

**THROCKMORTON 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 Commissioners 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.

In compliance with this statute, the Throckmorton County Commissioners Court established a local data advisory board on October 26, 2009.

It is the goal of this advisory board to develop and implement procedures to ensure accurate and complete reporting of all reportable arrests, prosecutor actions, and court dispositions that occur in the county.

Section II - Composition of the Local Advisory Board Members

The Board consists of the following members, selected using the requirements of Chapter 60.10, CCP. The Commissioners Court chose to create the board using the position titles outlined in Chapter 60, rather than appointing specific individuals to the board. These positions and the individuals filling them are listed below.

Required Members

Sheriff John Riley (Sheriff)

Mike Fouts (District Attorney, Attorney representing State in District Courts)

Kris Fouts (County Attorney Pro Tem, Attorney representing State in County Courts)

Mary S. Walraven, (County and District Clerk, Clerk for County Court and District Court)

Additional input was contributed from the following persons responsible for collecting, storing, reporting, and using data; however, they were not appointed as board members by the Commissioners Court.

Sandra Garcia (Juvenile Probation)

Pam Allen (Dispatcher, Throckmorton County Sheriff's Department)

Diana Moore (Deputy Clerk, for County Court and District Court)

Any vacancies occurring on the board will be replaced by nomination and popular vote of the remaining members of the board.

Section III - Current Process Supporting the Chapter 60 Reporting Requirements

Throckmorton County contracts with a private jail facility to house Throckmorton County inmates. Whenever a reportable arrest takes place in Throckmorton County, the arrestee is taken to the Rolling Plain Detention Center (RPDC) where the arrestee is fingerprinted manually on a fingerprint card attached to a tracking form which includes a tracking number (TRN). This tracking number is used by the prosecutor of the case to submit whether the case is accepted or rejected, and by the court to submit the final case disposition to the Department of Public Safety Computerized Criminal History system (DPS CCH). Certain Key functions have been identified by DPS and are examined below along with a more detailed description of the reporting process.

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

All Class B Misdemeanor, Class A Misdemeanor and Felony arrests for offenses identified by DPS as reportable offenses and made in Throckmorton County on local warrants or on-view arrests are reported to DPS so they may be included in the person's computerized criminal history (CCH). The officer making the arrest completes an arrest report which is submitted to RPCD at the time of the arrest. RPCD creates a paper booking sheet which lists the penal code statute for the offense for which the individual is arrested. Individuals arrested are ink fingerprinted and a jailer for RPCD starts a carbon copy CR-43. The paper booking sheet along with the CR-43 is forwarded to the Haskell County Sheriff's Department who then forwards the information to the Throckmorton County Sheriff's Department where a dispatcher for the Sheriff's Department completes the white part of the CR-43. The white part of the CR-43 is forwarded to DPS by mail by the Throckmorton County Sheriff's Department. The Throckmorton County Sheriff's Department forwards the paper booking sheet, and the yellow and pink parts of the CR-43 to the prosecutor's office. The prosecutor's office fills out the yellow part of the CR-43. The prosecutor's office forwards the yellow part of the CR-43 to DPS by mail and forwards the pink part of the CR-43 to the clerk's office. The clerk's office fills out the pink part of the CR-43. The clerk's office forwards the pink part of the CR-43 to DPS by mail. Data entry from the prosecutor's office and the clerk's office can, on occasion, be filled in electronically and data transmitted to DPS.

How persons arrested on out of county warrants are processed

Since the agency issuing the warrant is responsible for submitting the arrest information to DPS, no information is sent to DPS by Throckmorton County when an out of county warrant is served. Individuals arrested on warrants from other counties are ink fingerprinted at RPCD and a jailer starts a carbon copy CR-43. These fingerprints and the CR-43 are forwarded to the Throckmorton County Sheriff's Department. The CR-43 is sent to the warrant holder along with the fingerprints and the defendant or bond paperwork. This allows the warrant holder to complete the CR-43 and submit the information by mail to DPS.

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

If an individual is arrested out of county on a local warrant, one of two cases may occur. If the arrestee does not bond out and Throckmorton County picks the subject up, he is booked into RPCD when he arrives and the arrest is submitted to DPS just as someone arrested on a local warrant. If, however, the arrestee bonds out before being transferred to Throckmorton County, the Throckmorton County Sheriff's Office will receive the paperwork from the arresting agency. This paperwork should, but seldom does contain a fingerprint card and partially completed CR-43. If the fingerprint card and CR-43 are not received, then the defendant is booked in through the Throckmorton County Sheriff's Department rather than RPCD when he makes his first court appearance. The Throckmorton County Sheriff's Department creates a booking sheet and a

dispatcher enters the information into the computerized fingerprint system which creates the initial tracking number (TRN) for the arrest and electronically transmits the arrest data to DPS. The tracking number is passed onto each department that deals with the case in paper format with a copy of the original CR-43. The prosecutor's and the clerk's offices enter all data entry into the DPS Electronic Data Reporting (EDR) website. If the defendant was arrested out of county on a local warrant, the Throckmorton County Sheriff's Department generally notifies the prosecutor that the arrest has occurred but most often no paperwork is delivered to the prosecutor's office. The prosecutor notifies the court that the arrest was made and the case needs to be set for a hearing. These arrests are not in DPS records until the defendant is fingerprinted and the arrest transmitted to DPS on the first court appearance.

How juveniles are processed

Juvenile cases are forwarded by paper form (CR-43J) from the Throckmorton County Sheriff's Office to the Throckmorton Juvenile Probation Officer. The CR-43J must be forwarded to the juvenile probation department within ten (10) days of the offense. The probation officer then fills in the intake and forwards the prosecutor and court sections of the CR-43J to the prosecutor's office. Upon disposition of the case, the prosecutor's office forwards the prosecutor's part of the CR-43J to DPS by mail and forwards the clerk's part of the CR-43J to the clerk's office. The clerk's office fills out the clerk's part of the CR-43J and forwards same to DPS by mail.

Section IV - Problem Areas Associated with Compliance to Chapter 60 Reporting

Throckmorton County has identified many problem areas in the criminal history reporting process, and has been working to update procedures and equipment to prevent these problems. The creation of the Local Data Advisory Board has helped to communicate the overall process of reporting and assisted some departments in refining their policies to help improve CCH reporting.

Communication Problems with RPDC

The Throckmorton County Sheriff's Department has had a problem receiving the correct booking information from RPDC. They rarely had paperwork with the specific DPS offense code showing the charge a person was arrested on. In addition, many times the fingerprint card was filled in incorrectly by RPDC. There have also been a number of times that an individual was arrested and released without a CR-43 and fingerprint card being prepared. The Sheriff's Department had the task of correcting the problems before forwarding the case to the prosecutor's office which oftentimes led to a delay in filing the case. Further, because RPDC forward the booking information to Haskell County Sheriff's Department first, there can be a lengthy delay before Throckmorton County Sheriff's Department receives the paperwork. This delay oftentimes prevents the arrest of an individual from being entered into DPS system within seven days.

DPS Procedural Issues

Prior to the creation of the Data Reporting Plan almost all paperwork was mailed into DPS to create arrest records. It often takes over 40 days before the record appears in the system. Because of the delay between the mailing date until the record appeared in the system, prosecutors and clerk's have been unable to submit many of their actions electronically until the record appears in the CCH. This creates paperwork delays that need procedures in place to prevent non-compliance. Also, if an error is found on a mailed in document, the document is returned to the county for correction through the DPS CJIS representative for that region. These representatives may only visit certain times a year, delaying notification of any errors that need to be corrected.

There is a problem with the DPS electronic system regarding theft cases involving bad checks. The offense date and the arrest date of the defendant are always different dates. The Throckmorton County Sheriff's Department has been unable to electronically submit the CR-43 for theft by hot check because the system will not allow the Department to enter an offense date that occurs before an arrest date. That problem needs to be corrected by DPS.

County Procedural Issues

The most common failure in the reporting to DPS and to the next agency from Throckmorton County prior to 2010 was caused by a lack of procedure for case filing and missing paperwork in the case file. Prior to recently created procedures, each office manually filled in CR-43 carbon copies and mailed their part to DPS. If the CR-43 forms were not in the case file, these papers were not sent in, and it was difficult to locate the missing paperwork or verify if there was, in fact, a local arrest. Paperwork may be missing for several reasons, including the papers being held at the jail if the defendant remained in custody without bonding out, papers being lost or not placed in correct files at the jail, papers not being filled out at the jail, papers being misplaced at law enforcement, or papers being lost or misplaced when being transported to or from law enforcement. The same problems affected the County and District Clerk's offices. If the CR-43 paperwork was not in the file, it was difficult to locate arrest paperwork or get fingerprints and submit the information to DPS. Sometimes the problem was not discovered until after the case had been disposed and the defendant was no longer in contact with the court.

Resolution of Procedural Issues

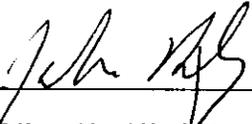
Many new procedures have been introduced to improve the communication of arrest data from one department to the next. One important procedural change is that the prosecutor's office, the Haskell County Sheriff's department and the Warden for RPDC have met to discuss the problems caused by the manual entry of CR-43s and fingerprints when an arrest occurs. Throckmorton County is currently taking steps to implement a policy change whereby all individuals arrested for a Throckmorton County charge, regardless of the reason for the arrest, will be taken to the Haskell County Sheriff's Department for electronic fingerprinting. When the booking information is forwarded to Throckmorton County Sheriff's Department a paper copy of the CR-43 will be forwarded as well. The Throckmorton County Sheriff's Department will then make an electronic data entry of the arrest into the DPS EDR website. This will allow the prosecutors and the clerks to proceed with data entry. In addition, if manual entry of CR-43s and fingerprints occurs, implementing the new procedures with RPDC will enable Throckmorton County to have less issues with missing paperwork or incorrectly prepared CR-43s.

Conclusion

The Advisory Board was instrumental in bringing the various departments together to discuss the procedure changes and the need for these changes. It also provided an opportunity for departments that had already implemented changes to share those with other departments and improve county reporting as a whole. The new procedural changes that will be implemented with RPDC will allow Throckmorton County to be brought into compliance with Chapter 60 of CCP. The additional procedures put in place should allow the County to maintain this compliance and improve on the accuracy of the data submitted to DPS, thereby contributing toward our goal of complete and accurate reporting on all reportable offenses.

The above plan was adopted by unanimous vote of the below signed Advisory Board Members and is effective beginning June 1, 2010.

SIGNED and APPROVED on this the 24th day of May, 2010.



John Riley, Sheriff of Throckmorton County



Mike Fouts, District Attorney for Throckmorton County



Kristen L. Fouts, Throckmorton County Attorney Pro Tem



Mary S. Walraven, Throckmorton District and County Clerk