Gillespie 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 Gillespie 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 Commissioners 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.

Required Members
Sheriff Buddy Mills (Sheriff), Lt. Jim Judd (alternate)
Steve Wadsworth (Assistant DA, Attorney representing State in District Courts)
Tamara Y.S. Keener (County Attorney, Attorney representing State in County Courts)
Mary Loeffler, (CJIS Data Entry, designee for the Clerk for District Court)
Mary Lynn Rusche, (County Clerk, Clerk for County Court)

Chief Paul Oestreich (Chief of Police of most populous municipality)
John Keller (IT Administrator)

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.

Eric Walker (Juvenile Probation)
Ingrid Kruse/Lisa McLellan, alternate (Adult Probation)
Dale Heimann (CJIS Administrator, County Attorney's Office)

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 Gillespie County, the jail fingerprints the arrestee on an electronic fingerprint system which creates a tracking number (TRN). 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 Gillespie 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 Crossmatch, 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 Gillespie 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 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 Gillespie County when an out of county warrant is served. Individuals arrested on warrants from other counties are ink fingerprinted, and these fingerprints are picked up by the Sheriff's Office Administrative Assistant, who starts a carbon copy CR43. This CR43 is sent 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 Gillespie County picks the subject up, he is booked in to our jail when he arrives and the arrest is submitted to DPS through Crossmatch just as someone arrested on a local warrant. If, however, the arrestee bonds out before being transferred to Gillespie 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. Due to fact that the CR43 is rarely received with this paperwork and the fingerprints, if received, are usually poor quality, no information is submitted to DPS by our county from this paperwork. In addition, this paperwork would have to be mailed in, which causes 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 until the defendant is fingerprinted and the arrest transmitted to DPS on the first court appearance. For misdemeanor County Court cases the case is flagged in our case management system and the person is fingerprinted and the arrest submitted to DPS through the Crossmatch system the first time the person appears in court. 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 Crossmatch. 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. This felony process is due in part to the District Attorney's office not having access to the local case management system (Odyssey) at this time.

On misdemeanor cases, if a warrant is recalled, it is treated the same as an out of county arrest on a local warrant, and the person's case is flagged in Odyssey so they will be fingerprinted and the arrest submitted to DPS through Crossmatch on their first court appearance.

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 fingerprinting 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. 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'. Charges added later by the prosecutor will have a TRS beginning with 'C' or 'D', depending on the agency adding the charge. 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

Gillespie 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, they will still submit it to the prosecutor with that information attached. The prosecutor is then responsible for submitting the arrest disposition through the DPS EDR website. 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 sent to the County Attorney's CJIS Administrator 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 Crossmatch prior to February 2010, three paper copies of the arrest record (CR43) were printed, and these copies were placed in the defendant's jail folder. The jailer also manually entered the booking information into Gillespie County's case management system, Odyssey. The Sheriff's Office Administrative Assistant picked up jail folders daily for arrestees who had bonded out of jail. Paperwork (CR43, magistrate's warning, and probable cause affidavits) for arrestees still in jail was placed in a folder and picked up weekly by the Sheriff's Office Administrative Assistant.

Effective February 2010, one of the three copies of the CR43 printed for every reportable arrest made is placed in a file for the County prosecutor to pick up daily, another is placed in a file for the Sheriff's Office Administrative Assistant to pick up daily, and the third is placed in the defendant's jail file. For arrests in on-view offenses, the case file is held by the Administrative Assistant for the arresting agency 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 Administrative Assistant then delivers the papers to the prosecutor's office. For most agencies in Gillespie County, these case files are hand delivered in paper format. The Sheriff's Office sends an electronic copy of the case to the District Attorney for review prior to the case being hand delivered. All case files submitted to the prosecutor's office are now supposed to include a copy of the CR43 if a local arrest was made.

The County Attorney's Office receives notice of arrest on a new case by paper form (CR43/CR44) that is delivered with the new case from law enforcement. 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 administrative assistant can be viewed by the County Attorney's Office.

The paper CJIS form is kept with the case as it is reviewed in the County Attorney's Office. When the case is accepted or rejected it is, by recently established procedure, given to the CJIS entry person in the County Attorney's Office and the prosecutor action is submitted to DPS via direct entry on the DPS EDR website. If the case is rejected, no notification of the County Court occurs; however, law enforcement is notified by email for bond and case management purposes. If the case is filed (accepted), two paper copies of the CJIS record are printed from the website after submission. One copy is kept in the case file in the prosecutor's office, and the other copy is attached as a cover page on the paperwork delivered to the County Clerk's Office.

For cases previously filed in which there is a new arrest, the CJIS paperwork by itself is picked up daily by the County prosecutor's office from a file in the jail. The paperwork is delivered directly to the County Attorney's Office CJIS entry person, and is immediately submitted to DPS via direct entry on the DPS EDR website. 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 Clerk's Office.

The District Attorney also receives the CR43 by paper and submits their action on the charges through the DPS EDR website; however, unless they reject the case prior to Grand Jury, the DPS submission only occurs after the Grand Jury has returned a result. If there is an indictment, the CJIS record is printed from the DPS EDR website after submission and the printout is hand delivered to the District Clerk. 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 Gillespie County receive TRN information by paper screen print from the DPS EDR website printed out by the prosecutor's office. For on-view arrests, these paper forms are delivered with the case after it has been accepted on County Court cases, or after indictment on District Court cases. For arrests on local warrants, the Clerk receives the DPS EDR website screen print from the prosecutor as soon as the prosecutor receives the CR43 and accepts the charge on the DPS EDR website. TRN information entered on the jailing in the case management software by the law enforcement administrative assistant 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 the DPS EDR website. Any amendments to probation terms or deferrals are also submitted by this website, allowing dispositions to appear almost instantly in the person's CCH.

Juvenile cases are forwarded by paper form (CR-43J) from one Sergeant with the Gillespie County Sheriff's Office or one officer with the Fredericksburg Police Department to the Gillespie Juvenile Probation Officer. The probation officer then fills in the intake, prosecutor and court sections of the CR-43J. This paperwork is held until the case has been disposed. The probation officer then forwards the paper copy with the court disposition to the Llano Juvenile Probation Department (a satellite office of the 424th Judicial District Juvenile Probation), where the information is submitted electronically to DPS. This process changed from paper submissions in February 2010.

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

Gillespie County does not batch transmit arrest data or receive batch return files from DPS. However, for the initial arrest transmission on Crossmatch any transmission errors or errors in the data or fingerprints are returned and saved on the Crossmatch computer. These are manually reviewed, corrected and retransmitted before the arrest will appear in the DPS CCH. Any arrests with errors needing to be corrected that successfully submitted to DPS are sent to the County Attorney CJIS Administrator for correction. These corrections are made either online through the DPS EDR website or by fax. All prosecutor offices and courts are now using the DPS EDR website to transmit data, so any errors are corrected immediately. The new web based system is also being used by the County Prosecutor's office to perform a yearly review of open arrests and verify the open arrests still have cases pending.

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

Gillespie 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 put in place 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.

Communication Problems from Officer to Jailer

Prior to March of 2009, jailers rarely had paperwork with the specific DPS offense code showing the charge a person was arrested on. This led to many individuals having incorrect offense codes submitted to DPS and errors in the arrestee's criminal history. This problem was usually discovered in the prosecutor's office when the case was being reviewed. Often times the charge in an individual's criminal history did not match the charge on the officer's offense report. The prosecutor then had the task of correcting the charge before filing the case.

Electronic Fingerprint Machine Problems

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

Crossmatch Hardware/Contract Issues

Crossmatch, 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 was being transmitted, but was never being received by DPS. The error return files were also not being received by the jail. The support contract had ended with the company, so while they allowed the equipment use to continue, they did not offer any notice of the problem or assistance fixing the problem until the contract was renewed. During this period, they also did no updates of offense codes in the system, so many new codes were not even available during the booking process.

Return File Review Problems at Jail

Once the Crossmatch hardware transmission issues were improved, an additional problem was identified. 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 Crossmatch 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 may receive are hard copy with a tracking number, but 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 once a month, 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

The most common failure in the reporting to DPS and to the next agency from Gillespie County prior to 2010 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.

Section V – Remediation of Problems

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

Communication Problems from Officer to Jailer

In March of 2009 a new booking sheet was created. This new booking sheet requires the officer to fill in the exact offense code an arrestee is being charged with. This helps eliminate any questions the jailer may have on the charge. A new request for review sheet was also created so that misdemeanor cases sent to the County prosecutor for review will clearly identify the charge being pursued by law enforcement.

Electronic Fingerprint Machine Problems

A new supervisor position has been added at the jail, and the Sergeant in that position has been made aware of the reporting issues that originate from the jail. In response to hardware issues with the Crossmatch fingerprint system and to help with workload issues, the jail is in the process of upgrading to a newer electronic fingerprint system that will integrate data sharing with our local case management system. This should reduce duplicate data entry and promises to be easier to navigate and more reliable in transmitting data to DPS. 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.

DPS Offense Code List Publication Delays

The county has been in contact by email with DPS regarding offense codes, and DPS has made progress in recent years correcting these codes and making the code list more accessible. The list is available in a spreadsheet format, which works well for searching and finding offense codes. Unfortunately new problems have been created by the Highway Patrol Division when they created a new electronic citation system that does not use the same DPS code list. This again has led to problems charging the arrestee with the correct offense code on DPS trooper arrests.

DPS Procedural Issues-Delays & Missing Paperwork

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 has also greatly

improved compliance. This site has made instant verification of arrest data possible and almost eliminated the delay in finding and correcting errors. Also, the new DPS EDR website has allowed 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

For County Court, a check is performed before each court session when the docket is reviewed by the County Attorney's CJIS Administrator and each case is checked against DPS data using the TRN in the local case management system. Any cases for which an arrest does not exist in DPS are flagged to have the defendant fingerprinted and an arrest created on the court date. This arrest data is submitted to DPS by way of the Crossmatch electronic fingerprint system. Paper forms are sent to the jail to identify the offense code and other arrest information to help ensure the data is submitted to DPS correctly.

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. Also, effective February 2010 the jail is submitting copies of the CR43 directly to the County prosecutor to help verify the paperwork reaches the prosecutor on all arrests.

At the office level, a single 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. This person enters the CJIS information on the DPS EDR website or notes and locates any missing arrest information at that time. Also, a single person in each of the clerk's offices has the responsibility of entering CJIS information into the DPS EDR website.

As another level of quality control, the County Attorney's Office has begun a monthly review of open arrests from previous years. This office has created a spreadsheet linking the local case number to the arrest, so that the case status can easily be compared. This information is then forwarded to the appropriate court if any disposed cases are still showing open in DPS records.

A written procedure for case flow through the County Attorney's Office has also been created, with checklists to more easily identify any missing paperwork or steps.