

### LYNN COUNTY DATA REPORTING IMPROVEMENT PLAN

Pursuant to Article 60.10, Texas Code of Criminal Procedure, the Lynn County Local Data Advisory Board adopts this as the Data Reporting Improvement Plan. By resolution dated October 13, 2009, the Lynn County Commissioner's Court established this board to meet and establish a data reporting and improvement plan which would:

- (1) Describe the manner in which the county intends to improve the county's disposition completeness percentage;
- (2) Ensure that the county takes 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;
- (3) Include a comprehensive strategy by which the county will permanently maintain the county's disposition completeness percentage at or above the 90 percentage mandated by statute.

History: Chapter 60, Texas Code of Criminal Procedure (CCP) defines the Computerized Criminal History System (CCH) as the statewide repository of criminal history data reported to the Texas Department of Public Safety (DPS) by local criminal justice agencies in Texas. CCH is one component of the Texas Criminal Justice Information System (CJIS). The other component of CJIS is the Corrections Tracking System (CTS) managed by the Texas Department of Criminal Justice (TDCJ).

Data to Include in CCH: Chapter 60, CCP requires that information on arrests, prosecutions and the disposition of the case for persons arrested for Class B misdemeanor or greater violation of Texas criminal statutes be included in CCH. The statute identifies many of the actual data elements. In addition, although not required by statute, CCH has traditionally included limited supervision data reported to DPS by TDCJ. Of special note is that Chapter 60, CCP creates an Incident Tracking Number (TRN) and Incident Tracking Number Suffix (TRS) as the keys for linking charges from arrest through adjudication. Use of the TRN and TRS ensures that the outcome of each arrest charge can be tracked through the system, but establishing this capability requires each reporting entity to be extremely careful in its management of cases to include and pass along the TRN and TRS.

Local Reporting Responsibilities: Chapter 60, CCP establishes a flow of information at the local level that is required for successful CCH reporting from each county. The statute places responsibility for reporting to CCH on specific local criminal justice agencies, as follows:

Arresting Agencies: The police department and sheriff's department that arrests a person for a Class B misdemeanor or higher violation of a Texas statute is required by Chapter 60, CCP to report that event to DPS within seven days. The report, if on paper, must be on the Criminal History Reporting form (CR-43) created by DPS. The report must include the arrested person's fingerprints, the TRN and other data required by statute. If available, electronic transmission of the data is the preferred method. A critical component of successful reporting is cooperation within the county. A large part of that cooperation is each reporting agency passing the TRN and TRS to the next level. The arresting agency needs to send the TRN and TRS to the prosecutor, as indicated below.

Prosecutor: Chapter 60, CCP requires that any County Attorney, District Attorney or other prosecutor receiving a class B misdemeanor or greater offense must report to DPS the decision to accept, reject, change or add to the charge for trial. As with arresting agencies, prosecutors may report on paper or electronically, including the TRN as received from the arresting agency. A copy of plan by District Attorney to Lynn County Sheriff addressing issues and procedures to be followed is attached and incorporated herein.

District and County Clerks: Chapter 60, CCP required the District and County Clerks whose courts try class B misdemeanor or greater violations of Texas statutes must report the disposition of the case to DPS. The clerks are dependent upon receiving the TRN and TRS from the prosecutor. The reports may be reported on paper or electronically.

Any added, changed, or deleted charges must be reported through the same channels as previously set out.



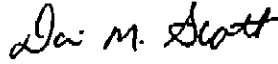

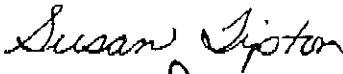


The arresting agency will report to the proper agency of the originating county of any person arrested on out of county warrants, so that they may initiate the proper paperwork according to their plan (if any). Once it comes to the attention that a person has been arrested out of county on in-county warrants, that entity will follow up to ensure that the proper agencies have been contacted and the procedure will follow the same plan as though it was initiated in this county. Each agency shall make policy within their agency to ensure that all charges are reported to the next county agency and to the DPS. Once again, cooperation between all agencies is essential.

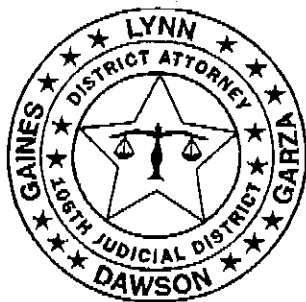
Identifying problem areas: If one agency has an issue with another agency in getting the information being reported to them in a timely manner, they will contact the proper person at that agency and they will work together to resolve the issue. As much as possible, it is recommended that the agencies follow up with one another to ensure that all problems are being resolved throughout the county.

It is also the belief of this Board, that the percentage of reporting requirement as established by this Article is too high for a county of this size. We believe that a more realistic requirement for the necessity of this Board is 75%.

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 agree that communication is the key to resolving any problems or conflicts.

Signed:

Sheriff Office:   
District Attorney:   
County Attorney:   
District Clerk:   
County Clerk:   
Tahoka Police Department:   
Juvenile Probation Officer: 

**BRIAN L. KINGSTON**

District Attorney

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February 5, 2010

Sherriff Jerry D. Franklin  
Lynn County Sheriff's Office  
P.O. Box 295  
Tahoka, TX 79373

Dear Sheriff Franklin:

The purpose of this letter is to inform you of a proactive approach that our office is taking in regards to on-site felony arrests. These changes have become necessary as law enforcement throughout the State of Texas has evolved. We hope to have you on board with these changes as we all attempt to best serve the citizens of our great district.

**THE PROBLEM**

During the past session, the Texas Legislature mandated that all counties not in compliance with Criminal Justice Information Systems (CJIS) guidelines form committees and come up with a plan to ultimately be in conformity. This entails an attorney from each prosecutorial office, district clerks, county clerks, and certain law enforcement officials sit on the committee. As it stands, none of our four counties are in compliance (more than 230 counties are not also). Part of the breakdown in our district involves cases where charges are refused by our office or charges are never pursued by the law enforcement agency. Ultimately, you end up with a felony arrest where the disposition cannot be ascertained.

Also, several of our counties are burdened by jail overcrowding. Even those counties that are not have experienced tight budgets. In many cases, inmates of the jail are prisoners waiting to be indicted. Some of these individuals are never indicted. This happens for a number of reasons. Sometimes, it may be that our office refuses charges. Other times, it may be that the individual does not have the appropriate amount of prior convictions for the case to be enhanced. In any event, the individual remains in jail until weeks later when our office begins preparing the case for grand jury. Obviously, this is costing the taxpayers for every day that the person remains in jail.

At the present, communication between the District Attorney's Office and local law enforcement is almost non-existent in regards to on-site arrests. This appears to be a breakdown in the system. Communication between the parties is great in the situations where law enforcement needs a complaint and warrant in order to get a felon off the streets. It also appears that communication is acceptable in cases where investigations are prepared for grand jury. The only problem lies in on-site arrests.

### THE SOLUTION

Together, we can all address this issue and benefit everyone involved. This will entail changes from our office as well as the cooperation of all of the law enforcement agencies, the magistrates, and all four of the county jails. With everyone working toward the common goal, our district (The 106<sup>th</sup> Judicial District) can be an example to other rural districts throughout the State.

#### ***Law Enforcement***

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.

This will assist us in many ways. It will allow us to make recommendations as to any additional ideas or suggestions that may make the case stronger. Also, it will allow us to accelerate the process in which cases are taken to the grand jury. In a case where there is a question of law, it will require us to evaluate that question more expeditiously and make a recommendation as to the continued incarceration of the individual. Finally, it will allow us to better manage which cases we have going to grand jury, which cases we still need lab reports on, which cases need further investigation, etc.

#### ***Magistrates***

We will be asking that every magistrate in our district fax to us each morning a copy of all probable cause affidavits that they have received for on-site felony arrests.

#### ***Jails***

As above, we will be asking each jail to fax us a copy of all probable cause affidavits that they have received for any and all persons who are booked in on on-site felony arrests.

#### ***District Attorney's Office***

We will continuously monitor all of the incoming probable cause affidavits and reports. We will be able to expedite cases to grand jury where there is no reason to wait on lab results or further investigation. We will also communicate with law enforcement where there are issues as to cases or where there can be improvements made to the case that exists. Also, 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).

***Implementation***

We are requesting that this new procedure be implemented immediately upon receipt of this letter.

***Conclusion***

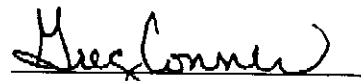
A unified, team effort can help us all to solve many of the issues enumerated above. There is no reason that our district cannot be the example for other districts to follow. Minimizing the number of prisoners who remain incarcerated without charges being filed will benefit all of our counties financially, thus saving the taxpayers of all of our counties. Finally, justice will be served in a much more efficient manner.

Please do not hesitate to call if you have any questions or concerns. We are truly committed to working with you all for better law enforcement.

Sincerely,



Brian Kingston  
District Attorney



Greg Conner  
First Assistant District Attorney