

COLEMAN 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 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 the data reporting improvement plan.

It is the mission statement of the Coleman County Data Advisory Board that the Board will strive to improve data reporting for Coleman County so as to meet statutory requirements, and to establish a system within the county to maintain compliance.

SECTION II

Composition of the Local Advisory Board Members

Members of the Coleman County Data Advisory Board, as appointed by the commissioners court, are as follows:

Wade Turner – Coleman County Sheriff
Heath Hemphill – Coleman County District Attorney
Joe Lee Rose – Coleman County Attorney
Jo Chapman – Coleman County District Clerk
Stacey Mendoza – Coleman County Clerk
Jay Moses – Coleman Chief of Police

Coleman County does not employ an automated data processing service and does not contract for automated data processing services.

If it should become necessary that a member of the board be replaced, the remaining members of the board will notify the county judge of that necessity and ask him to have the commissioners court appoint a replacement, staying within the requirements of the law.

Section III

The current flow of information between entities in Coleman County is as follows:

1. Arrest Reporting to Repository – In Coleman County, all CR-43 forms are brought to the Sheriff's Office by the arresting agency. The Sheriff's Office then separates the forms and sends it to the Repository and the Prosecutor, as appropriate. The TRN and TRS are introduced into the flow of information by the agency completing the top portion of the CR-43. It is pre-printed on the form used by each agency. For persons arrested on out of county warrants, or by another county on an in-county warrant, the arresting county forwards a "courtesy" CR-43 form to the county with the warrant.
2. Arrest Reporting to Prosecutor – The appropriate portion of the CR-43 form is left in a box for the District Attorney or County Attorney, depending on the level of offense.
3. Prosecution Reporting to Repository – Both the District Attorney and the County Attorney report their actions at the DPS on-line site.
4. Prosecution to Court Clerk – Once prosecutor actions are reported on-line, a copy of that page from the Repository, with the TRN and TRS, is made and delivered to the court clerk.
5. Court Clerk Reporting to Repository – The County Clerk reports court action directly to the Repository on-line. The District Clerk mails her portion of the form to the repository, but is in the process of getting set up with DPS to do on-line reporting.

Each agency has developed procedures to ensure the all charges are reported to the next county agency and to the DPS. Those procedures are outlined below in Section V.

Section IV

The board has identified the following problems associated with the reporting requirements of Chapter 60:

1. Arrest Reporting to Repository – In the past, there has been a lack of local office policy regarding reporting. Some arresting agencies, particularly DPS troopers and other officers from out of county might not have been familiar with doing their own forms. Other Sheriff's Offices have jailers who do

- forms for arresting officers. Coleman County jailers are not trained to do this. So sometimes officers would "drop off" arrestees and no form would be done.
2. Arrest Reporting to Prosecutor – See above.
 3. Prosecution Reporting to Repository – Both Prosecutors report a lack of office policy in the past regarding reporting, as well as a lack of emphasis on the reporting requirement. In the past, both offices would wait until there were multiple reports to be sent to save money, so timeliness was an issue. There has also been a lack of direction and instruction in the past.
 4. Prosecution Reporting to Court Clerk – See above.
 5. Court Clerk Reporting to Repository – The County Clerk has reported that employees in her office have, in the past, lacked training and direction on the proper ways to complete the CR-43 and the proper ways to report actions to the Repository. The District Clerk reports that her office has also lacked proper training for employees. She states that a lack of resources, including personnel and space, has created timeliness issues with reporting in the past.

All agencies report that, in the past, there was a lack of emphasis on the importance of proper reporting. As a result, the proper information might not get passed on to the next agency, or might not be reported to the Repository correctly.

Section V

The data advisory board met on September 29, 2009 and each member discussed ways to remedy the problems listed in section IV. It was agreed that each member would provide a plan for that member's agency or office to address the problem(s) they encountered in reporting data. While each member's agency or office would have their own separate plan, each member agreed that their agency would work closely with all others to streamline the reporting process, and do what they could to remedy the problems listed in section IV, and to maintain compliance.

Additionally, each agency agreed that special emphasis should be, and would be, placed on completing CR-43 information in a timely and efficient manner.

Specifically, the following members provided the following plans:

Sheriff Wade Turner – Sheriff Turner has issued a memo to all officers with arrest authority in Coleman County making them aware of the requirements of Chapter 60.10. His memo also reminds officers of the function of the CR-43 and its importance to the reporting process. Sheriff Turner also created a policy that states that "CR-43 must be completed on every defendant arrested for any offense above Class C misdemeanor." The memo then asks all officers to complete the top portion of the CR-43, take the defendant's fingerprints, provide the CR-43 and prints to the Sheriff's Department on the day of the arrest, or the following business day, and place those items in a container for the Sheriff's office to retrieve.

Coleman Police Chief Jay Moses – No problems reported.

County Attorney Joe Lee Rose – Mr. Rose has agreed that, except in limited circumstances, no charges will be filed on arrested persons until a completed CR-43 has been received. Also, on-line reporting of CR-43 information has been implemented, which should make such reporting faster and more efficient. Support personnel in the County Attorney's office tasked with the duty of CR-43 reporting have been instructed to place particular emphasis on timely completion of the form, timely reporting to DPS and the Court Clerk, and have been instructed to work closely with the DPS field representative for crime records services to clear up any problems encountered in reporting. Support personnel are also checking old cases that show to be open arrests to see if the correct CR-43 information can be added.

District Attorney Heath Hemphill – Mr. Hemphill has also agreed that, except in exigent circumstances, his office will no longer proceed to Grand Jury with, or plead by information, any case in which a CR-43 form has not been completed by the law enforcement agent/agency which makes the arrest on the case. Additionally, Mr. Hemphill states that after completion of the CR-43 by the first level and submission of the case to his office, it will be his duty to timely review the case and complete his necessary CR-43 information. All of these issues/duties shall be completed in a timely manner. Further, old cases need to be checked to see that old CR-43s were completed.

District Clerk Jo Chapman – The District Clerk has announced plans to get on-line with the Department of Public Safety to complete her portion of the CR-43. She states that this should give her available data from various sources when that data might not be otherwise available. She states that she also has a new deputy, plans to scan some documents to computer, and has received the okay to move some files, which should create more room which could help them find files to work documents faster. She believes these plans should help make completion of the CR-43 timelier.

County Clerk Stacey Mendoza – The County Clerk and her employees have trained extensively to correct past problems in complying with reporting requirements. She states that her office now reports on-line and works closely with our DPS field representative to address any questions or concerns.

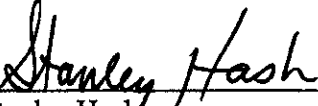
must include the arrest person's fingerprints, the TRN and other data required by statute. If available, electronic transmission of the data is the preferred method. A critical component of successful reporting is cooperation within the county. A large part of that cooperation is each reporting agency passing the TRN and TRS is the next level. The arresting agency needs to send the TRN and TRS to the prosecutor, as indicated below.

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


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 this 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.

The undersigned members of the advisory board pledge to cooperate in compiling the data required by law and forwarding the appropriate information to agencies in the county and to DPS. We also agree to communicate with one another any problems or discrepancies that occur in compiling the reports.

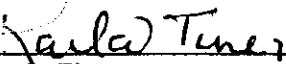
Dated this 13th day of May, 2010.



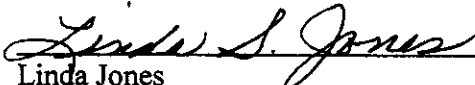
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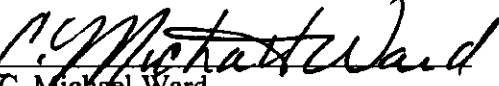
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