

Garza County, Texas 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.

MISSION STATEMENT:

It is the goal of The Garza County Data 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 therefore, achieving an average disposition completeness of at least 90 percent.

Section II

Composition of the Local Data Advisory Board Members

The board members must meet the requirement under Chapter 60.10, CCP:

Garza County Data Advisory Board (2010)

Sheriff – Cliff Laws

District Attorney – Brian L. Kingston

County Attorney – Michael Munk

District Clerk – Jim Plummer

County Clerk (designee) – Terri Laurence

The members of the Data Advisory Board will change when elected officials are changed by election or appointment or when a board member appoints a designee.

Section III

Detail current process that supports the Chapter 60 reporting requirements.

This area of the county's plan must detail the current process of the flow of information between the following entities:

Arrest Reporting to Repository- Sheriff:

Currently every department within the Sheriff's Office has been responsible for getting it's paperwork to the proper outside agency offices with no single individual appointed/designated to approve completeness of required paperwork.

Arrest Reporting to Prosecutor-

The CR-43 is delivered from the sheriff's office to the county attorney's office by messenger.

The CR-43 is mailed from the sheriff's office to the district attorney's office.

Prosecution Reporting to Repository- District Attorney:

Currently, we receive a "fingerprint card" or tracking form with each case presented to the district attorney's office for prosecution. This

comes to us generally with the probable cause affidavit or with the police reports. This provides us with the TRN number that allows us to forward the disposition and final outcome. We have begun submitting our tracking information electronically.

County Attorney-

Required paperwork on individuals arrested for misdemeanors in Garza County is forwarded to the County Attorney's office including CR-43 by the sheriff's office by messenger. The County Attorney then decides whether or not to file each case. Once the decision is made, the CR-43 is completed with the appropriate codes and submitted to the County Clerk's office at the same time as the complaint and information is filed. Cases not filed have the CR-43 completed appropriately and are batched with the cases filed CR-43s and mailed into the DPS office in Austin.

Any changes or additions to the original arrests are made by the Garza County Attorney's assistant prior to filing the cases with the clerk's office and handled in the same manner as all other CR-43 forms.

Prosecution Reporting to Court Clerk-

The county attorney delivers the CR-43 to the court clerk in person.

The district attorney delivers or mails the CR-43 to the court clerk.

Court Clerk Reporting to Repository-

When the county attorney files new cases with the county clerk, CR 43 forms are submitted with the filings. Once case has been heard by the court judge, CR 43 forms are then completed by clerk and sent to DPS. The district attorney mails the clerk the CR 43 forms. Once received, they are processed in the same manner.

Section IV

Identify problem areas associated with compliance to Chapter 60 reporting requirements.

This area should include issues related to processing and submission of arrest, prosecution and court data, timeliness of reporting to each entity, system limitations and inconsistent use of quality control measures in the following areas:

Arrest Reporting to Repository-

One person, the clerk/commissary clerk, was delivering what paperwork was forwarded to her to the courthouse and then dispersed to the various offices. That has proved to be ineffective due to the fact that her duties, which is a full-time paid position, is too time-consuming, requiring much of her time back in the seclusion of the jail. In addition, the clerk/commissary clerk was required to also be the contact person for the general public who entered into the lobby and therefore direct them into contact with the person/entity that could assist them. This same person was also required to assist the on-duty dispatcher in answering the in-coming phone calls from the public. Also, the same person receives the mail (including inmate mail) and distributes it to all the differing law enforcement agencies, including emergency management, that are housed within the Garza County Law Enforcement Center. Had there been a front jail desk included in the construction which the general public could access to inquire of inmate related issues, many of these problems would have been alleviated.

Arrest Reporting to Prosecutor-

District Attorney: communication between the District Attorney's Office and local law enforcement is almost non-existent in regards to on-site arrests.

County Attorney:

All CR-43 forms that our office reports to the repository originate from the Garza County jail facility. When arrest information is delivered to our office, it should contain a copy of the CR-43 form(s) associated with that arrest. If they are not received with other paperwork, a phone call is made to the control room of the jail requesting the form. After two attempts to acquire the form through this procedure, the jail administrator is then contacted for help with the missing CR-43. A list is maintained in the County Attorney's office of missing forms and is updated as forms are received. Any forms not previously filed with the clerk's office are then completed and forwarded to that office as appropriate.

Prosecution Reporting to Repository-

District Attorney:

In the past, a recurring problem has been not receiving the tracking form from the arresting agencies. Many times, this is caused in cases where the district attorney's office refuses or rejects the filing of charges for differing reasons. There is also a void where – for whatever reason – the arresting agency chooses not to pursue charges with the district attorney's office.

There have been times when our office receives a "bulk" of these types of cases where there is no disposition. Previously, there had not been records kept as to cases that were refused or rejected, and we had no way of knowing about the cases that law enforcement had chosen not to pursue. Subsequently, there was no way of determining the appropriate outcome of these cases.

We have initiated a procedure where we request that each agency provide us with information concerning warrantless arrests in a timely manner. This allows us to be in on the tracking of the case from the "ground floor." We have become even more diligent in ensuring that the tracking information is properly submitted. Additionally, we audit the on-line tracking numbers frequently to determine which "open" cases that we may have. This allows us to address the issues quickly and determine the cause of the missing information.

County Attorney:

We have identified the following areas as causing problems in the reporting to the Repository:

Cases that have outstanding warrants are not complete.

Cases that are arrested outside of Garza County and no CR-43 or other paperwork reaches our office from the original arrest.

Delays in judgments. Sometimes cases are not resolved in a two year time frame. Small number of cases handled at the County level skews the percentages. Failure of CJIS to get our office up and running on the electronic entry procedure despite repeated requests.

Prosecution Reporting to Court Clerk-

District Attorney:

Provide clerk with CR-43s on a more frequent basis; at least once a month.

County Attorney:

The Clerk's office and the County Attorney's office has a very good working relationship and work together to track down and complete any missing CR-43s.

Court Clerk Reporting to Repository-

Our office receives CR 43 forms from county attorney's office. If county attorney has not received forms, then clerk makes a list of forms not received. After the hearing of a case and form has not yet been submitted, a call from the clerk is made to the jail administrator to locate the missing CR 43. There is a lack of communication between the clerk and the district attorney's office. Working on a solution to receive CR 43 forms as cases are filed with the district attorney's office.

The CJIS website tends to load very slowly, so forms are usually typed and mailed to DPS. Due to the clerk's workload, it is more expedient to type and mail forms to DPS.

Section V

Provide a plan to address remediation of the problems identified in Section IV.

-On a quarterly basis, the prosecutors will check the CJIS web site to determine the status of pending cases. Then take appropriate action to move the pending cases to the next level.

Arrest Reporting to Repository-

Sheriff: Use electronic entry at all levels of process.

Print CR-43 and deliver or mail it to the next level.

A messenger will transport paperwork daily from jail to courthouse (county prosecutor and clerk) and from the courthouse to the jail/sheriff's department.

To remedy these issues, a separate person, namely the Telecommunication Supervisor, will be responsible for all completed paperwork getting to the appropriate agency. She will be the contact person for all necessary county/district offices including Victim's Assistance with the exception of Criminal Offenses. The Chief Deputy will be the contact person for matters arising for all criminal cases filed by this agency. Should he not be available, the Lieutenant will be the next contact person. Internal measures will be taken to ensure that this information will be funneled to the three contact persons who then ensure that the criminal cases are delivered to the proper prosecutor office either by messenger or certified mail. This designated person for jail related paperwork will have a check list provided by each county/district office of the required paperwork they need to have forwarded to them. The completed paperwork will be delivered to the appropriate office in a timely manner by the person/persons named above or their designee.

Arrest Reporting to Prosecutor-

District Attorney: *We will be asking that every law enforcement agency notify our office within twenty-four (24) hours of any on-site felony arrest. If there is an on-site arrest on a weekend, we are asking that we be notified on Monday morning. This can be accomplished by any reasonable means such as faxing the probable cause affidavit, making a phone call, notifying us in person, etc. Additionally, we will be asking that we be provided with copies of the original offense /*

incident report as well as any photographs, statements, supplements, etc. within forty-eight (48) hours after the arrest.

We will be contacting law enforcement agencies in cases where an individual has been placed in jail for an on-site felony arrest and we have not received appropriate reports and information.

If – after the passing of five days – we have not received the information, we will be requesting that the appropriate jail release the individual pending the filing of charges (Complaint / Warrant or Grand Jury).

County Attorney:

A messenger will transport paperwork daily from jail to courthouse (county prosecutor and clerk) and from the courthouse to the jail/sheriff's department.

Prosecution Reporting to Repository-

District Attorney: Use electronic entry at all levels of process.

Print CR-43 and deliver or mail it to the next level.

County Attorney: Use electronic entry at all levels of process.

Print CR-43 and deliver or mail it to the next level.

On a quarterly basis, the prosecutors will check the CJIS web site to determine the status of pending cases. Then take appropriate action to move the pending cases to the next level.

Prosecution Reporting to Court Clerk-

Deliver or mail CR-43 and necessary paper work to the appropriate clerk by the next business day after the acceptance of case or indictment.

Court Clerk Reporting to Repository-

Use electronic entry at all levels of process. Print CR-43 and deliver or mail it to the next level and keep copy in file.

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.

Garza County Data Advisory Board (2010)

	Signature	Date
Sheriff – Cliff Laws	<u>Cliff Laws</u>	<u>06-01-10</u>
District Attorney – Brian L. Kingston	<u>Brian L. Kingston</u>	<u>5/25/10</u>
County Attorney – Michael Munk	<u>Michael Munk</u>	<u>6/11/10</u>
District Clerk – Jim Plummer	<u>Jim Plummer</u>	<u>5/26/10</u>
County Clerk (designee) – Terri Laurence	<u>Terri Laurence</u>	<u>5/27/10</u>