

# *Live Oak County*

*Data Reporting*

*Improvement*

*Plan*

*June 2010*

## **Section I - Legislative Requirement**

Chapter 60.10, Code of Criminal Procedure (CCP) create 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 described 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 Live Oak County Commissioners Court established a local data advisory board on October 30, 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 position and the individuals filling them are listed below.

## **Required Members**

Sheriff Larry Busby

Martha Warner, 156<sup>th</sup> Judicial District Attorney (Felony and all Juvenile Cases)

Gene Chapline - County Attorney

Lois Shannon - District Clerk

Karen Irving - County Clerk

Tina Gomez - Adult Probation Officer

Lori Jackson - Juvenile Probation Officer

Chief Vance Roberts - Three Rivers Police Department

(1 of 2 municipalities generating arrests)

Chief Ray Garcia - George West Police Department

(1 of 2 municipalities generating arrests)

Additional input was contributed from the following persons responsible to collecting, storing, reporting, and using data; however, they were not appointed as board members by the Commissioners Court.

Chief Deputy Charlie Strolney - representing Live Oak County rural arrests

Lucy Stehling - CJIS Administrator, District Attorney's Office

Ida Vasquez - CJIS Data Entry for the County Clerk's Office

Steve Alaniz - CJIS Administrator, County Attorney's Office

Any vacancies occurring on the board will be replaced after elections with any newly elected officials and their designees or newly appointed in chief positions.

## **Section III - Current Process Supporting the Chapter 60 Reporting Requirements**

Whenever a reportable arrest takes place in Live Oak 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 if it is accepted to the Department of Public Safety Computerized Criminal History system (DPS CHS). 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 in to and maintained throughout the flow of information.**

All Class B Misdemeanor, Class A Misdemeanor, and Felony arrest for offenses indentified by DPS as reportable offenses and made in Live Oak 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 computer sheet which lists the specific DPS offense code for the charge on which the individual is arrested, hence: Arrest Data Sheet. This booking sheet is given to the jailer who uses this form to enter the charge information into a computerized fingerprint system which creates the initial tracking number (TRN) for the arrest and electronically transmits the arrest data to DPS. The 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 Live Oak County's case management system (Justice Solutions/NetDATA) and attached to the arrest sheet.

## **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 Live Oak County when an out of county warrant is served. No CR43 is created for out of county warrants. Individuals arrested on warrants from other counties are ink fingerprinted and the bond paperwork is sent to the warrant holder and the fingerprint card is kept in the folder. Life Scan has been purchased but only partially implemented.

## **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 Live Oak County picks the subject up, he is booked into our jail when he arrives and the arrest is submitted to DPS through Life Scan just as someone arrested on a local warrant. If, however, the arrestee bonds out before being transferred to Live Oak County, the Sheriff's Office Jail Administrator will receive the paperwork from the arresting agency. This paperwork should, but seldom does contain a fingerprint card and partially completed CR43. Due to the 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 inquiries from attorneys of the defendants or the victims that the arrest was made and the case needs locating. These arrests are not in DPS records until the defendant is fingerprinted and the arrest transmitted to DPS.

In a few felony cases the case defendant may not be arrested until after there is an indictment. In 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 Life Scan system the first time the person appears in court. 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 CR43P paper form and mail that into DPS.

### **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 report 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 after indictment or information. The TRN information for added charges is put in the local case management system by the County Clerk of County cases, if possible.

## **How charges disposed by the arresting agency or prosecutor are reported to the next county agency and to the DPS**

Live Oak County policy is that any warrantless arrest may or may not be submitted to the appropriate prosecutor as a case for review. If the arresting agency does not wish to pursue the case, they will either submit it to the prosecutor with that information attached or in some cases knowing the case is bad they will do nothing with the case. The prosecutor never received or reviewed the case! The prosecutor is 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 or no billed, 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 Life Scan prior to now, three paper copies of the arrest record (CR43) were printed, and these copies were placed in the defendant's jail folder. After 2009, the jailer also manually entered the booking information into the Live Oak County's case management system, Justice Solutions. 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 remain in the jail folder until released on bond or go to court. Once this occurs the Administrative Assistant picks up the folder.

Now the County Attorney's Office receives notice of arrest on a new case by paper form (CR43/CR44) that they pick up from the jail. The new case is received later if at all from law enforcement. Many cases that arrive without a CJIS form, the local case management system can be reviewed to verify if a local arrest took place.

The paper CJIS form is kept with the case as it is reviewed by 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's 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. The DOS 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 with the indictment. 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 Live Oak 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 by mail. Amendments to probation terms or deferrals are also submitted by mail.

Juvenile cases are forwarded by paper form (CR43J) from the arresting officer to the Live Oak County Juvenile Probation Officer. The probation officer then fills in the intake. The prosecutor and court sections of the CR-43J are handled by the prosecutor and the District Clerk. This paperwork is held by the Juvenile Probation Office at the time of request of the petition until the case is heard. The District Clerk then forwards the paper copy to DPS.

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

Live Oak County does not batch transmit arrest data or receive batch return files from DPS. However, for the initial arrest transmission on Life Scan any transmission errors or errors in the data or fingerprints are returned and save on the Life Scan 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 DPS EDR website or fax. All prosecutor offices and courts are now using DPS EDR website to transmit data, so any errors are corrected immediately. The new web based system is also being used by the District and the County Prosecutor's offices 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**

Live Oak 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 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. Also the date of arrest is often being used as the date of the offense which is not always accurate in cases where warrants are obtained and served much later than the offense date. Occasionally a charge will be dropped or added by the District Attorney's Office.

## **Return File Review Problems at Jail**

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 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 Life Scan 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 a 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 lists 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 codes 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 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 CR43 mailed to DPS to submit information. It often The Prosecutors and Clerk's cannot submit any of their actions electronically until the record appears in the CCH, creating paperwork delay 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. Live Oak County needs training on CJIS.

## **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 DOS 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 Live Oak 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 problem 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 this 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 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 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 Live Oak 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**

A new Offense Arrest Data Sheet will be created immediately. Our offense arrest data sheet requires the officer to fill in the exact offense code and the offense date is clearly reflected. This helps eliminate any questions the jailer may have on the charge. In the future we requesting the officers turn in a copy of the CR43 with their completed investigative report to the prosecutors.

Training of jailers is an ongoing problem because there is a high rate of job turnover.

### **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. 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 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 will allow 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 will be performed before each court session when the docket is reviewed by the County Attorney's CJIS Administrator and a check will occur for each case against the 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 that court date. This arrest data is submitted to DPS by the way of the 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 and continue to be 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 is 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. The District Attorney's Office will not accept a case if the defendant has been arrested and CR 43 is not turned in with the case. From June 1, 2010 the jail will submit copies of the CR43 through the prosecutor and copies will be distributed to the appropriate arresting agency who must submit the same.

At the office level, a single CJIS data entry person in the County Attorney's Office is now responsible for reviewing each case before it is filed in the County Clerk's Office or closed as a rejected case. The County Attorney's Office will not accept any investigative reports without the CR43 being attached. 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 District Attorney's Office has always had docket conferences and review of open arrests from previous years. This is done every 3 to 6 months on indicted cases where the defendant has absconded. This information is then forwarded to the appropriate court if any disposed cases are still showing open in DPS records.

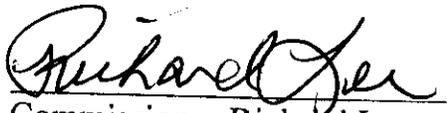
Every department is checking the errors already in the system to correct the errors currently showing beginning with the year 2006.

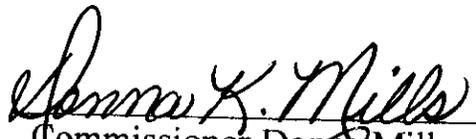
## CONCLUSION

The Advisory Board was instrumental in bringing the various departments together to discuss the procedure changes and the need for these changes. It also provided an opportunity for departments that had already implemented changes to share those with other departments and improve county reporting as a whole. Changes will be made in personnel training, reporting procedures and departmental transfer procedures. The additional procedures to be put in place should allow the county to maintain this compliance and improve on the accuracy of the data submitted to DPS, thereby contributing toward our goal of complete and accurate reporting of all reportable offenses.

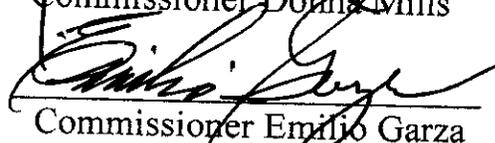
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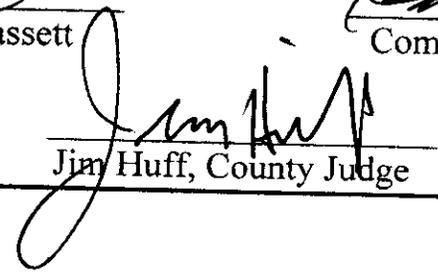
Approved by Commissioners Court on this the 28<sup>th</sup> day of May, 2010.

  
Commissioner Richard Lee

  
Commissioner Donna Mills

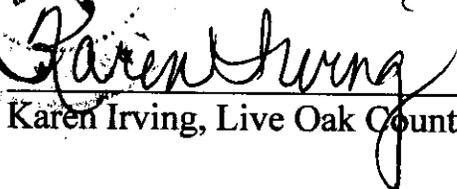
  
Commissioner Jim Bassett

  
Commissioner Emilio Garza

  
Jim Huff, County Judge

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ATTEST:

  
Karen Irving, Live Oak County Clerk