

SMITH 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 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.

Smith County Data Advisory Board

Pursuant to Article 60.10, Texas Code of Criminal Procedure, the Smith County Local Data Advisory Board adopts this as the Data Reporting Improvement Plan. By resolution dated October 26, 2009, the Smith County Commissioner's Court established this Board to meet and establish a data reporting and improvement plan.

Mission Statement

The mission of the Smith County Local Data Advisory Board is to:

- (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 mandated by statute; and
- (3) create a comprehensive strategy by which the county will permanently maintain the county's disposition completeness percentage at or above the 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.

SECTION II:

Required Composition of the Local Advisory Board Members

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

Members - Sheriff of the county, or the sheriff's designee; an attorney who represents the state in the district courts of the county; an attorney who represents the state in the county courts of the county; the clerk for the district courts of the county, or the clerk's designee; the clerk for the county courts of the county, or the clerk's designee; the police chief of the municipality with the greatest population located in the county, or the chief's designee; a representative of the county's automated data processing services, if the county performs those services; and a representative of an entity with whom the county contracts for automated data processing services, if the county contracts for those services.

Original Board Members Appointed

Sheriff's Office: Lieutenant Charlie Baker
Attorney Representing the State in District Court: Jessica Sangsvang
Attorney Representing the State in County Court: Leslie McLean
District Clerk: Lois Rogers
County Clerk: Judy Carnes
Tyler Police Department: Paula Riggle
Data Processing Representative: Harvey Tanner

Membership Replacement

Members shall serve as long as they are elected or employed in their respective positions. In the event that a member is no longer available to serve on the Board, a new member shall be appointed. If a newly elected official is required to serve on the Board, the Commissioners' Court shall appoint such individual. For positions filled by an office's recommendation, an individual shall be recommended to the Commissioners' Court. The Commissioners' Court will consider the recommendation and appoint an individual to fill the vacant slot.

SECTION III:

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 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.

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 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.

Current Process of the Flow of Information between Entities

Smith County currently utilizes Able Term version 8.5.7 software supported by Tyler Technologies, dba The Software Group. The software package includes Courts Management, Law Enforcement/Jail Management and Prosecutor Management. All reporting addressed in this section is accomplished using this software system.

Arrest Reporting to Repository – Recording the arrest of defendants is the first step in reporting to the Texas Department of Public Safety (DPS). Records of arrest begin at the Smith County Jail based on arrest information provide by the arresting officer. That information includes:

1. Name of Defendant
2. Address and contact information
3. Physical descriptors
4. Unique identifying numbers
5. Emergency contact
6. Arresting agency information
7. Vehicle information
8. Charge information

Upon completion of a “Pre-Booking Information Form” by the arresting officer, that information is entered in to Able Term by booking officers, thus generating the arrest record. For those arrests that are referred to as “on-sight”, a TRN number is assigned in the Able Term software then reported to DPS via an interface with the Live Scan Computer. The arresting agency’s ORI number is entered, reflecting that agency as the arresting agency placing the defendant in jail. The ORI number for the Smith County Jail is attached to the fingerprint submission to DPS as the contributor. If any errors are detected by the DPS computer system, submission is held and correction must be made before transmission is allowed.

Arrest Reporting to Prosecutor - The Smith County Jail does not report arrests made to the Prosecuting Attorney. Local prosecutors have access to Able Term data where arrests are viewed. The reporting to the Prosecutor is accomplished upon presentation of the criminal case to that office.

Prosecution Reporting to Repository - Upon presentation of a case to the Smith County District Attorney’s Office, the intake clerk is responsible for linking the case with a TRN number from the jail system, using the offense code and date of arrest, as well as additional identifiers as may be required. Once the case has been accepted, that status is mailed to the Repository. During the pendency of the case, and prior to indictment of

filing of an information, if changes to charges are made to the charge or if the case is rejected or otherwise disposed, that change is also electronically mailed to the repository.

For non-arrest cases, after disposition of the case, while it is being closed by our office, the TRN attached to the case and the status is mailed to the repository.

Additional charges/added charges are dealt with by the grand jury secretary requesting additional TRS from the jail. The TRN assigned should be the original TRN.

Prosecution Reporting to Court Clerk – The software program currently used in Smith County allows the TRN/TRS information to transfer automatically from the prosecution to the court clerk upon indictment of filing of information.

Reporting to Repository – As cases are closed they are electronically mailed to the **Court Clerk** Repository through our software program.

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 an individual a TRN number is assigned to that individual for a particular offense. In the event that the arrest is for one offense the TRS number "A001" is assigned. For additional offense TRS numbers are assigned to each offense. The TRN/TRS number may be tracked throughout the county system through the use of additional identifying information such as the CJIS code, arresting agency, date of arrest and personal identifying information.

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

In the event that additional charges arising from the same occurrence are added after an arrest these charges are noted with a TRS number of "D001" and continuing numerically to include all additional charges. Again, these charges may be tracked throughout the county system through the use of additional identifying information as described above.

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

See information provided above regarding use of Able Term system.

How persons arrested on out of county warrants are processed

Upon confirmation of an arrest warrant, that defendant is booked into jail and the originating agency is notified. Arrest of the defendant is not report via LiveScan.

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

Confirmation of an active warrant is sent to requesting agency requesting that the defendant be held for transport back to Smith County. If bail is not posted the defendant is then transported back.

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

Each county entity completes reporting procedures upon completion of criminal justice functions required.

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

"Return Files" are checked daily and issues are addressed.

SECTION IV:

Problem Areas Associated with Compliance to Chapter 60 Reporting Requirements

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

Arrest Reporting to Repository

Issues identified are TRN's not being assigned to reportable arrest as well as duplicate numbers being assigned on already reported arrest. TRN's assigned and that are "mailed" to the LiveScan Computer are not transmitted to DPS.

Arrest Reporting to Prosecutor

As stated above, the Smith County Jail does not report the arrest of an individual to the District Attorney's Office. With the exception of the District Attorney's access to jail lists, that office is notified of an arrest when the individual's case is presented to that office.

Prosecution Reporting to Repository

Several problem areas have been identified and include:

1. For non-arrest cases, there are no TRNs, as they are assigned upon arrest. Therefore, these cases cannot be reported until disposition and these type cases have been missed. Specifically, Welfare Fraud and Securing Execution by Deception are routinely presented as non-arrests and can be overlooked.
2. It is difficult to determine the correct TRN in instances where the defendant is arrested multiple times for either same offenses or for bond violations,

revocations and such. The TRN should remain the same, but sometimes new TRNs are assigned.

3. Theft by Check – these individuals are often never arrested, no TRN is assigned and no notice can be forwarded to the Repository.
4. CR43s – if notification is on paper, there is little chance that it will be reported.
5. Certain programming errors have been identified in the software program currently used in Smith County. There have been occasions in which technical support service was inadequate.

Prosecution Reporting to Court Clerk

As previously explained, the software program allows for integration and access to TRN/TRS information. In the event that this information is inconsistent between the District Attorney's office and the Court Clerk personnel, communication and manual alteration is required.

Court Clerk Reporting to Repository

The clerk's office needs to be aware of the "upload/download" of the submission of the TRNs that are made to the Department of Public Safety. As errors occur, the departments shall be notified as soon as they are discovered. The clerks also need to have good communication with the IT department on any problems that might occur with the two networks.

SECTION V:

Detailed Improvement Plan

The following is Smith County's plan to improve data reporting in each the following departments:

Note: In addition to the improvement plans implemented by each office, as detailed below, the Smith County Jail, District Attorney's Office, District and County Clerks' Offices have designated individuals responsible for communicating regarding problems or errors. In addition, these individuals receive periodic error reports and have the opportunity to meet, as needed, to correct the errors. Each of these individuals has access to the Department of Public Safety website so that errors may be corrected immediately. Further, the Smith County Information Technology Department has been notified of errors with the reporting program as they are identified. This department is assisting other departments in resolution of problems relating to the software program currently used by Smith County.

Arrest Reporting to Repository

Procedural changes have been implemented to address several issues based on reporting. Daily review of arrests and reporting of that arrest are conducted. Training for personnel assigned to booking process has been improved.

Arrest Reporting to Prosecutor

Current procedures for review by prosecutors will remain in place. Further review of the procedure and changes may be made.

Prosecution Reporting to Repository

The basic plan for reporting will not change. However, in addition to the process currently in place, the Smith County District Attorney's plan is to review monthly the reports from DPS of reporting errors for both felony and misdemeanor cases and correct errors as soon as possible. After a reasonable period of time, if the error remains we will bypass our software program and report directly to DPS via the website. These error reports will also allow the office to more quickly identify those cases that have not been reported and allow for accurate reporting.

Communication has increased between the arresting agency/jail, prosecution and court offices, with individuals having been designated as responsible for attempting to resolve errors.

Prosecution Reporting to Court Clerk

Communication has increased between the arresting agency/jail, prosecution and court offices, with individuals having been designated as responsible for attempting to resolve errors.

Court Clerk Reporting to Repository

A procedure for more frequent checking of closed cases to ensure reporting has been implemented. In addition, periodic error print-outs are being used in order to ensure timely reporting and correction of errors.

Timeline

The Smith County Data Advisory anticipates it to take about ten (10) months to implement our changes. After such time, the Smith County Data Advisory Board anticipates our reporting percentage to be over 90% by October 1, 2010.

Our specific timeline includes:

By November 15, 2009, Data Advisory Board begins meeting to address reporting issues.

By December 31, 2009, update and make changes to inaccurate information through 2008.

By January 15, 2010, finalize the Smith County Data Improvement Plan and begin implementation of the details.

By February 15, 2010, update and make changes to inaccurate information through 2009.

By March 15, 2010, conduct various training sessions for current County employees involved in the reporting process, which will include a cross training component to prevent holes in reporting when employees leave.

By April 15, 2010, establish a procedure for training new County employees.

By May 15, 2010, conduct an audit of reporting errors and assess the increase in reporting percentages.

By June 1, 2010, submit Data Advisory Board Improvement Plan to DPS.

By June 15, 2010, contact department where reporting error percentages are low and do additional training. Have departments begin making changes to increase the low reporting percentages.

Between June 15-October 1, 2010, work on resolving error issues.

By October 1, 2010, have all departments' data reporting at or above 90%.

Comprehensive Strategy to Maintain Compliance in Reporting

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.

This information is outlined above.

ATTEST

The undersigned members of the Data 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 also agree to communicate with one another any problems or discrepancies that occur in compiling the reports.

The parties hereto have caused this instrument to be signed this 13th day of October, 2010.

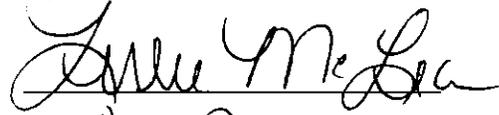
Lieutenant Charlie Baker



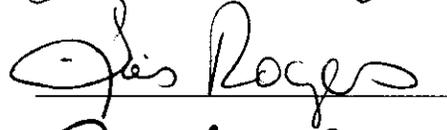
Dallas Tharpe

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Leslie McLean

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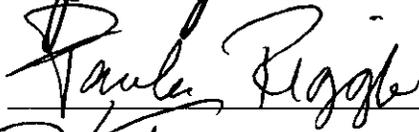
Lois Rogers

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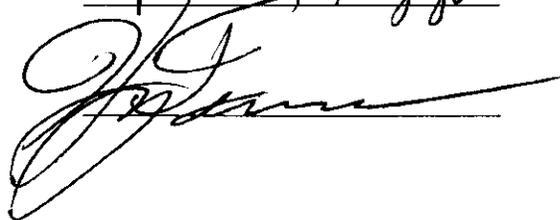
Judy Carnes

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Paula Riggle

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Harvey Tanner

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