

Bastrop 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 that 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 Bastrop County Commissioners Court established a local data advisory board on October 26, 2009.

It is the goal of this advisory board to develop and implement procedures to ensure accurate and complete reporting of all reportable arrests, prosecutor actions, and court dispositions that occur in the county.

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. The Commissioner's Court chose to create the board using the position titles outlined in Chapter 60, rather than appointing specific individuals to the board. These positions and the individuals filling them are listed below.

Roberta Godward, Sheriff's designee
Barbara Bogart, Assistant District Attorney
Theresa Stoppelberg and Esther Coy, District Attorney Employees who handle CJIS
Rose Pietsch and Cindy Germano, County Clerk and Deputy County Clerk
Cathy Smith and Marisa Rendon, District Clerk and Deputy District Clerk
Donna Pierce, designee of the Chief of Police of the City of Bastrop
Ken Cruise, IT Administrator



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Additional input was contributed from the following persons responsible for collecting, storing, reporting, and using data and they are also members of the Board and their input was very valuable:

Chris Bratton, Chief of Police of the Elgin Police Department
Barbara Coy, Adult Probation Department
Crystal Relf, Juvenile Probation Department

Any vacancies occurring on the board will be replaced by nomination and popular vote of the remaining members of the board.

Section III - Current Process Supporting the Chapter 60 Reporting Requirements

Whenever a reportable arrest takes place in Bastrop County, the jail fingerprints the arrestee on an electronic fingerprint system which reports the tracking number (TRN) assigned through our Jail Management System. This tracking number is used by the prosecutor of the case to submit whether the case is accepted or rejected, and by the court to submit the final case disposition to the Department of Public Safety Computerized Criminal History system (DPS CCH). Certain Key functions have been identified by DPS and are examined below along with a more detailed description of the reporting process.

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 Bastrop 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 a paper booking sheet which lists the specific DPS offense code for the charge on which the individual is arrested. This booking sheet is given to the jailer who uses this form to enter the charge information into our Jail Management System, which creates the initial tracking number (TRN) for the arrest and forwards it electronically to the fingerprint system, which in turn electronically transmits the arrest data to DPS. This tracking number is passed to each department that deals with the case in electronic format. Subjects arrested by Smithville or Elgin Police Departments are printed and a TRN assigned and sent to DPS by that agency. We receive a copy of that CR-43, manually enter their TRN# into our Jail Management System, and electronically print, but do not submit fingerprints to DPS.

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 Bastrop County when an out of county warrant is served. Individuals arrested on warrants from other counties are electronically



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fingerprinted without submission. The fingerprint cards are printed and placed with the printed CR-43 in the inmate's jail file. If the issuing agency picks up the inmate, the CR-43 and print card go with them. If the inmate bonds, the jail records technician sends the CR-43 to the warrant holder along with the fingerprints and the defendant or bond paperwork. This allows the warrant holder to complete the CR43 and submit the information by mail 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 Bastrop County picks the subject up, he is booked in to our jail when he arrives and the arrest is submitted to DPS through our system just as someone arrested on a local warrant. If, however, the arrestee bonds out before being transferred to Bastrop County, the Jail Records Technician should receive the paperwork from the arresting agency. This paperwork should contain a fingerprint card and partially completed CR43. If the received paperwork includes a CR-43 and fingerprints, the CR-43 is completed by the Jail Records Technician and mailed to DPS with the fingerprint card, and the TRN is manually entered into the jail management system and forwarded to the courts for updates.

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. The TRS's are created by the jail management system software. If charges are added by the officers at a later time, these are submitted to the prosecutor as a separate case, and the prosecutor is responsible for submitting the new charge, if accepted, to DPS. A new arrest is entered into the system, creating a new TRN, but the subject is not re-fingerprinted, so this TRN is not submitted to DPS, only forwarded electronically to the courts. New charges added by Law Enforcement immediately at the time of arrest will have a TRS beginning with the letter 'A'. Charges added later by the prosecutor will have a TRS beginning with 'D'. If a charge is added by the prosecutor's office to an existing arrest, that charge is submitted to DPS via direct entry on the DPS EDR website by the prosecutor's CJIS entry person just before the case is sent to the County or District Clerk's Office. Two paper copies of the CJIS record are printed from the website after submission. One copy is placed in the case file in the prosecutor's office, and the other copy is forwarded to the County or District Clerk's Office. The TRN information for added charges is put in the local case management system by the County Clerk for County cases, if possible.

How charges disposed by the arresting agency or prosecutor are reported to the next county agency and to the DPS

Bastrop County policy is that any on-view arrest will be submitted to the appropriate prosecutor as a case for review. If the arresting agency does not wish to pursue the case,



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they will still submit it to the prosecutor with that information attached. The prosecutor is then responsible for submitting the arrest disposition through e-mail. These cases may be reported as dropped by arresting agency or rejected by prosecutor, but will be submitted to DPS by the prosecutor's office.

Non-reportable arrests that are submitted to DPS in error are submitted by the Jail Records Technician to have the arrest closed out as charges dropped, submitted in error.

How each agency ensures that all charges are reported to the next county agency and to the DPS

On each arrest made and transmitted through Livescan, one paper copy of the arrest record (CR43) is printed and placed in the defendant's jail folder. The jailer also manually enters the booking information into Bastrop County's jail management system, which electronically forwards the CJIS information to the courts. The Jail Records Technician picks up jail folders daily for arrestees who had bonded out of jail and assures there is a correct CJIS copy in the jail record.

For any cases that arrive without a CJIS form, the local case management system can be reviewed to verify if a local arrest took place. TRN information entered on the jailing in the case management software by the law enforcement personnel can be viewed by the County Attorney's Office.

If received, the paper CJIS form is kept with the case as it is reviewed in the District Attorney's Office. When the case is accepted or rejected it is, by recently established procedure, given to the CJIS entry person in the District Attorney's Office and the prosecutor action is submitted to DPS via e-mail. If the case is rejected, no notification of the County Court occurs; however, law enforcement is notified by paper form for bond and case management purposes.

The District Attorney also receives the CR43 by e-mail and submits their action on the charges through e-mail; however, unless they reject the case prior to Grand Jury, the DPS submission only occurs after the Grand Jury has returned a result. The TRN can still be located for cases missing the CJIS paperwork through the local case management system.

Both the County Clerk and District Clerk in Bastrop County receive TRN information by searching the Jail Management System. TRN information entered on the jailing in the case management software by the law enforcement personnel can be viewed by the County and District Clerk's Offices to verify this information. Both the County and District Clerks submit the final disposition of their cases to DPS using e-mail. Any amendments to probation terms or deferrals are also submitted by the DPS EDR website or e-mail, allowing dispositions to appear almost instantly in the person's CCH.

Juvenile cases are forwarded by paper form (CR-43J) by the CID Secretary with the Bastrop County Sheriff's Office to the Bastrop Juvenile Probation Officer. The probation officer then fills in the intake, prosecutor and court sections of the CR-43J. This



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paperwork is held until the case has been disposed. The probation officer then forwards the paper copy with the court disposition to the Bastrop County Prosecutor, where the information is submitted to DPS.

For automated counties, how the DPS "Return File" is processed and used to enhance reporting

Bastrop County does not batch transmit arrest data or receive batch return files from DPS and is not currently receiving return files. Errors are not discovered until brought to us by a DPS representative, often months after the fact.

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

Bastrop County has identified many problem areas in the criminal history reporting process, and has been working to update procedures and equipment to prevent these problems. Many of these issues were identified and solutions begun before the creation of the Local Data Advisory Board; however, the board has helped communicate the overall process and assisted some departments in refining their policies to help improve CCH reporting.

Electronic Fingerprint Machine Problems

Several issues the Advisory Board identified resulted from problems in the jail using the electronic finger print machine. Some of these problems were created by the hardware itself, and made worse by lack of training, and others were caused by procedural problems.

Livescan/Contract Issues

Livescan, the electronic fingerprint and reporting system in use at the jail, has had many problems in the past transmitting the arrest information to DPS. For several months, arrest data wasn't being transmitted, or was transmitted but was never being received by DPS. The error return files are also not being received by the jail.

Return File Review Problems at Jail

Jailers had not been trained to check the return file to determine if any errors were present and to verify the transmission went to DPS successfully. If the error file is not checked regularly by the jail and corrected and retransmitted, the arrest will not get in to DPS. When this happens, the prosecutor data cannot be entered into the DPS system until the problem with the arrest data is fixed. This may cause the case to be moved through the system without the information being sent to DPS at the appropriate times.



Procedural Issues at Jail

Sometimes jailer workload will cause a record that has been entered into Livescan not to be transmitted to DPS. When this occurs, the information is all in the local computer, but never gets sent to DPS. As a result, the prosecutor cannot submit their actions since the TRN is not in DPS records yet.

DPS Offense Code List Publication Delays

Especially after legislative sessions, there are many new laws created and others changed. DPS reviews these changes and assembles the offense code list used by agencies. When new laws take effect in September, but are not published in the list until December, agencies cannot enter correct information. Officers have difficulty finding the proper offense code to correctly charge arrestees. This leads to inaccuracies in the CCH and problems for prosecutors and courts when they have to submit their actions to DPS.

DPS Procedural Issues-Delays & Missing Paperwork

Paperwork must still occasionally be mailed in to DPS to create arrest records. If, for example, the electronic fingerprint system goes down, arrestees are ink fingerprinted and law enforcement uses the carbon copy CR43 mailed to DPS to submit information. It often takes 40 days or more from mailing date until this record appears in the system. Prosecutors and Clerk's cannot submit any of their actions electronically until the record appears in the CCH, creating paperwork delays that need procedures in place to prevent non-compliance. Also, if an error is found on a mailed in document, the document is returned to the county for correction through the DPS CJIS representative for that region. These representatives may only visit semi-annually or less, delaying notification of any errors that need to be corrected.

Recalled Warrants/Letters of Appearance/Out of County Warrants

On cases where the arrestee has not had any fingerprints made, there will be no record in DPS. The prosecutor and courts cannot submit any information to DPS until fingerprints are obtained and the DPS arrest record is created. This is also the case on out of county arrests on in-county warrants, since if any prints are received they are usually not of the quality necessary to submit to DPS. If a case is dismissed before these prints are taken, the arrest may never be submitted to DPS. Also, if a person fails to appear in court, the arrest will not make it in the DPS CCH.

Procedural Issues

When the jail received an arrestee from Elgin or Smithville, they were supposed to receive a copy of their CR-43 on the arrest. When this was not received, some officers assumed that no CR-43 had been created and created a new TRN for submission, resulting in DPS returns as duplicate arrests. Since it is our TRN that is forwarded electronically to the courts, this also resulted in the courts and prosecutors attempting to update duplicated records, rather than the correct TRN. TRNs created by police departments that are not reported to the jail are not entered into our system, so there is no TRN there for the courts to update.



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One failure in the reporting to DPS and to the next agency from Bastrop County was caused by a lack of procedure for case filing and missing paperwork in the case file. Prior to recently created procedures, the prosecutor manually filled in CJIS carbon copies and mailed them to DPS. If the CJIS forms were not in the case file, these papers were not sent in, and there was no procedure to locate the missing paperwork or verify if there was, in fact, a local arrest. Paperwork may be missing for several reasons, including the papers being held at the jail if the defendant remained in custody without bonding out, papers being lost or not placed in correct files at the jail, papers being misplaced at law enforcement, or papers being lost or misplaced when being transported to or from law enforcement. The same problems affected the County and District Clerk's offices. If the CR43 paperwork was not in the file, there was not a set procedure and little effort was made to locate arrest paperwork or get fingerprints and submit the information to DPS. Sometimes the problem was not discovered until after the case had been disposed and the defendant was no longer in contact with the court.

Additional effort and research is required when paperwork is missing to prevent cases getting filed without entry into the DPS CCH system. This is especially a problem on felony charges, as the District Attorney's Office is remotely located, and does not currently have access to the local case management system. This prevents them from being able to verify arrests and identify cases where paperwork may be missing. Problems may also occur if the new procedures are not followed and cases bypass the CJIS data entry person for any reason. This may prevent the next department from receiving the hard copy CJIS paperwork with the TRN as well as preventing the prosecutor action from showing up in DPS.

For out-of-county arrests on local warrants, the CR43 is rarely received with this paperwork and the fingerprints, and if received, are usually poor qualities. When this is the case, no information is submitted to DPS by our county from this paperwork. In addition, CR-43 forms and fingerprint cards that are mailed in cause lengthy delays and no tracking ability to verify the information has been submitted until it appears in DPS records, which may take in excess of 45 days. If the defendant was arrested out of county on a local warrant, there is generally no paperwork delivered to the prosecutor's office. The only notice received by the prosecutor comes from the court that the arrest was made and the case needs to be set for a hearing. Law enforcement does not send any information to the prosecutor.

These arrests are not in DPS records. Currently felony case arrestees do not get fingerprinted until they are indicted or placed on probation. Once indicted, they will usually be fingerprinted and the arrest information will be transmitted to DPS through Livescan. If the individual is placed on probation and no arrest information can be found in DPS records, the probation department will have the person fingerprinted and will fill out a CR43P paper form and mail that in to DPS.



Section V - Remediation of Problems

Some new procedures have already been put in place over the past year to solve the problems experienced by Bastrop County. In addition, several hardware and policy changes have been identified as necessary and are in the process of being implemented.

Electronic Fingerprint Machine Problems

The Jail Operations Lieutenant has been made aware of the reporting issues that originate from the jail. In response to hardware issues with the Livescan fingerprint system Our IT department is working with DPS and DataWorks, our Livescan provider, to resolve the submission and return file issues. In addition, the jail has been made aware that error return files must be checked and corrected immediately so the information is available for other departments to add their actions. Training of jailers is an ongoing effort to correct data entry and human errors in this area.

In addition to the officer who submits records to DPS checking return files for errors, the following shift will also double-check all records for successful submission via the DPS website. This should significantly reduce records with errors.

DPS Offense Code List Publication Delays

The county has been in contact with DPS regarding offense codes, and DPS has made progress in recent years correcting these codes and making the code list more accessible. The latest list has been loaded by our Livescan provider.

DPS Procedural Issues-Delays & Missing Paperwork

Effective June 2010, two copies of the CR43 will be printed for every reportable arrest. One will be placed in a file for the Patrol Secretary to pick up daily, and the other is placed in the defendant's jail file for verification by the Jail Records Technician. For arrests in on-view offenses by Bastrop County officers, the case file is held by the Patrol Secretary until the officer has provided them with the paperwork, evidence, and any other necessary information for the case to be filed with the prosecutor. The Patrol Secretary then delivers the papers to the prosecutor's office. For Bastrop County offenses, these case files are hand delivered in paper format. All case files submitted to the prosecutor's office will now include a copy of the CR43 if a local arrest was made.

Changing the method of data transfer from the prosecutor's and clerk's offices to DPS from a mailed paper form to direct data entry on the DPS EDR website should also greatly improve compliance. This site makes instant verification of arrest data possible and should eliminate the delay in finding and correcting errors. Also, the new DPS EDR website will allow the County to perform a yearly review of open arrests and compare these arrests to respective cases in the local case management system. In this way, arrests that are not closed out when they should be are identified, and the cause of the problem can be researched as well.



Recalled Warrants/Letters of Appearance/Out of County Warrants

Bastrop County is researching option to make fingerprinting available in the courts for those arrests made on local warrants by out-of-county jurisdictions that have not been reported to DPS prior to their court date.

Procedural Issues

Many new procedures have been introduced to improve the communication of arrest data from one department to the next. One important procedural change is that all cases submitted to the prosecutors and to the clerks must have a CR43 (or CJIS data printed from the DPS EDR website) if there was a local arrest. Offices are being reminded to review all cases and if this paperwork is not attached, they are being asked to locate the paperwork or discover why it is not attached

At the office level, a CJIS data entry person in the prosecutor’s office is now responsible for reviewing each case before it is filed in the County or District Clerk’s office or closed as a rejected case.

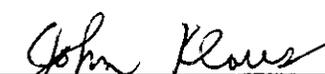
Conclusion

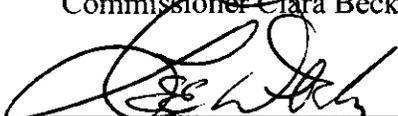
The Advisory Board was instrumental in bringing the various departments together to discuss the procedure changes and the need for these changes. It also provided an opportunity for departments that had already implemented changes to share those with other departments and improve county reporting as a whole. Changes have been made in hardware, personnel training, reporting procedures and departmental transfer procedures. As of January 2010, the procedures already implemented in Bastrop County brought the County into compliance with Chapter 60, CCP. The additional procedures put in place and on the way should allow the County to maintain this compliance and improve on the accuracy of the data submitted to DPS, thereby contributing toward our goal of complete and accurate reporting of all reportable offenses.

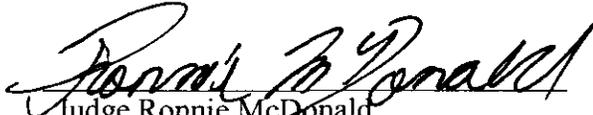
Corrected version of Bastrop County’s Plan approved the 14th day of June, 2010.


Commissioner William Piña


Commissioner Clara Beckett


Commissioner John Klaus


Commissioner Lee Diddy


Judge Ronnie McDonald