

Data Reporting Improvement Plan for Grimes County

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 (the "Board" herein) as described by law to prepare a data reporting improvement plan (the "Plan" herein), in addition to other duties. The Plan must 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. Following completion, the Plan is to be submitted to DPS no later than June 1, 2010; where at that time DPS will include the Plan on the DPS website.

Grimes County Commissioners' Court established such a Board on October 27, 2009 and appointed members to the Board in accordance with Code of Criminal Procedure Section 60.10. The mission statement of the Board is as follows:

Grimes County Local Data Advisory Board is committed to communicating and cooperating with all criminal justice agencies to be in compliance with the criminal history reporting requirements of the Texas Department of Public Safety. The Board pledges to quickly and efficiently submit arrest, prosecution, and disposition details and to ensure accuracy of all submissions to raise Grimes County's disposition completeness percentage to 90% or higher for both adult and juvenile offenders, and to maintain such a percentage in the future.

Section II Composition of the Local Advisory Board Members

In accordance with Code of Criminal Procedure Section 60.10(c), the Commissioners' Court appointed the following persons to the Board:

Captain Todd Greene, Grimes County Sheriff's Office;
Tuck McLain, Grimes County District Attorney;
Jon C. Fultz, Grimes County Attorney;
Gay Wells, Grimes County District Clerk;
Diane LeFlore, Grimes County Deputy District Clerk;
David Pasket, Grimes County Clerk;
Carolyn Neuman, Grimes County Deputy Clerk;
Shawn Myatt, Navasota Police Department;

Phillip Cox, Grimes County Adult Probation; and
Cheli Greene, Grimes County Juvenile Probation.

Should one of the above members no longer be employed by Grimes County or otherwise unable to serve on the Board, the replacement will be: (1) the successor of that position, (2) chosen by the elected official presiding over the vacated position, or (3) chosen by the remaining members of the Board.

Section III Current Process of Chapter 60 Reporting

A. Adults

Currently, the Grimes County Jail staff submits all reportable arrests of persons seventeen (17) and older to the DPS Crime Records Service within seven (7) days of the offender being booked into the Grimes County Jail, as required by Article 60.08(d) of the Texas Code of Criminal Procedure. The jail completes the required information for all arrests made on sight or by an arrest warrant (local or out of county) and for all arrests made by the Navasota Police Department, Grimes County Sheriff's Office or the Texas Department of Public Safety. An Incident Tracking Number (TRN) is assigned to each arrest from the jail's booking software (IDENTIX). Should it be determined that multiple charges stem from the arrest, the same TRN shall be used but each subsequent charge shall be assigned an Incident Tracking Number Suffix (TRS). Fingerprints and a photograph of the offender are also taken at this time. Once all required information is obtained, the IDENTIX software then compiles and outputs the information in the CR-43 (offender and arrest information), CR-44 (for supplemental charges under same TRN, but with additional TRS) if applicable, and CR-45 (fingerprint card) and copies of all are printed. The offender then signs the CR-45 acknowledging his or her identity and confirming the prints thereupon. All of this information is then submitted to the supervisor for review to minimize errors and discrepancies. Once a supervisor has confirmed and approved all information provided on the CR-43, CR-44, and CR-45, all such forms (as well as a booking photograph of the offender) is submitted via the secure DPS website. Copies of all CR-43s and CR-44s are forwarded to the District Attorney's office, and the District Clerk if offense is of felony level or County Clerk if offense is of misdemeanor level.

In the case an offender is arrested in Grimes County for an out of county warrant, all required offender information and fingerprints are obtained on the triplicate CR-43 form, and submitted to the originating county for completion of offense information, submission to DPS, and the last two sheets of the triplicate form are sent to the remaining reporting agencies.

When a Grimes County offender is arrested in another county on a local warrant, all required offender information and fingerprints are obtained by the arresting county on the triplicate CR-43 form and returned to the Grimes County Jail for completion of offense information and submission of the top sheet of CR-43 triplicate form and fingerprint card to DPS via postal service. The remaining sheets of the triplicate form are sent to the

District Attorney's office.

Once the District Attorney's office receives a case for prosecution from one of the law enforcement agencies of the County, the offense report and all attendant evidence is reviewed and proper action is taken. If charges are accepted, the CR-43 and CR-44 is completed and submitted through the secure DPS website within thirty (30) days and a copy printed and submitted to the appropriate clerk's office. If the offender has not been arrested for such charge, an arrest warrant is issued whereby the CR-43 is completed by jail staff upon his or her arrest. Such information is then submitted via secure DPS website and a copy forwarded to the District Attorney, who then completes their portion of the form and submits such via the secure DPS website within 30 days. A copy is then sent to the appropriate clerk's office once the case is filed.

If the District Attorney refuses any case for prosecution, notice is sent to the arresting agency of such decision via that agency's submission form, and the CR-43 and CR-44 form is completed stating that case has been refused and submitted to DPS via secure internet connection within thirty (30) days of the refusal.

Should the District Attorney decide to add charges after reviewing the offense report, a CR-44 is completed under the original TRN, with the appropriate TRS added for clarification by the District Attorney. Such information is submitted in the same way as detailed above and a copy sent to the appropriate clerk.

Once a case is disposed of through the court process, the clerk of said court completes the third and final portion of the CR-43 and CR-44s via the secure DPS website within thirty (30) days of judgment.

Addendum 1 attached hereto is a flowchart of current reporting processes for adult offenders.

B. Juveniles

When a juvenile offender, age ten (10) to sixteen (16), is charged by law enforcement with committing a reportable offense, such law enforcement agency completes the CR-43J, CR-44J form if additional charges are sought, as well as obtaining fingerprints of the juvenile (CR-45J). The top sheet of the triplicate CR-43J form (white), original fingerprint card (CR-45J), and a photograph of the juvenile is then submitted to DPS via the postal service. The second (green) and third (blue) pages of the triplicate CR-43J form is attached to the offense report and submitted to the Grimes County Attorney's office for prosecution.

The County Attorney reviews the offense report and decides what charges to file, if any, within approximately ten (10) days. Once a decision is made, the pre-adjudication section of the CR-43J is completed and the second (green) sheet is then forwarded to DPS, (with a copy retained in the juvenile's file) within thirty (30) days while the third (blue) sheet is forwarded to the County Clerk's office within ten (10) days. However, if a case is refused

for prosecution, the second (green) sheet is completed with the appropriate pre-adjudication numeric, forwarded to DPS, and the third (blue) sheet remains in the prosecutor's file--not forwarded to County Clerk. A letter is sent to the law enforcement agency explaining the County Attorney's office has refused the prosecution of that case and the reason for such refusal.

If the County Attorney decides to file additional charges after reviewing the offense report, a CR-44J is completed under the original TRN, assigned an appropriate TRS (i.e. A002, A003, etc.), and submitted to DPS in the same manner with a copy for the County Attorney's file and the third (blue) sheet sent to the County Clerk.

If the County Attorney's office receives a case for review where the juvenile offender has not been processed as required by Chapter 60 of the Code of Criminal Procedure, the referring law enforcement agency is contacted and advised charges are accepted and the juvenile needs to be processed in accordance with the Code of Criminal Procedure. Once the appropriate form(s) are completed by law enforcement, they are forwarded to DPS in the same manner as described above and the remaining sheets of the triplicate form are sent to the County Attorney's office for completion.

After a judicial disposition is made in a juvenile case, the County Clerk then completes the Court section of the CR-43J form detailing the adjudicated offense and punishment provisions. This Court information is submitted to DPS via the internet.

Addendum 2 attached hereto is a flowchart of current reporting processes for juvenile offenders.

Each agency has procedures as described above to ensure all appropriate forms are submitted to DPS and the next reporting agency as described above. Should an occasion occur where a particular agency does not have the TRN to enter the necessary data, the jail or relevant law enforcement agency is contacted to obtain such information.

Section IV Identify Problem Areas Associated with Compliance to Chapter 60 Reporting Requirements

During the Local Data Advisory Board's recent meetings, discrepancies in the open arrest records were discussed and it was noted some such discrepancies were due to the offender's name being incorrectly filled out at some stage in the process or aliases listed as the offender's name, which complicates matters for DPS and makes the arrest reports appear open, when in fact they have been completed. It was also noted that some of the open arrests never showed up for court and; therefore, no disposition was ever made. Some discrepancies in the open arrest report, as provided by the CJIS field representative, were observed as incorrect reporting by previous employees in the various offices. There were also past incidents wherein arrest, prosecution and disposition information was reported to DPS, however fingerprints were misplaced or otherwise not submitted. There were also times when an under-staffed office did not have the manpower or time to

complete the CJIS reports in the time period required by DPS. All mentioned issues were addressed and all members of the Local Data Advisory Board committed to rectifying the situation and raising Grimes County's disposition completeness percentage to 90% or higher.

Section V Provide a Plan to Address Remediation of the Problems Identified in Section IV

The reporting agencies have already begun to address various issues as stated in Section IV and have risen the adult disposition completeness percentage drastically. The various county agencies have done so by communicating regarding unresolved arrest reports and working together to ensure all open TRNs are addressed and reported as required.

The reporting agencies have already begun addressing the open arrest reports and hope to have all dispositions reported for any arrest records still open for 2006 by June 1, 2010; for 2007 by December 1, 2010, for 2008 by June 1, 2011, and for 2009 by December 1, 2011. The reporting agencies are going to make the criminal history reporting requirements of Chapter 60 a high priority and ensure compliance of dispositions in 2010, so that, ideally, all past and current open arrest records will be compliant by the end of 2011.

The reporting agencies will work together diligently to resolve the open arrest reports, from the oldest reports to the present, to ensure proper percentages are obtained by January 1, 2013.

Adults

-Offender arrested by law enforcement for a reportable offense, as defined by the Code of Criminal Procedure, and transported to Grimes County Jail.

↓

-Offender booked in by jail staff and an Incident Tracking Number (TRN) is assigned by the jail's reporting software. The booking information is uploaded into and a CR-43 is completed including:
offender name, date of birth, physical description (sex, weight, height, race, ethnicity, eye and hair color, scars, marks and tattoos), arresting agency, and charge information (offense code, incident number, level of offense—felony or misdemeanor level, date of arrest, arrest disposition)

-If additional charges stem from same incident, a CR-44 is completed under same TRN with Incident Tracking Number Suffix (TRS) identifying such as an additional charge (i.e. A002, A003...).

-A CR-45 fingerprint card is completed via the Jail's electronic fingerprint system.

-Once all this information is approved by the supervisor, the CR-43, 45, and 44(s), if applicable, along with a booking photo is submitted to DPS via internet within 7 days of arrest. A paper copy is forwarded to the District Attorney's office and either the County Clerk or District Clerk for inclusion in their respective files.

-If an offender is arrested in GC on another county's warrant, the information is forwarded to the county in which the warrant was issued for completion and submission to DPS

-If an offender is arrested in another county for a GC warrant, the information is forwarded to GC for completion and submission to DPS.

↓

Law enforcement submits offense report with all available supplements, CDs, DVDs, and witness statements to the DA's Office for review. Within 30 days of receipt, the DA's office reviews, and decides whether to file charges, reject charges, or hold for further information (lab reports, etc.)

↓

If charges are **accepted**, prosecutor portion of CR 43 and 44, if applicable, is completed detailing the charge information (offense code, incident number, level of offense, and date action taken) and submitted to DPS via internet within 30 days of action, with a printed copy of applicable forms to the District Clerk's office for felony cases and the County Clerk's office for misdemeanors.

↓

If charges are **rejected**, prosecutor portion of CR 43 and 44, if applicable, is completed detailing the date of rejection, offense code of rejected charge, and whether the rejection is as a result of a successful pretrial diversion program. This information is submitted to DPS via internet and the arresting agency is notified the charges were rejected. No further action is taken.

↓

Once a disposition of a case is made in Court, the Clerk of said court completes the third and final section of the CR 43 and 44 forms, detailing, the final pleading to each charge with offense code, level of offense, date of disposition, type of disposition, sentencing date, amount of fine if applicable, if ordered to be confined (agency to receive custody for confinement, length of sentence for each offense and whether to run consecutively or concurrently if multiple charges), and if sentence or fine was deferred, probated, suspended or otherwise not imposed and if so, how long and forwards such information to DPS via internet or first class mail within 30 days.

Juveniles

-Respondent charged by law enforcement for a reportable offense, as defined by the Code of Criminal Procedure, and taken into custody.

-Officer/Deputy/Investigator completes the top portion of the top sheet of the triplicate CR-43J form, titled "Referral/Identification" which includes but is not limited to the following:

Respondent's name, address, date of birth, physical description (sex, weight, height, race, ethnicity, eye and hair color, scars, marks and tattoos), arresting agency, and charge information (offense code, incident number, level of offense—felony or misdemeanor level, and date of arrest) parent(s) name and phone number, school attending and whether school was notified of the charge,

-Also, if additional charges stem from the same incident, a CR-44J is completed, under same Incident Tracking Number (TRN) as the original charge, with Incident Tracking Number Suffix (TRS) identifying as additional charge (i.e. A002, A003...).

-A CR-45J fingerprint card is also completed (which is already attached to the CR-43J) by law enforcement ensuring the Respondent signs the 45J confirming his fingerprints.

-Once completed, law enforcement forwards the top sheet of the triplicate CR-43J form, the CR-45J fingerprint card, CR-44 if applicable and a photograph of the Respondent to DPS via first class mail within 7 days of processing.

-Law enforcement submits the offense report with all available supplements, CDs, DVDs, and witness statements with the second (green) and third (blue) sheet of the triplicate CR-43J to the County Attorney's office for review.

-Within 10 days of receipt, the CA decides whether to accept or reject the case for prosecution.

If charges are **accepted**, "Pre-Adjudication" portion of second (green) sheet of the CR 43J and 44J, if applicable, is completed detailing the charge information (offense code, incident number, level of offense, and date action taken) and submitted to DPS via first class mail within 10 days of action, with a copy retained for CA's file and the third (green) and final sheet of the triplicate 43J and 44J forwarded to the County Clerk's office.

If charges are **rejected**, prosecutor portion of CR 43J and 44J, if applicable, is completed detailing the date of rejection, offense code of rejected charge, and whether the rejection is as a result of a successful pretrial diversion program. This information is submitted to DPS via first class mail and the law enforcement agency is notified the case was rejected. No further action is taken.

Once a disposition is made, the County Clerk completes the third and final "Court" section of the CR 43J and 44J forms, detailing, the cause number, adjudicated offense (if any) with offense code and level, disposition date, court costs, probation period if applicable, TYC confinement if applicable and if so, whether determinate or indeterminate sentencing. This information is completed and submitted by the County Clerk on the secure DPS website within 30 days of said action.