

KARNES COUNTY

CHAPTER 60.10: CODE OF CRIMINAL PROCEDURE PLAN

PREFACE: HB 2730 passed and added to SB 1061 requiring adult and juvenile percentages of reporting to have a combined rate of 90%. Commissioners Court was directed to establish an advisory board to come up with a plan to get the county in compliance and keep the county current. Commissioner Court created the suggested advisory board with the recommended members before the required date.

Advisory Board:

David Jalufka or Designee, Sheriff

Rene Pena or Designee, District Attorney

Margie Pol, District Attorney Designee

Robert Busselman or Designee, County Attorney

Debbie Vasquez and/or Herb Hancock County Attorney Designee's

Alva Jonas or Designee, County Clerk

Lisa Luna, County Clerk Designee

Robbie Shortner or Designee, District Clerk

Mary Ann Serenil, District Clerk Designee

Eddie Salas, Karnes City Chief of Police

Duane Dubose, Kenedy Chief of Police

Will Staneczy, Hill Country Software

Neva Schmidt, Chief Juvenile Probation

The Board convened and met for the first time March 30, 2010.

Karnes County Corrective Plan of Action: The District Clerk's office and County Clerk's office will work from reports provided by Texas Department of Public Safety Criminal Justice Information Services beginning with January 01, 2006 on any case showing outstanding arrest with no disposition. If the Clerk's cannot determine reason for not having a disposition they

will then defer cases to the prosecution being County Attorney or District Attorney. Upon completion of year 2006 the Department's will move forward with 2007, 2008, 2009.

Current process that supports Chapter 60:

Arrest reporting to Repository: As Karnes County local law enforcement the City police (Kenedy and Karnes City) and Sheriff Department will make arrest as deemed necessary. The Karnes County Sheriff's Department will remain the agency to book offender's and report the offense electronically. Juvenile Offenders will be booked by paper copy CR43J.

Arrest reporting to Prosecutor : The Sheriff's Department will transfer tracking form to County Attorney for the appropriate offense and the District Attorney's office for felony offenses. The CR43J follows the juvenile to the Juvenile Probation Department.

Prosecution Reporting to Repository: District and County Attorney will electronically complete their part of the TRN regarding Disposition and/or Dismissal of all offender's cases.

Prosecution reporting to Court Clerk: Form will then be transferred to District or County Court.

Court Clerk reporting to Repository: At the conclusion of an offender's Disposition the District and County Clerk electronically file their portion of the TRN and case is officially disposed.

How is the DPS Incident Tracking Number (TRN) and Tracking Number Suffix (TRS) introduced into and maintained throughout the flow of information: These numbers are automatically generated by the system at the time of arrest when an offender is fingerprinted. The number then follows and remains with the offender until completion of the disposition.

How are charges dealt with so that they receive an appropriate TRS and reported to the next county entity and to DPS: At the time of arrest the County reports the offense to DPS, therefore if and when another county has an offense by the same defendant they too have record of the offense through the DPS system.

How charges disposed by the arresting agency or prosecutor are reported to the next county agency and to DPS: The same procedure is followed. The county reports to DPS the disposition of the offense, therefore another county tracking the same offender can view the outcome of Karnes County's actions.

How persons arrested on out of county warrants are processed: All communications are run through the TLETS/NCIC system. A standard policy is when a teletype is sent or received the dispatcher has ten minutes to respond and/or confirm the warrant. If Karnes County makes the arrest, during the process of fingerprinting a TRN is generated. The offender is held and the other county then has ten days to pick the offender up and transfer to their county. Karnes

County would submit the TRN to DPS which then makes it available for the other county to handle prosecution and disposition. This process is completed on all offenses of a Class B or higher classification. On any Class C arrest the county has a generic number they use. The county the warrant was generated from is communicated through the terminals of TLETS /NCIC.

How persons arrested out of county on in-county warrants are processed: It is the same process but reversed. The county making the arrest is communicated with through the terminals and teletypes. Karnes County then has ten days to pick up the arrested party. All TRN information is obtained through DPS and the terminals.

How each agency ensures that all charges are reported to the next county agency and to DPS: It is based on policy of the individual departments, however at arrest the Karnes County Sheriff Office generates the TRN and reports the arrest to DPS. Since DPS is the central location of all records any out of county department can see them as well. The only time an incident may occur but have a delay in reporting to DPS with a TRN would be in the case of acting on a warrant and determining an additional offense occurred at the time of the arrest ie. Arresting on an assault and finding cocaine at the time of the arrest. The felony offense would not be charged until indictment. At the time of indictment an arrest would be made and a new TRN generated and reported to DPS. Any rearrest on an existing charge, such as at indictment the bond is raised, the offender is taken into custody but no new arrest is made therefore the TRN information does not change.

Through the meetings of the different agency heads it has been discovered that at times arrest are made and offenses are lowered or enhanced, but the County Attorney or District Attorney were not reporting on the original arrest as well as the enhancement or plea of lowering offenses. This has been discussed and brought to their attention and they will adjust on their reporting to include originating offense as well as adjusted offense.

Karnes County will continue to communicate with each other and meet to discuss any necessary changes or assistance needed from each other as the TRN travels through the departments.

Respectfully Submitted:

Karnes County CJIS Team