

Franklin County Data Reporting Improvement Plan

Section I - Legislative Requirement

Chapter 60.10, Code of Criminal Procedure (CCP) creates provisions regarding a data reporting improvement plan applicable to a county that has an average disposition completeness percentage, including both juvenile and adult dispositions, of less than 90 percent. The statute requires the Commissioners Court of such a county to establish a local data advisory board, as described by state law, not later than November 1, 2009.

The bill sets forth the persons authorized and required to be included in such a local data advisory board. The statute requires a local data advisory board to prepare a data reporting improvement plan, in addition to other duties prescribed by law, and requires the plan to describe the manner in which the county intends to improve the county's disposition completeness percentage; ensure that the county takes the steps necessary for the county's average disposition completeness percentage to be equal to or greater than 90 percent in the first report DPS submits to certain state officers and agencies regarding local jurisdiction reporting on or after January 1, 2013; and include a comprehensive strategy by which the county will permanently maintain the county's disposition completeness percentage at or above 90 percent. The statute requires a local data advisory board established under the bill's provisions, not later than June 1, 2010, to submit to DPS the data reporting improvement plan prepared for the county. DPS, on receipt of a data reporting improvement plan, is required to post the plan on the DPS Internet website. The statute authorizes the public safety director of DPS to adopt rules concerning the contents and form of a data reporting improvement plan.

In compliance with this statute, the Franklin County Commissioners Court established a local data advisory board on October 26, 2009.

The Commissioners Court passed the following resolutions relating to the purpose of the Franklin County Local Data Advisory Board:

1. Describe the manner in which the county tends 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; and
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.

Section II - Composition of the Local Advisory Board Members

The Board consists of the following members, selected using the requirements of Chapter 60.10, CCP.

Michael Sowle, Chief Jailer for Franklin County

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Martin Braddy or Designated Attorney, District Attorney's Office

****Assistant District Attorney, Audrey Kelley, was originally appointed to the Board but has since left the District Attorney's Office. At the regularly scheduled meeting of the Commissioners Court on May 10, 2010, Ms. Kelley was replaced with the above.**

Will Ramsay, Franklin County Attorney

Ellen Jagers, Franklin County District Clerk

Betty Crane, Franklin County Clerk

David Hollis, Juvenile Probation

Steve Boorman, I.T. Representative

Additional input was contributed from the following persons responsible for collecting, storing, reporting, and using data; however, they were not appointed as board members by the Commissioners Court.

Brook Bussell Deputy Franklin County Clerk

Shelia Bledsoe, Department of Public Safety

Katie Stump, Assistant, County Attorney's Office

Any vacancies occurring on the board will be replaced by nomination and popular vote of the Franklin County Commissioners Court.

Section III - Chapter 60 Reporting Requirements

Local Reporting Responsibilities

Chapter 60, 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 police department and sheriff's department that arrests a person for a Class B misdemeanor or higher violation of a Texas statute is required to report that event to DPS. The report, if on paper, must be on the Criminal History Reporting for (CR-43) created by DPS. The report must include the arrested person's fingerprints, the TRN and other data required by statute. A critical component of successful reporting is 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. On the county level, the TRN/TRS is available to the prosecutor's office via the Jail Manager (Odyssey). On the district level, usually the CR43 is sent with the case file. If there is no CR43 with the case file, the office staff will attempt to track down the TRN through various sources.

Prosecutor

Chapter 60, 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. As with arresting agencies, prosecutors may report on paper or electronically, including the TRN as received from the arresting agency.

In the County Attorney's office, once a decision is made on a case to "file" or "reject" a case, the secretary enters that information on the CR43. When a case is "rejected," the prosecutor's portion of the CJIS is completed immediately because there is no further action on the case. If a case is "accepted," the secretary waits until the officer signs the complaint, the prosecutor signs the information and the case is filed in the clerk's office before sending in the CJIS. If a CJIS is completed during a certain week, the paperwork is mailed to DPS on the last working day of each week.

In the District Attorney's Office, the prosecutor will review the case. If the prosecutor rejects the case, the information is given to office staff to report to CJIS. If the case is accepted, then the office staff waits until the case has been presented to the Grand Jury so that it can be reported whether the case was accepted (indicted or no-billed).

District and County Clerks

Chapter 60, CCP requires the District and County Clerks whose courts try class B misdemeanor or greater violations of Texas statutes must report the disposition of the case to DPS. The clerks are dependent upon receiving the TRN and TRS from the prosecutor. Once the case is disposed, the clerks fill out their portion of the CJIS form and submit it to DPS. The reports may be reported on paper or electronically.

How the DPS Incident Tracking Number (TRN) and Tracking Number Suffix (TRS) are introduced into and maintained throughout the flow of information

All Class B Misdemeanor, Class A Misdemeanor, and Felony arrests for offenses identified by DPS as reportable offenses and made in Franklin County on local warrants or on-view arrests are reported to DPS so they may be included in the person's computerized criminal history (CCH). The officer making the arrest completes an arrest report in the Jail Manager (Odyssey), specifying the offense(s) for which the individual is arrested. This arrest report is given to the jailer who uses this form to enter the charge information into LiveScan, a computerized fingerprint system which creates the initial tracking number (TRN) for the arrest and electronically transmits the arrest data to DPS. This tracking number is passed to each department that deals with the case in paper format, either on the original CR43 printed out at the jail or by a screen print from the DPS Electronic Data Reporting (EDR) website, where all data entry from the prosecutors and clerks takes place. The TRN is also entered into Franklin County's case management system (Odyssey) and attached to the arrest, so any department can verify this number even if the paper copy is not readily available.

How added charges are dealt with so that they receive an appropriate TRS and reported to the next county entity and to the DPS

If there are multiple charges at the time of arrest, these are all entered on the same arrest TRN with different tracking suffixes (TRS), then the fingerprints are taken and the charges are transmitted to DPS. If charges are added by the officers at a later time, these are submitted to the prosecutor under the same TRN but with a different suffix. If a new charge arises out of the same incident, it will be added to the TRN already created during the arrest. New charges added by Law Enforcement immediately at the time of arrest will have a TRS beginning with the letter 'A'.

At the county level, the prosecutor will very rarely add a charge to what the arresting officer selects. Most of the time, as part of a plea bargain, the offense will be changed. Typically, when this is done, the original case will be dismissed and a new complaint and information will be generated for the new offense. After the defendant has pled to the new offense, he or she must go by the jail in order to book in and book out to receive a new TRN.

At the district level, if the District Attorney adds a charge, the office staff will use the same TRN number and assign a D001, D002, etc. to the TRN. If the Defendant is arrested on charge "X" and the prosecutor then changes the charge to "Y," the office staff shows the charge "changed by the prosecutor" using the same TRN and TRS, but using a new offense code, charge and degree.

How persons arrested on out of county warrants are processed

Since the agency issuing the warrant is responsible for submitting the arrest information to DPS, no information is sent to DPS by Franklin County when an out of county warrant is served. Individuals arrested on warrants from other counties are also fingerprinted on the LiveScan, with the exception that the offense and fingerprints are NOT transmitted electronically to DPS Austin. A copy of the CR43 should then be sent to the Office Administrator to be sent to the warrant holder along with other paperwork, however this is not always done. If done properly, this would allow the warrant holder to complete the CR43 and submit the information to DPS.

How persons arrested out of county on in-county warrants are processed

If an individual is arrested out of county on a local warrant, one of two cases may occur. If the arrestee does not bond out and Franklin County picks the subject up, he is booked in to our jail when he arrives and the arrest is submitted to DPS through LiveScan just as someone arrested on a local warrant. If, however, the arrestee bonds out before being transferred to Franklin County, the Sheriff's Office Administrative Assistant will receive the paperwork from the arresting agency. This paperwork should, but seldom does contain a fingerprint card and partially completed CR43. If the defendant bonds out of other county and we do not receive CR43, the only way we have been obtaining fingerprints is by having the defendant to report to the jail and go through the book-in process? If the other county took fingerprints, but failed to include them in the file, it would probably just be left in the jail file at the other county.

Section IV - Problem Areas Associated with Compliance to Chapter 60 Reporting

Franklin County has identified some problem areas where we can work to update procedures and equipment to prevent these problems.

Overall Communication and Knowledge of the Process

In preparing this report, it was noticed that throughout the whole reporting process the information touches many different hands. Without having a global perspective of the entire process, it is hard to understand how one "hand" in the system affects another. Being educated on the *entire* process will be helpful in each person doing what is necessary in order to accurately report information.

Procedural Issues at Jail

Being in a smaller county means that our jail administration ends up doing numerous tasks. In a larger county, there would possibly be a person or division to handle certain specific tasks. In Franklin County, our jail staff will handle security, food, data reporting, visitation and numerous other inmate issues.

Sometimes jailer workload will cause a CR43 not to be included in the jail file on an out of county warrant. In speaking with our Office Administrator at the Sheriff's Office, she indicated that she would rarely receive a CR43 from another county on an out of county arrest on a Franklin County Warrant. Along these same lines, our Office Administrator was unaware of the necessity that the CR43 on arrests we make for other counties be forwarded to the county holding the warrant.

Procedural Issues—County Level

The County Court, by far, has the worst reporting percentage. This is due to a number of issues. First and foremost, in the vast majority of cases, our County Court requires defendants to pay fine and court costs upfront prior to disposing of the case and placing the defendant on probation. While this usually provides the county with greater success in collecting fees, cases remain outstanding for long periods of time while defendants make partial payments. This results in a heavy docket of cases where plea agreements have been reached, yet the case has not been disposed. Some of these cases are open for many months due to the requirement that payments be made prior to disposing of the case. Obviously, the County Clerk's office is unable to report a case to DPS until the case is disposed of and the information is sent to them from the County Attorney's office. Secondly, the County Attorney's office has been reporting CJIS information via mailing in their portion of the CR43 to DPS on the last workday of the week. At this point, the office has not utilized the online reporting feature offered by DPS.

Further, a DPS/Police offense report may be completed a number of days after arrest. Once complete, the case must be processed through the jail Office Administrator and then finally sent to the Prosecutor's office. Because of this, the County Attorney may receive the case over a month after arrest. Thus, the County Attorney's decision whether to file or not file a case may occur a month or longer after the actual arrest.

Once the County Attorney decides to file a case, the secretary prepares a complaint for the officer to sign. This complaint is delivered to the officer by way of a sheriff's deputy who will make trips to and from the courthouse to the Sheriff's office. This same deputy is in charge of transporting prisoners and may be absent from the county for days at a time. Even when the deputy is in town, the turnaround on the signed complaints could be much faster. Until the County Attorney's office receives a complaint signed by the peace officer, no information will be filed and no court process will begin.

These are a few of the problem areas that result in slower reporting by both the prosecutor and the clerk at the county level.

Procedural Issues—District Level

Once a defendant is arrested, a report is generated and sent to the District Attorney's office. Due to further investigation or heavy workload, there may be a substantial amount of time pass prior to the case even being presented to the Grand Jury. Many of the cases involve narcotics, which must be sent to a DPS crime lab for testing. Usually, this process will take roughly six months. Further, if there are only a few cases to present, the District Attorney will postpone calling the Grand Jury together. There are also times when there are not enough Grand Jurors available to meet.

If and when the case is presented to the Grand Jury, criminal cases can be continuously reset without a disposition.

The District Clerk's reporting responsibilities do not begin until the defendant is indicted or pled by information. If, however, no indictment is ever received, then the clerk's office is unable to report any information. The end result is a large amount of open arrests for long periods of time without a disposition, thus creating a low percentage reporting result.

Section V – Remediation of Problems

Overall Communication and Knowledge of the Process

The answer to this problem is obvious: there must be a better understanding of the totality of the process and what is being achieved by accurate reporting. It is believed that this plan will help Franklin County have better overall communication and knowledge of the process as a whole.

Procedural Issues at Jail

There needs to be better communication between the jail staff and the Office Administrator regarding reporting issues. Specifically, the jail staff needs to ensure that the CR43 is prominently included in every jail file given to the Office Administrator on out of county warrant arrests so that the Office Administrator can forward that information on to the proper county in every single instance. This will ensure better reporting for the other county as well. Further, when we receive information on a Franklin County arrest that occurs in another county, we need to contact that county if the proper CJIS information is not included in the information.

Problems at the County Level

The County Court needs to review its procedures regarding court practice and how cases can be disposed at a faster pace. This may mean revising our procedure to allow fees to be collected through the probation department. This would close the case from the court's perspective and allow the county clerk to complete the CJIS information at a much faster rate. If this occurs, the overall CJIS reporting will be greatly improved. The County Attorney's office will also begin to enter CJIS information through the DPS website as opposed to mailing the CR43 in once a week. This should equate to much faster reporting.

Better communication is needed between the County Attorney's office and local law enforcement regarding procedures in getting complaints signed and returned. Usually, this should take a minimum of 3 days.

The County will also begin to keep better records of outstanding cases by utilizing the DPS website. The problem cases will be identified and dealt with.

Problems at the District Level

Many of the problems at the District level can be solved by implementing procedures to ensure that the Grand Jury meets on a regular basis so that cases ready for indictment are not sitting dormant. The sooner a case is indicted, the quicker the District Attorney's office staff will be able to report to DPS.

Unfortunately, the District Attorney's office can not control the amount of time it takes the Department of Public Safety to analyze a controlled substance. If there were plans put in place by the Department to hasten the return of results, this would greatly improve the movement of the disposition of the case.

Conclusion

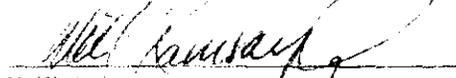
The Advisory Board was instrumental in bringing the various departments together to discuss the procedure changes and the need for these changes. Franklin County looks forward to implementing the above changes and bringing our county quickly into compliance.

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Approved by the Local Data Advisory Board:


Michael Sowle

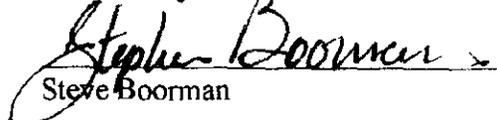
Martin Braddy


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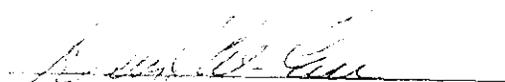

Betty Crane


Steve Boorman

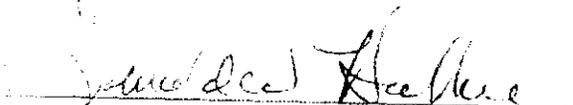
Approved by Commissioners Court this 24th day of May, 2010.


Danny Chitsey, Commissioner Pct. 1


Bobby Elbert, Commissioner Pct. 2


Deryl Carr, Commissioner Pct. 3


Sam Young, Commissioner Pct. 4


Jerry Hubbell, Franklin County Judge