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TXDPS Crime Records  
ATT: Angie Kendall  
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Austin, TX 78765-4143

Re: Motley County Data Reporting Improvement Plan

To Whom It May Concern:

**MOTLEY COUNTY DATA REPORTING IMPROVEMENT PLAN**

At the outset, certain salient points must be made. As is typical of many requirements coming out of Austin, little or no thought seems to have been exercised in subjecting a county such as Motley County, to requirements that will work in large population and large tax base counties, but which will not work in low population, low crime, economically depressed counties, without forcing prosecutors (for instance) to violate their legal obligation to insure that justice is done, in order to comply with the 2-year disposition requirement of 90% of cases.

Motley County has a total population of around 1,200 people with a corresponding low number of crimes and arrests. There is no jail and no police force. The county is economically depressed, with the second lowest tax base of any county in Texas. The only in-county elected official involved in the matters at issue herein that has an assistant is the District/County Clerk. The sheriff has no deputy, and the non-resident District Attorney covers 4 counties.

Despite the above circumstances, the only reason this report and plan are required is because only ONE case (a resolved felony) was either misreported or non-entered in the system, thus dropping the county's 2006 reported disposition rate from 100% to 80%, because of the relatively low number of arrests in the system for 2006. That has been resolved, and the county is now 100% for 2006, 2007 and 2008. But, this county has 2 serious crime, open, filed cases for 2005, where both defendants are fugitives from justice, and if ever caught, they will be prosecuted. If a similar situation occurred under the new compliance and disposition requirements, given the county's low incident numbers, the prosecutor would be forced to either dismiss a serious case in order to comply with the 90% 2-year disposition requirement, or keep the case open and remain in perpetual non-compliance. That is ridiculous.

Pursuant to Article 60.10, Texas Code of Criminal Procedure, the Motley County Local Data Advisory Board adopted the following as the Data Reporting Improvement Plan. The following Data Reporting and Improvement Plan shall include:

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.

**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. This statute also creates an Incident Tracking Number (TRN) and an Incident Tracking Number Suffix (TRS) as keys for linking charges from arrest through adjudication.

**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 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 Procedure 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 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 appropriate prosecutor or Juvenile Probation Department.

**District Attorney/County Attorney:** 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. The prosecutor must send the TRN and TRS to the District & County Clerk once the information has been reported.

**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.

**Juveniles:** ALL TRN's on a juvenile are to go directly to the Juvenile Probation Department, where the probation officer will complete each section.

**IN COUNTY ARRESTS:** All prisoners arrested in Motley County on any arrestable offense must be jailed out-of-county and will be entered into that county's Crime Star under Motley County's ORI number, jail book, and paper CR-43 with the basic information and prints to be hand delivered to the Motley County Sheriff, to be checked to see if the right ORI number for Motley County was properly used and to check the paper work. If the warrant or arrest is for a re-arrest on a previous charge, a CR-43 is not completed and they are booked into jail and held until either bonded out or brought before the court, according to state law.

**OUT OF COUNTY WARRANTS:** All prisoners arrested in Motley County on an out of county warrant for a criminal charge are entered into Crime Star, jail book, and paper CR-43 with basic information and prints to be sent to or given to the county the warrant is out of. If the warrant is for re-arrest on a previous charge a CR-43 is not completed and they are booked into the jail and held until they either bond out or the county that the warrant is out of comes to get them, according to state law.

**OPEN ARRESTS:** As of December 31, 2009, there are a total of 3 open arrests in Motley County for 2009. There are none for 2006, 2007 or 2008. These arrests are currently open due to the fact they are either pending in district or county court, the case has not been filed yet, or a correction has been submitted to DPS and it has yet to be entered in at the present time.

**PLAN TO ENSURE COMPLIANCE:** The Motley County Local Data Advisory Board is to meet as needed and members will be replaced by their replacement in their position. A Motley County Board Member will run open arrest reports every three to six months and coordinate with the corresponding office as to the reason why the arrest is still open.

*The members of the advisory board will cooperate in compiling the data required by law and forwarding the appropriate information to agencies in the county and to DPS. They also agree to communicate with one another any problems or discrepancies that occur in compiling the reports.*

Dated this 26 day of May, 2010.



Tom Edwards  
Motley County Attorney