

Mason County Data Reporting Improvement Plan

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 the Department of Public Safety (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.

Section II.

Composition of the Mason County Advisory Board

The Mason County Data Reporting Improvement Plan will consist of the following members:

- the elected District Attorney
- the elected County Attorney
- the elected County Sheriff (or his designee)
- the elected District & County Clerk
- the district & county clerk's data entry person

Elected officials assigned to the board will serve on the board until their respective term expires, or unless removed by a majority vote of the Mason County Commissioner's Court. Newly elected office holders to these stated positions will automatically become members of the board once the individual is sworn into the elected office. The County Sheriff may designate a deputy to serve on this board in his place. Said designation must be in writing, and said designee shall serve until removed by the Sheriff or a majority vote of the Mason County Commissioner's Court. Any other

non-elected board members shall be appointed by the Mason County Commissioner's Court and serve until removed by majority vote of the Commissioner's Court or termination of employment with the County.

Section III.

Detail current process that supports the Chapter 60 reporting requirements

Whenever an individual is arrested, a Criminal Justice Information System (CJIS) tracking form must be created and the individual entered into the DPS CJIS database. Thereafter the prosecutor's action on the case and, ultimately, the court action and/or ultimate disposition is required to be reported to the Department of Public Safety and entered into the Criminal Justice Information System. This data is accessible to law enforcement agencies in the both the Texas and national criminal history databases. This allows all law enforcement agencies access to accurate criminal histories of the individuals they are dealing with. In Mason County, the CJIS tracking forms are generated at the Mason County Jail when an individual is arrested. These forms should be reported to DPS and then be forwarded to the appropriate prosecutor's office. Each prosecutor's office is then required to report their action to DPS . Finally, when the case is disposed of in court, the district and county clerk is required to report the disposition to DPS.

Section IV.

Identify Problem Areas Associated with Compliance to Chapter 60 Reporting Requirements.

In Mason County, as with many of the other smaller counties, much of the reporting problem has been a failure of the various agencies to adequately communicate the reporting information with one another. Historically, the Mason County Sheriff's Office has not always provided all arrest tracking forms to the prosecutors offices. Sometimes the forms have been sent to the wrong prosecutor's office. Mason County is one county of a five county judicial district. As a result, oftentimes it has been difficult to obtain tracking forms from the District Attorney's Office which is located in another town in another county. The prosecutor's office have not always provided the tracking forms to the district & county clerk's office for reporting.

Additionally, a persistent problem that affects Mason County, and many of the smaller counties in the state, is the comparatively smaller number of cases generated in the county. Many of these cases are still pending prosecutions and the end of the year and, as a result, prohibit Mason County from having 90% or higher completion percentage unless county prosecutors dismiss valid pending cases before year's end, a practice no prosecutor or law enforcement official wishes to do. For example, if there are 100 cases filed in Mason County during a calendar year and at year's end 11 or more of those cases are still active cases, then the County is not in compliance with the statute. By contrast, a larger county with 10,000 arrests or more may have as many as 1,000 active cases and still be at 90%. Similarly, if only 2 juvenile cases are filed in Mason County in a calendar year, but one is still pending trial at year's end, the County's reporting percentage is only 50% on juvenile cases.

There are several reasons why Mason County may have pending cases at year's end. Defendants are often on-the-run with open warrants. Those cases cannot be prosecuted until the defendant is caught. Also, defendants may be in jail or prison elsewhere and not available for trial in Mason until release. These jail terms may be a year or longer making it impossible to resolve the case within the year. Additionally, trials are subject to the availability of the lawyers and more importantly, the judges involved. In Mason County, this can be particularly problematic with the district court cases since Mason is only one county of a five county district. District court is held in the county on average only one or two times per month as the district judge must hear cases in several counties including Kerr County, by far the largest county in the district. With Kerr County having a population base roughly nine (9) times larger than Mason County, most of the district judge's and district attorney's case load is in Kerrville. Having cases completed by years end therefore is not possible in many circumstances. To be in compliance, Mason County prosecutors would be forced to dismiss valid cases to reach the 90% statutory minimum. That is not an acceptable result and Mason County prosecutors will not dismiss pending criminal charges simply to be in compliance with the percentages mandated by the statute.

Finally, there is sometimes a problem with out-of-county cases where the defendant is actually caught, arrested and booked into the Mason County jail. These out-of-county prosecutions, if not properly reported to DPS by the prosecuting county, will show as a Mason County prosecutions, thus skewing the County's percentages.

Section V.

Planned Remediation of the Problems Identified in Section IV.

Many of the problems in reporting have already been addressed and corrected in Mason County. The county agencies have met on multiple occasions to ensure each entity was aware of the problems, reviewed previous years' case files and corrected incomplete or inaccurate information. These meetings also addressed how to prevent similar problems in the future. The County has already corrected incomplete or inaccurate records for 2006, 2007, and 2008 to bring those years to 90% completion or better.

To ensure future compliance, the County has taken the following steps:

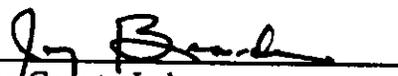
- The district and county clerk's office has set up on line reporting to be able to: (1) immediately review CJIS reporting percentage status for the County, (2) enter filing and completion information online rather than through the mail, and (3) to correct any inaccurate information with the consent and assistance of the sheriff's office, county attorney or district attorney as need be.
- The Mason County Sheriff's Office will now provide CJIS tracking forms to the prosecutors' offices and the district/county clerk's office upon a weekly basis.
- CJIS tracking forms are to be attached to every case file delivered to the prosecutors' offices.
- Prosecutors will provide a CJIS tracking form to the district/county clerk with the filing of each new case.
- The district/county clerk will keep the district attorney, the county attorney and the

sheriff's office apprised of compliance status periodically throughout the year.

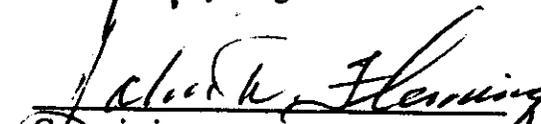
- Within one (1) week after District Court or County Court, the district & county clerk will run a open arrest report to confirm all final dispositions from court have been properly reported and resolved.
- The Sheriff's office will be responsible for correcting any MTRs that were entered in error or any out-of-county warrants improperly coded as Mason County cases within one week of discovery of said errors.
- The Data Reporting Improvement Board will meet once a quarter to check status of arrests, criminal prosecutions pending but unfiled cases (ex. unfiled pre-trial diversions, ancillary misdemeanors to felony charges), filed cases and completed cases.
- The Data Reporting Improvement Board will meet before year end to ensure compliance for the calendar year, or if not in compliance, to determine why compliance will not be met. To this end, county prosecutors will not dismiss pending criminal cases simply to meet the statutory 90% threshold.

The county commissioners and the board believes the implementation of this Plan will allow Mason County to continue to improve its reporting percentages to the extent possible without dismissing valid criminal charges just to meet a reporting percentage

APPROVED and ADOPTED on this the 23rd day of November, 2009.


Mason County Judge


Commissioner


Commissioner


Commissioner


Commissioner