

MILAM COUNTY DATA ADVISORY BOARD



DATA REPORTING IMPROVEMENT PLAN

SECTION I: CREATION OF BOARD

The Milam County Local Data Advisory Board (hereinafter referred to as the "Board" was created on November 23, 2009 by the Commissioner's Court of Milam County, Texas pursuant to Senate Bill 1061 which amended Chapter 60 of the Texas Code of Criminal Procedure. This Board was established due to the disposition completeness percentage of Milam County being below 90 percent.

SECTION II: MEMBERS

In order to comply with Article 60.10 and 60.09(b), the Board consists of Rebecca Pontruff, designee of the Milam County Sheriff; Kerry Spears, County & District Attorney of Milam County; Cindy Fechner, District Clerk of Milam County; Susanne Gelner, Chief Deputy, designee of the County Clerk of Milam County; and Thomas Harris, Chief of Police for the City of Rockdale, Texas. If one of the above members is unable or unwilling to serve as a board member, each entity will designate a replacement and give notice to the Board.

SECTION III: CURRENT PROCESS

History:

Chapter 60, Texas Code of Criminal Procedure (CCP) defines the Computerized Criminal History (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 Systems (CJIS).

Data to include in CCH:

Chapter 60, CCP requires that information on arrests, prosecutions, amend the dispositions of the case for persons arrested for a Class B misdemeanor or greater violation of Texas criminal statutes be included in CCH. CCP creates and 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 can be tracked through the system, but establishing this capability requires that each reporting entity 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 CH 60, CCP to report the event to DPS. This is ideally done by electronic means, whereby the information is electronically sent by Live Scan. If done in paper form, it should be on a CR43 created by DPS. The report must include the arrested person's fingerprints, the TRN and other data required by statute. 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. This is done by electronic means via current vendor software EDOC or by paper means.

- 1) Arrests being made in Milam County on out of county warrants are processed using the current booking system, EDOC, and fingerprinted on the Identix machine. The fingerprints are scanned as "non-reportable". A card is printed out and mailed to the county issuing the warrant, the warrant holding county then mails that card to DPS to be added to that person's criminal history.
- 2) Persons arrested on Milam county warrants in another county are processed using that county's booking systems, fingerprinted by a fingerprinting machine, or by taking "ink prints". That county then mails Milam County arresting agency a set of prints to be mailed to DPS and added to that person's criminal history.
- 3) All persons arrested are processed using the county software vendor, EDOC. Through EDOC, a TRN is assigned to all reportable offenses. On reportable offenses, the arrestee is fingerprinted on the Identix Machine, and the prints are submitted to DPS electronically through LiveScan. All county agencies are able to view who has been processed and what type of offense they are arrested on through the county software, so that they may begin their portion of the reporting process.
- 4) Juvenile arrests are ink printed and the CR43J form is filled out by the arresting agency, then mailed to DPS. The TRN is then forwarded to the Juvenile Probation office so that the intake and prosecution portion can be completed.

Prosecutor: Chapter 60, CCP requires that any County or District Attorney, receiving a Class B misdemeanor or higher violation report to DPS the decision to accept, reject, change or add to the charge for trial. As with arresting agencies, prosecutors are reporting directly to DPS through their website, including the TRN as received from the arresting agency. The information linking TRN and TRS to case disposition is submitted through current software vendor or paper, then forwarded to the clerk's offices to enable correct reporting of case disposition. The TRN is also forwarded to the clerk's office by being listed on the indictment, Complaint & Information, Judgment and /or Dismissal to enable reporting of dispositions.

On Juvenile arrests, the intake and prosecution section is completed by the Juvenile Probation Department, their portion mailed to DPS, and the Court section is then forward to the District Clerk's office as the next agency in line to complete the disposition reporting, if the case is to be adjudicated or a petition is to be filed.

District and County Clerks: Chapter 60, CCP requires that the District and County Clerks whose courts try Class B or higher violations must report the disposition of the case to DPS. The clerks are dependent upon receiving the TRN and TRS information from the prosecutor. The Court section is then reported electronically directly to the DPS website.

SECTION IV-DEFINITION OF ISSUES

After discussion and review, the Board has established the following problems that need to be addressed in order to meet compliance:

- 1) Cases remaining open are affecting the overall percentages for the county:
 - a) Cases with no recorded disposition;
 - b) Cases not filed by the County/District Attorney's office or additional charges still pending;
 - c) Cases returned to the agency needing additional information;
 - d) Out of county arrests not being reported to DPS;
- 2) Operator error and lack of training on resources available;
 - a) Duplicate charges being reported due to affidavit of surety, bond forfeitures, re-indictments, motions to revoke being entered as reportable
 - b) Incorrect prosecutor action entered
- 3) Software conversion issues and hardware problems.
- 4) Manual reporting of Juvenile arrests not being reported to DPS, or arrests for other counties being reported as Milam County arrests. Completed TRN's sometimes not being forwarded timely to the juvenile probation department and then to the clerk, delaying the final reporting disposition.

SECTION V-CORRECTION OF CURRENT ISSUES

In order to correct the above defined issues, the Board has established the following guidelines in order to raise the county's compliance rating;

- 1) Improve communication between law enforcement, prosecutors and the county and district clerk offices concerning accurate reporting of case dispositions. An open case report will be printed by a designee of the Board on a quarterly basis and distributed to the District & County Attorney, the District Clerk, the County Clerk, the Juvenile Probation Department, and each and every law enforcement agency located within Milam County. Each agency will be responsible to review the open case report and make corrections to their reporting that is necessary to remain in compliance. Each agency will remain in communication with other offices as needed to correct any errors or problems with CJIS reporting.
- 2) Pending cases will be reviewed by the Prosecutors office to determine outstanding unresolved cases
- 3) In order to reduce the amount of duplicate charges being entered, warrants and information to jailers will have the corresponding TRN number added to the top portion of the form. This will alert the jail staff that a TRN already exists and not to re-enter the case;
- 4) If DPS has not received fingerprints or fingerprints were rejected because of an error, the Defendant will be fingerprinted no later than plea or sentence date if possible.
- 5) All error reports from 2006 to present will be corrected no later than January 1, 2012. If unable to correct an error, each office will make appropriate documentation and submit a report stating the reasons to the Board.
- 6) Each office will utilize the DPS website to run reports, check status of cases and research reasons for errors as needed to maintain compliance.
- 7) Paper TRN will accompany the petition on Juvenile cases. The Juvenile probation Department will begin entering intake and prosecution information electronically into the

DPS website, thereby enabling the probation office to review the arrest information and make any corrections prior to the next agency completing disposition.

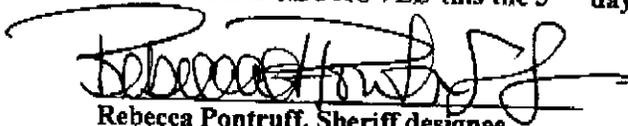
CONTINUATION OF PLAN IN ORDER TO MAINTAIN COMPLIANCE

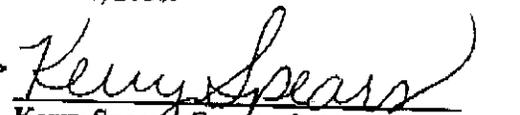
In order to maintain the county's disposition completeness percentage at 90 percent or above, the Board finds the following:

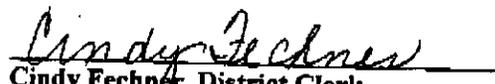
- 1) Once the county's disposition completeness is above 90 percent, the Board will meet on a semi-annual basis or as needed throughout the year.
- 2) The Board will run periodic compliance reports to ensure the county's percentages is at or above 90 percent;
- 3) Each official or designee will report any changes or problems to the Board. The board will determine what steps needed to resolve the issue
- 4) Each official will notify the Board of the designee, or any subsequent change in designee for their office, and the Board will distribute the contact list to each office;

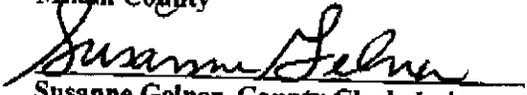
IT IS THEREFORE ORDERED, that the above Data Reporting Improvement Plan is hereby agreed to and approved by all parties appointed on the Board as evidenced by their signatures below. Although the Juvenile Probation Department was not listed as an active member of this Board by Commissioner's Court, their input and agreement of the Data Reporting Improvement Plan pertaining to Juvenile Reporting is evidenced by the signature below.

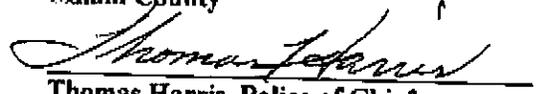
SIGNED AND APPROVED this the 3rd day of June, 2010.


 Rebecca Pontruff, Sheriff designee
 Milam County


 Kerry Spears, County & District Attorney
 Milam County


 Cindy Fechner, District Clerk
 Milam County


 Susanne Gelner, County Clerk designee
 Milam County


 Thomas Harris, Police of Chief
 City of Rockdale, Texas


 Deana Polson, Juvenile Probation Officer/
 Supervisor, 20th-82nd Judicial District