form photocopy and also types the notification letter;
- Records personnel then make department copies and detach the white, green, and blue reporting sheets;
- White reporting sheet and fingerprint card are mailed to Crimes Records Service;
- Green and Blue CJIS forms are put into Juvenile Log Book;
- Juvenile Probation personnel come to the law enforcement agency to sign for and pick up the CJIS paperwork; and
- Notification letter is mailed to the appropriate school superintendant.

## Adult

- Officer arrests an adult offender and transports them to the Comal County Jail;
- At the jail the officer completes all booking paperwork to include Comal County Sheriff's Office (CCSO) Jail Booking Form;
- Officer completes the CJIS information (gray box) on the Booking Form for the primary criminal charge and a supplement CJIS Booking Form for each additional criminal charge that is a Class B Misdemeanor or higher;
- Booking paperwork to include CJIS information is approved by the on-duty jail supervisor and the paperwork and arrestee are released to the custody of the jail staff; and
- CCSO Jail staff process the CJIS information during the booking procedure.

The Criminal Records Division checks and processes inmate files after the inmates leave the jail. The records clerk puts the jail paperwork (i.e. booking sheets, medical sheets, mug shots, inmate request forms, and disciplinary forms) in a specific order and makes sure all paperwork is accounted for in the folder. The legal paperwork (i.e. bonds, commitments, warrants, and payment of fines) is processed and sent to the appropriate courts by a ledger book. The Courts sign for the paperwork and return the ledger book for confirmation of receipt. The turnaround time for the paperwork to the Court is approximately three days.

In 2006, the Comal County Jail implemented and went live on Livescan. Livescan is computerized reporting to DPS. The Criminal Records Division, which consists of four clerks, do all the reporting for Comal County Sheriff's Office, New Braunfels Police Department, Garden Ridge Police Department, Bulverde Police Department, Live Oak Police Department, Fair Oaks Ranch Police Department, DPS and sometimes Schertz Police Department. Once Livescan was implemented, the Criminal Records Division trained the booking officers in the jail how to do CJIS.

When Livescan was originally implemented, MID/MACs were not printed off to advise if the information was correctly sent off and whether the offender did not have a CCH then a State ID number would be assigned to that individual by DPS. If the offender has a CCH, it would show a positive hit and confirm such by providing the State ID number. Thereafter, the Livescan Coordinator from DPS at that time strongly suggested that we print out the MID/MACs. A printer was then purchased and set up to receive the MID/MACs.

Due to the recent reporting of Class C's to DPS, every packet is checked against the CCH from the DPS website. In the event a charge was not reported, the CCSO manually sends the charge information to DPS by mail with a set of fingerprints and a CR43 Form. CCSO verifies that the information entered in CJIS is correct and ensures that the information is not transmitted to DPS during DPS's down time (23:45- 00:15 or 11:45pm -12:15 am). DPS has a down time when their computers are updating all the information received through the day. In the event that information is sent during the listed times, the information will not be received and will not go on the offenders CCH. DPS sends a MID/MAC and it will be included in the offenders folder. If the MID/MAC is not included, the information is then researched to determine what error may

have occurred. CCSO manually submits the information to DPS through the mail if it is determined that the charge was not reported.

Once the paperwork has been processed, a packet is made and then it is filed away in the offender's permanent file with the exception of Class C cases. Class C packets are filed away in alphabetical order and then by year. In the event an inmate has more than three Class C arrests, a permanent file is then made and filed away.

DPS Representatives come to visit bringing paperwork and fingerprint cards back with notes attached. Most notes state they received the CR-43 Form without fingerprints and cannot be processed. The other notes state they received the fingerprints without the CR-43 Form and cannot be processed. However, it is still possible to see where the paper work and/or fingerprints were stapled together and when they were mailed out to DPS. Most of the papers are the pink or the yellow copies which would come from the courts or the prosecutors. There are times when the CCSO cannot figure out who originally filled out the papers because it did not come from their office.

The Criminal Records Division also handles the paper work when an offender was arrested by another county. Once the folder is processed, we type a letter and include booking sheet, fingerprints, hit confirmation, narratives, and any the money that was put up for a bond or the bond. The paper work is then mailed out to the county in which held the warrant. A copy of the paper work is kept in the file with the arrest packet.

### **PROCEDURES FOR REPORTING OUT OF COUNTY CHARGES AND CJIS REPORTING**

CCSO receives warrant, capias, bond, power of attorney, booking sheet, hit confirmation and fingerprints from the arresting outside agency. Unfortunately, outside agencies arresting individual's on Comal County warrants often fail to provide the fingerprints. When there are no fingerprints attached to the paperwork and the defendant has never been arrested or jailed in our county, a letter is sent to the outside arresting agency requesting a set of fingerprints.

**\*\*If charge(s) are original, CCSO has to manually fill out the CR-43 Form and attach a set of fingerprints and send it to DPS. The yellow and pink copies of the CR-43 Form are sent to the Comal County Criminal District Attorney's Office (CDA) so the prosecution information can be filled out. After the CDA fills out the prosecution information they forward the pink copy to the Court. The Court will complete the Court portion and then send it to DPS.**

CCSO keeps a spreadsheet of the TRN numbers that were reported to DPS. CCSO checks the DPS website approximately four to six weeks after sending the information to DPS to verify that DPS has received it and it is now on the defendant's criminal history. If after six to eight weeks, the information still does not appear on the defendant's criminal history CCSO will resubmit the information. The warrants and bonds are checked and sent to the appropriate court as well as to the CDA for processing.

\*\*Please note that on a regular basis when we meet with our CJIS Representative he brings us the yellow or pink copy of the CR-43 Forms with error notices attached to send in fingerprints; even though we have already sent them. Despite regularly checking its records, this discrepancy within DPS is out of the control of the CCSO.

### **PROSECUTOR:**

Chapter 60 of the CCP requires that any County Attorney, District Attorney or other Prosecutor receiving a class B misdemeanor or greater offense must report to DPS the decision to accept, reject, change or add to the charge for trial. Like the arresting agencies, Prosecutors may report on paper or electronically, including the TRN as received from the arresting agency.

### **Juvenile:**

The Green and Blue copies of the CR-43J Forms are sent to the CDA with the Juvenile referral. The third and fourth lines of the Pre-Adjudication portion are filled out by the CDA's office. Depending on what the prosecutor decides, the copies are either sent off to DPS, back to the Juvenile Probation Department (JPD) or filed with the District Clerk.

If a case is Refused or Non-suited by the Prosecutor, then the Green copy is sent to DPS and the Blue copy sent to the JPD. If the Juvenile is offered deferred, then both the Green and Blue copies are sent back to the JPD. Where a petition is filed the Green copy is sent to DPS and the Blue copy is filed with the District Clerk.

### **Adult Misdemeanor Cases:**

On adult misdemeanor cases, once a case is filed and gets a cause number the CDA's Office mails the CJIS Form to DPS via the Able Term System. If the case is not accepted and/or rejected the CDA's Office also mail the CJIS Form to DPS. If a person was not arrested, we do not do anything with the CJIS Form.

### **Hot Check Cases:**

With CJIS on the misdemeanor theft by check cases, the CDA's Office does not complete a CJIS Form until after the person is arrested or comes to court on a summons. If the person is arrested here in our County then we go into the CJIS Module and do the CJIS reporting electronically. If the person receives a summons (instead of being arrested) then when he or she come to Court the Misdemeanor Division provides the blank CJIS Form in the CDA's case file and gives it to the Court Bailiff to get the Defendant fingerprinted. After being printed, the CDA's Office sends the CJIS Form to the Records Department of the CCSO so they can fill out their information.

When a person is arrested out of County, the CDA completes the CJIS Form after we receive it from the Sheriff's Office. After the CDA fills out its information, the yellow copy is sent to DPS and the pink copy is sent to the Comal County Court at Law.

## **Felony**

With Felony cases, once a case is indicted and filed the CDA reports it to CIJIS via the Able Term System. Where a case is rejected and an arrest has been made, once the Non-Prosecution Affidavit (NPA) is filed the CDA reports it to CIJIS in the same manner. On out of county arrests, the CDA sends in a hard copy CJIS Form to DPS once the paperwork is received. If no arrest was made the CDA does not report anything to DPS on a CJIS Form.

## **Criminal District Attorney Stats Database**

\*\* In July of 2008, the Criminal District Attorney hired a Crime Analyst to build and institute a database for the CDA Office to track cases through intake, filings and dispositions to cross-check reporting to DPS. Monthly reports are run and distributed to Attorneys and Staff for review. Quarterly reports are also run and the numbers are then compared to the District and County Court figures and checks are made to ensure cases have been reported through the Prosecutor module to CJIS.

## **COUNTY AND DISTRICT CLERKS:**

Chapter 60 of the CCP requires the District and County Clerks whose courts try class B misdemeanor or greater violations of Texas statutes to report the disposition of the case to DPS. The clerks are dependent upon receiving the TRN and TRS from the prosecutor. The reports may be reported on paper or electronically.

## **County Clerks**

When a case is filed in the County Clerk's Office it is assigned to either County Court at Law #1 or County Court at Law #2. Once the case has gone through the court process and has a disposition, the Clerk reports electronically to DPS via the Able Term System. Electronic reporting is done on the same day that the disposition is completed in the Clerk's system. If a CR-43 Form cannot be transmitted electronically, the Clerk then mails the paper copy to DPS via the postage paid envelopes provided by DPS.

At this time, the Clerks handle all bonds for County Court at Law (CCAL) charges. The bonds are forwarded to the Clerk's Office from the Sheriff's Office even if the case has not been filed. The Clerks are in possession of open bonds (therefore open arrests) for all years back to when CCAL was formed. One of the issues this committee addressed is this situation, i.e. what to do with these bonds for open arrests and what procedure to implement for the future to avoid this situation. The proposal is to provide the CDA with a list of the open bonds for their review to research the status of the investigation and/or prosecution to determine whether to file a case or reject it. For cases beyond the statute of limitations, i.e. where the CDA cannot file charges, our DPS Representative instructed that the CDA forward the remaining open bonds to the CCSO Jail to reject the arrest in their section of the CR-43 Form. The Clerk has completed a list for 2007 and forwarded it to the CDA to implement such proposal.

The Committee is implementing a plan for reporting dispositions for cases where the defendant has been summoned to court for a filed misdemeanor case without ever being arrested and fingerprinted. The summons process is becoming very popular with particular Judges in Comal County to aid in the overcrowding of the CCSO Jail. One option discussed was sending the defendant's to the CCSO Jail once the case is filed to be processed (i.e. fingerprinted and a TRN number given without being arrested). In the past, the Clerk would send the defendant to the CCSO Jail to be processed once he or she came to court. Additionally, the Clerk notified the Court that people who were summoned needed to be fingerprinted and processed by the bailiffs. The Committee will continue to work with the Court and various Departments to ensure that people brought to court via summons instead of arrest are processed accordingly.

\*\*The Committee recently met with our current Representative Nicholas Perales, who advised that the CJIS System will reject reporting where the arrest date is not prior to the Prosecution and disposition date. One suggestion by our Representative was to alter the Prosecution and disposition dates. Our Committee has decided that such alteration would be fabrication and we will not alter the actual dates that are required to be reported by Chapter 60 of the CCP. Since meeting with our Committee, Nicholas Perales has advised that use of the Code 232, Processing after Court should correct this issue. We believe that with the cooperation of all the departments and DPS working together, the "summons" problem could be solved.

About 1 -1 ½ years ago, our Field Representative Jim Merchant gave our office a report of TRN's that did not show as being reported to DPS. Our office researched each case. In a majority of the cases, the CR-43 Form was completed and sent electronically when the case was disposed. The Clerks were instructed to send a hard (paper) copy to DPS on these cases and this was done. The Clerk did find some cases that had not been reported at the time of disposition, either by clerk error or not having the TRN number available at the time to report, as noted by the clerk in the file. The Clerk made note of pending cases on the list and then forwarded the paperwork to the CDA to research any cases that the Clerk could not complete, i.e. Non-Prosecution Affidavits or open arrests. The Committee Members request and need a new list of TRN's that do not show as being reported to check for any cases that now need attention. The Committee is unable to find or access such a report on the DPS web site.

With regards to "errors in reporting," every Monday the Clerks log into the CJIS module of the Able Term System to check for any and all error reports. If there are errors, a prompt to print the report will appear. Likewise, if there are no errors, then no prompt appears. Once printed, the Clerks correct any errors listed and send a hard (paper) copy to DPS via the postage paid envelope provided by DPS. A copy of this correction is entered in the case, scanned and filed.

### **District Clerks**

For Juvenile Cases, once the CDA files a petition or modification the blue DPS copy is attached. The District Clerk holds onto the DPS copy until the Juvenile case has been disposed. Once the case is disposed, the District Clerk makes a copy for the CDA's Office, Juvenile Probation and one for their file and then mail off the original to DPS.

For Felony Cases, once a case is disposed we report to CIJIS via the Able Term System. The District Clerk goes back into the original case and reports to CIJIS electronically via the Able Term System when a person has been granted shock probation, a revocation has been granted, and/or if an order releasing defendant from probation has been sign from the Judge.

### **JUVENILE PROBATION DEPARTMENT**

Green and Blue copies of CR-43J Form are submitted to Juvenile Probation with the incident/offense report by law enforcement. Depending on offense level, the In-Take/Probation Officer or Data Coordinator completes first and second lines of the Pre Adjudication section and routes the Form as follows:

#### **Misdemeanor**

First Time Offender – The Juvenile Probation Department offers deferred prosecution and the Data Coordinator completes CR-43J Form and mails the green copy to DPS.

Offender with Previous Referral – The Intake/Probation Officer completes the CR-43J Form and submits the Form to the CDA with a Referral. The CDA's Office completes the third and fourth lines of Pre-Adjudication Section indicating the action taken by their department.

When the CDA offers Deferred Prosecution, the CR-43J Form is returned to the Juvenile Probation Department. The Data Coordinator completes the fifth line of the Pre-Adjudication Section and mails green copy to DPS. When the Juvenile completes their deferred prosecution successfully, the Data Coordinator completes CR-44J Form Supplemental Form indicating a status change of "Dismissal" to the previous action taken.

#### **Felony**

All felony referrals are sent to the CDA's Office with the completed first and second lines of CR43J Form.

### **ADULT PROBATION DEPARTMENT**

The Comal County Adult Probation Department (CSCD) CJIS reporting procedures are as follows:

When a probated case has no arrest for the instant offense and/or not arrested in our county, and there are no TRN/TRS and/or SID# assigned by DPS it then becomes necessary for CSCD to have the defendant fingerprinted utilizing the CR-43 Form. We previously utilized the **CR43-P Form**. The Comal County Sheriff's Office then has the fingerprints CR-43 Form submitted to DPS. Other than this purpose, it is not required for CSCD to do any CJIS reporting. CSCD

only reports in this manner to comply with our required state reporting and to receive the funding provided by the state.

### **INFORMATION TECHNOLOGY DEPARTMENT**

Every Monday, Wednesday, and Friday, the Information Technology Department (IT) downloads and uploads all CJIS information to DPS.

The Comal County Local Data Advisory Board requested from their DPS Representative a report that identifies the errors that need correction and were advised by our Representative that he can only run the percentage of accuracy report but cannot specifically identify said errors. As such, this Plan is the best estimate and analysis of what procedures should be continued and/or implemented with the goal of correct reporting.

The below members of the Comal County Local Data Advisory Board pledge to cooperate in compiling the data required by Chapter 60 of the CCP and forwarding the appropriate information to agencies in the county and to DPS. The Comal County Local Data Advisory Board also agrees to communicate with one another and DPS any problems or discrepancies that occur in compiling the reports. The Comal County Local Data Advisory Board also commits to continue to notify DPS of the problems and errors the Advisory Board identifies related to DPS Software. The Comal County Local Data Advisory Board commits to work with DPS for technology advances in the DPS System in order for DPS to provide Comal County with a report specifically identifying the errors needing correction in the effort of Comal County having compliance better than the required the statutory minimum.

Lt. John Wells  
New Braunfels Police Department

Jennifer Tharp  
Comal County District Attorney's Office

Major John Bell  
Comal County Sheriff's Office

Delores Gonzales  
Comal County Juvenile Probation

Milly Smithson  
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