

# Data Reporting Improvement Plan

## Martin County, Texas

### 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 commissioner's 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.

***This section of the county's plan must acknowledge the above requirements and create a mission statement for the County's Data Advisory Board.***

## MISSION STATEMENT

Martin County acknowledges the requirements of Chapter 60.10, Code of Criminal Procedure and it is the mission of Martin County to provide complete and accurate submission of records for dispositions of both adult and juvenile arrests in a timely manner to the appropriate agencies of government both directly and through interaction with other agencies.

### **Section II**

#### **Composition of the Local Advisory Board Members**

The board members must meet the requirement under Chapter 60.10, CCP:

**Members:**

**Sheriff, Martin County, TX:** *John Woodward II*

**County Attorney:** *James L McGilvray*

**Martin County District Attorney**

**County and District Clerk:** *Susie Graham*

**Chief of Police, Stanton, TX:** *Michael Adams*

**County Judge:** *Corky Blocker*

*This section of the county's plan must name the members of the Data Advisory Board. The plan must also identify the process whereby members will be replaced, when necessary.*

Upon finding that there is a vacancy of a member of the Data Advisory Board, a meeting will be called by the Chairman of the Data Advisory Board within a reasonable time to ensure that no vacancies remain open for any extended period of time.

## SECTION III

Detail current process that supports the Chapter 60 reporting requirements.

This area of the county's plan must detail the current process of the flow of information between the following entities:

### **Arrest Reporting to Repository.**

Martin County submits confirmation of all arrests to the Texas Department of Public Safety via AFIS (Automated Fingerprint Identification System) maintained by the Martin County Detention Center.

### **Arrest Reporting to Prosecutor.**

The Martin County Sheriff's Department submits reports of all arrests to the proper prosecutor electronically through ABLE TERM for inclusion in the defendant's criminal history.

### **Prosecution Reporting to Repository.**

The Prosecutor submits electronically and/or manually the disposition of all cases presented for prosecution to the Texas Department of Public Safety for inclusion in the defendant's criminal history.

### **Prosecution Reporting to Court Clerk.**

The Prosecutor submits electronically and/or manually to the proper court clerk all prosecutions requiring court dispositions for inclusion in the defendant's criminal history.

## **Court Clerk Reporting to Repository.**

The Clerks of the Courts electronically and/or manually submits dispositions of court decisions to the Texas Department of Public Safety for inclusion in the defendant's criminal history.

In addition to a general description, the plan must address the following Key Functions of the current flow of information within the county:

**How the DPs Incident Tracking Number (TRN) and Tracking Number Suffix (TRS) are introduced into and maintained throughout the flow of information.**

Upon arrest of a defendant, a TRN#/TRS# is assigned for all reportable offenses by the counties computer system (ABLE TERM) and forwarded to the prosecutor's and court clerk's offices. Additionally, the TRN#/TRS# is entered into AFIS and submitted with the defendant's fingerprints to the Texas Department of Public Safety for inclusion in the defendant's criminal history.

**How added charges are dealt with so that they receive an appropriate TRS and reported to the next county entity and to the DPS.**

Upon determination that an additional charge is to be added at the prosecution level, a supplemental criminal history reporting form is completed either electronically or manually and forwarded to the Texas Department of Public Safety for inclusion in the defendant's criminal history.

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

Charges disposed of by the arresting agency or prosecutor's offices are submitted electronically or manually to the Department of Public Safety for inclusion in the defendant's criminal history.

**How persons arrested on out of county warrants are processed.**

Persons who are arrested on out of county warrants are fingerprinted and a copy of the fingerprint card and criminal history reporting form are forwarded to the appropriate county that issued the warrant as well as a booking sheet and any other pertinent information relating to the subjects arrest, thus allowing the other county to submit the arrest for inclusion in the defendant's criminal history.

**How persons arrested out of county on in-county warrants are processed.**

Upon receipt of the proper paperwork from the county that arrested the wanted subject, a tracking number is assigned and a copy of the fingerprint card as well as a criminal history reporting form are forwarded to the Texas Department of Public Safety for inclusion in the defendant's criminal history.

**How each agency ensures that all charges are reported to the next county agency and to the DPS**

Each law enforcement agency within the county files a written report to the appropriate prosecutor's office for all reportable offenses. The prosecutor's office is required to sign an acknowledgement of each case presented to his/her office for prosecution. The prosecutor's offices each maintain cases files on defendant's and upon determination of how each individual case will be prosecuted, a copy of the criminal history reporting form (CR-43, CR-44, etc.) is either filed with the Clerk of the Court at the time of the filing of an information/indictment, or if the case is rejected, a copy of the CR-43 is forwarded to the Department of Public Safety for inclusion in the defendant's criminal history. Upon disposition of any cases filed with the clerk of the Court, the Court Clerk forwards a copy of the disposition to the Department of Public Safety either electronically or manually for inclusion in the defendant's criminal history.

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

The DPS "Return File" is reviewed after submission for any errors and if errors occur, they are examined for necessary revisions and/or corrections and resubmitted to the DPS for inclusion in the defendant's criminal history.

## SECTION IV

### Identify problem areas associated with compliance to Chapter 60 reporting requirements.

This area should include issues related to processing and submission of arrest, prosecution and court date, timeliness of reporting of each entity, system limitations, inconsistent use of quality control measures in the following areas:

#### Arrest Reporting to Repository.

The Martin County Sheriff's Department's primary problem associated with compliance of Chapter 60 involves the lack of funding for the proper training and employment of sufficient numbers of employees to adequately perform all required duties associated with compliance of Chapter 60 along with all other required duties of persons employed with the detention of prisoners.

#### Arrest Reporting to Prosecutor.

The primary problem associated with compliance of Chapter 60 for arrest reporting to the Prosecutor involves the timely filing of offense reports. Delays occur when a defendant is injured and unable to provide statements. Furthermore, delays occur during the testing of blood samples and confiscated drugs by the Department of Public Safety. Additionally, the lack of funding for sufficient personnel to adequately perform all other necessary duties of the arresting agencies prohibits the compliance with Chapter 60.

#### Prosecution Reporting to Repository.

The primary problem associated with compliance to Chapter 60 by the Prosecutor is the large number of criminal cases presented for prosecution as well as the lack of sufficient personnel to perform all other responsibilities of the office which are equally critical for the proper fulfillment of the duties of the office.

#### Prosecution Reporting to Court Clerk.

The primary problem associated with compliance to Chapter 60 by the Prosecutor reporting to the Court Clerk is from failure from not receiving the Tracking Number when defendant's are arrested in and out of county, the lack of necessary staff to fulfill the required duties of the prosecutor's office and lack of funding to hire additional staff to perform said duties in an efficient and timely manner.

## **Court Clerk Reporting to Repository.**

The primary problem associated with compliance to Chapter 60 by the Court Clerk reporting to Repository is the lack of necessary staff required to perform all of the duties of the Court Clerk and budget restraints prohibiting the Court Clerk from hiring the necessary staff to perform all the duties of the office in an efficient and timely manner.

## SECTION V

Provide a plan to address remediation of the problems identified in Section IV.

This area should include a detailed improvement plan, a timeline and a comprehensive strategy to maintain compliance in reporting. The Strategy must include how the Key Functions will be added, if they are not currently being performed, or will be enhanced if they are identified as being part of the deficiencies within the current process.

Martin County has a large number of criminal cases wherein defendant's have outstanding warrants stemming from previously reported offenses. Until the defendant is arrested and brought to justice, these cases will remain pending on the Court's docket.

Martin County does not intend to arbitrarily dismiss cases from the Court's docket in order to artificially raise it's compliance rate to the specified 90% compliance requirement as set for the in Chapter 60.

It is the intent of Martin County to implement a plan of action wherein all agencies involved in the criminal justice system meet periodically to increase communication between agencies and come together with a plan to increase efficiency in reporting arrests, prosecutions and dispositions to the Texas Department of Public Safety in a timely and efficient manner. The construction of a new Detention Center with a single entity reporting all arrests will increase accuracy. The employment of an additional person whose responsibility is to ensure accurate reporting should reduce the amount of errors. The further training of Detention Center personnel of correct procedures of reporting arrests should also reduce errors.

It is the further intent of Martin County to request that the Texas Legislature provide proper funding for the hiring of additional personnel to be able to comply with the requirements of Chapter 60 as well as all other laws enacted by the legislature in the future.

Respectfully submitted,

*Susie Graham*  
Martin County Data Advisory Board

Motion by Commissioner Garza and seconded by Commissioner Sotelo to approve the Order Appointing Local Data Advisory Board (CJIS) for Data Reporting Improvement Plan and Resolution. All voted yes.

A Resolution of the Martin County Commissioners Court  
Creation of Martin County Local Data Advisory Board

Whereas, 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 on 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).

And whereas, Chapter 60, CCP requires the 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) an Incident Tracking Number Suffix (TRS) as the keys for linking charges from arrest 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.

And whereas, Chapter 60 CCP establishes a flow of information at the local level that is required for successfully 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, Code of Criminal Procedures to report that event to DPS within seven (7) days. The report, if on paper, must be on the Criminal History Reporting form (CR-43) created by DPS. The report 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 the arresting agencies, prosecutors may report on paper or electronically, including the TRN as received from the arresting agency.

**District and County Clerks:** Chapter 60, CCP requires the District and County Clerks whose courts try class B misdemeanor or greater violations of Texas Statutes must report the disposition of this 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.

And, whereas, pursuant to Article 60.10, *Texas Code of Criminal Procedure*, the Martin County Commissioners Court is required to create the Martin County Local Data Advisory Board and charge that board with the creation of Martin County's Data Reporting Improvement Plan.

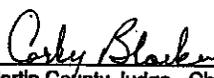
Now, therefore, it is hereby resolved, that the Martin County Commissioner's Court hereby creates and establishes the Martin County Local Data Advisory Board established this board to meet and establish a data reporting improvement plan which will:

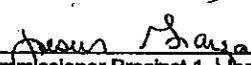
1. describe the manner in which the county tends to improve the county's disposition completeness percentage;
2. ensure that the county takes steps necessary for the county's average disposition completeness percentage to be equal to or greater than mandated by statute;
3. include a comprehensive strategy by which the county will permanently maintain the county's disposition completeness percentage at or above the percentage mandated by statute;

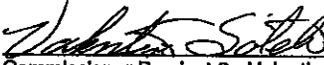
It is further resolved that the following individuals are appointed to such board to represent the agencies identified below:

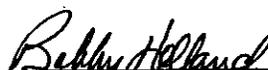
Martin County Judge	Charles Blocker
Martin County Sheriff	John Woodward II
Martin County District Attorney	
Martin County Attorney	James McGilvray
Martin County District & County Clerk	Susie Graham
Stanton Police Department	Michael Adams

Dated: October 26, 2009

  
Martin County Judge - Charles Blocker

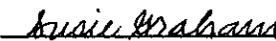
  
Commissioner Precinct 1 - Jesus Garza

  
Commissioner Precinct 2 - Valentino Sotelo

  
Commissioner Precinct 3 - Bobby Holland

  
Commissioner Precinct 4 - Bryan Cox

ATTESTED:

  
Susie Graham, County Clerk