

VAL VERDE 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 who will be responsible for preparing a data reporting improvement plan describing 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 mandated by statute and include a comprehensive strategy by which the county will permanently maintain the county's disposition completeness percentage. In compliance with this statute, the Val Verde County Commissioners Court established a local data advisory board on November 9, 2009.

It is the goal of this board to develop and implement procedures to ensure accurate and complete reporting by all agencies for 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:

Joe Frank Martinez, Mary Lu Martinez and Manuel Pena, Sheriff's Office
Steve Webb, Del Rio Police Department
Fred Hernandez, Susan Jost, District Attorney's Office
Jake Wedemeyer, David Martinez, Sonia Luna, County Attorney's Office
Janie Ramon, Diane Alcala, County Clerk's Office
Luz Clara Balderas, Nelva Torres, District Clerk's Office
Manuel Limones, Yolanda Banks, Probation Office

Any vacancies occurring on the board will be filled by the Commissioner's Court.

Section III

Chapter 60 Reporting Requirements

Chapter 60, CCP requires that information on arrests, prosecutions and dispositions of a case for persons arrested for Class B misdemeanors or greater violation of Texas criminal statute is included in the Department of Public Safety's Computerized Criminal History (DPS CCH). Although not required by statute, CCH has traditionally included limited supervision data reported to DPS by Texas Department of Criminal Justice (TDCJ). Chapter 60, CCP creates an ***Incident Tracking Number (TRN)*** and ***Incident Tracking Number Suffix (TRS)*** as the keys for linking charges of each arrest which can then be tracked through the system. This requires each reporting agency to be extremely careful in reporting its cases, to include and pass along the TRN and TRS numbers.

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:

All arresting agencies that arrest a person for a Class B misdemeanor or greater violation of a Texas statute are required by Chapter 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 successfully reporting is cooperation within the county's reporting agencies. A large part of that cooperation requires that each reporting agency pass the TRN and TRS numbers to the next level. The arresting agency needs to send the TRN and TRS numbers to the prosecutor.

Prosecutor:

The 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.

County and District Clerks:

The County and District 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 information from the prosecutor. The report may be on paper or electronically.

Section IV

Current Process Supporting Chapter 60 Reporting Requirements:

Whenever an arrest takes place in Val Verde County, the arrestee is fingerprinted by the jail on an electronic fingerprint system (Livescan) which creates 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). Key functions identified by DPS 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 A and B Misdemeanor and Felony arrest offenses identified by DPS as reportable offenses, in Val Verde County, are reported to DPS so they may be included in the person's computerized criminal history (CCH). The officer making the arrest completes a jail register which lists the specific DPS offense for the charge that the individual is arrested for. This booking sheet is then created by the Intake Jailer who enters charge information into Livescan, a computerized fingerprint system which creates the initial tracking number (TRN) for the arrest and electronically transmits the arrest data to DPS. This tracking number is passed to each department that deals with the case. A copy of the CR-43 is provided to the arresting agency for the filing of their criminal case file. All Officers/Deputies must include a copy of this CR-43 form to the prosecutor's office or case will not be accepted.

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 Val Verde County when an out of county warrant is served. Individuals arrested on warrants from other counties are fingerprinted using Livescan. A copy of the CR-43 is then forwarded to warrant holder by the Sheriff's Office Records Division. This process will allow warrant holder to complete and submit CR-43 to DPS by mail. If the arrestee does not post bond and is extradited, the officers who transport the inmate in custody are provided a copy of the CR-43 along with the inmate's information by the jail intake releasing officer.

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 things may occur:

(1) If the arrestee does not bond out and Val Verde County picks the subject up, he is booked into our jail when he arrives and the arrest is submitted to DPS through Livescan just as someone arrested on a local warrant.

If, however, the arrestee bonds out before being transferred to Val Verde County, the Sheriff's Office Records Division will receive the paperwork from the arresting agency. This paperwork should contain a fingerprint card and partially completed CR-43. The CR-43 and fingerprints, which are seldom received or of a poor quality, that no information is submitted to DPS by our county. In addition, this paperwork would have to be mailed, causing lengthy delays and no tracking ability to verify the information has been submitted until it appears in DPS records, which may take longer.

2) If the defendant was arrested out of county on a local warrant, there is generally no paperwork delivered to the prosecutor's office. The only notice received by the prosecutor comes from the court that the arrest was made and the case needs to be set for a hearing. Law enforcement does not send any information to the prosecutor. These arrests are not in DPS records until the defendant is fingerprinted and the arrest transmitted to DPS on the defendant's first court appearance.

If the individual placed on probation has no arrest information found in DPS records, the probation department shall complete a CR-43 packet, mail to DPS with a copy of the CR-43 to the Court.

On misdemeanor cases, if a warrant is recalled, it is treated the same as an out of county arrest on a local warrant, the person's case is flagged so they will be fingerprinted and the arrest submitted to DPS on their first court appearance.

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

If there are multiple charges at the time of arrest, these are all entered on the same arrest TRN with different tracking suffixes (TRS), then the fingerprints are taken and the charges are transmitted to DPS. The TRS's are created by the fingerprinting software by using numbers, i.e. your original CR-43 will show on your TRS box as "A0001", your supplements will show "A002" "A003" etc. If charges are added by the officers at a later time, new fingerprints are done and submitted to DPS by the jail intake officers and a copy of the CR-43 is forwarded to the prosecutor's office. If a new charge arises out of the same incident, it will be added to the TRN already created during the first arrest.

If a charge is added by the prosecutor's office to an existing arrest, a TDPS Supplemental Criminal History Reporting Form is prepared by the prosecutor's office and the original is mailed to DPS. A copy is submitted to the County or District Clerk's office with the charging instrument and a copy is kept in the prosecutor's case file. The TRN information is then added to the case management system by the clerk.

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

Val Verde County's policy is to present the appropriate prosecutor with a case report to be reviewed for prosecution. If the prosecutor decides to reject the charge, the prosecutor closes case and mails the original CR-43 to DPS indicating the charge was rejected and the date of rejection.

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

On each arrest made and transmitted through Livescan, two copies of the arrest record (CR-43) are printed. The first copy is provided to the arresting agency to submit their criminal case. The second copy is placed in the arrestee's jail folder. Juvenile cases are forwarded on paper form CR-43-J to DPS. Officers retain copies for prosecution of the criminal cases.

The County Attorney's Office receives notice of arrest on a new case on paper form (CR-43/CR-44) delivered with the new case report from the arresting law enforcement agency. For any cases that arrive without a CJIS form the County Attorney makes an attempt to locate the CR-43 from the arresting agency – if one is not located, the County Attorney's Office files the charging instrument with the County Clerk's office and the case is flagged to have the defendant fingerprinted and an arrest created on the court date. This arrest data is submitted to DPS.

The paper CJIS form is kept with the case as it is reviewed in the County Attorney's Office. When the case is accepted or rejected, it is submitted to DPS. If the case is rejected, no notification of the County Court occurs; however, law enforcement is notified for bond and case management purposes. If the case is filed (accepted), two paper copies of the CJIS record are printed. One copy is kept in the case file in the prosecutor's office, and the other copy is attached on the paperwork delivered to the County Clerk's Office.

For cases previously filed in which there is a new arrest, the paperwork is delivered directly to the County Attorney's Office and is immediately submitted to DPS. Two paper copies of the CJIS record are printed. One copy is placed in the case file in the prosecutor's office, and the other copy is forwarded to the County Clerk's Office.

The District Attorney also receives the CR-43 on paper and submits their action on the charges to DPS; however, unless they reject the case prior to Grand Jury, the DPS submission only occurs after the Grand Jury has returned a result. If there is an indictment, the CJIS record is printed after submission to DPS and the printout is hand delivered to the District Clerk. The TRN number can still be located for cases missing the CJIS paperwork through the local case management system.

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Both the County Clerk and District Clerk in Val Verde County may receive TRN information on paper printed from DPS by the prosecutor's office. These paper forms are delivered with the case after it has been accepted on County Court cases, or after indictment on District Court cases. For arrests on local warrants, the Clerk receives the DPS printout from the prosecutor as soon as the prosecutor receives the CR-43 and accepts the charge. TRN information entered can be viewed by the County and District Clerk's Offices to verify this information. Both the County and District Clerks submit the final disposition of their cases to DPS. Any amendments to probation terms or deferrals are also submitted to DPS.

Juvenile cases are forwarded on form (CR-43-J) from the arresting officer to the Val Verde Juvenile Probation Officer. The probation officer then fills in the intake, prosecutor and court sections of the CR-43-J. This paperwork is held until the case has been disposed. The probation officer then forwards the paper copy with the court disposition to the District Clerk's office where the information is submitted to DPS.

How the DPS "Return File" is processed and used to enhance reporting:

When the Val Verde County Sheriff's office receives batch return files from DPS, the files provide a Texas State Identification Number (SID), which is used to identify an inmate permanently. This number must be issued by DPS for the transfer of inmates to the Texas Department of Criminal Justice Correctional Institutions commonly known as TDCJ. If and when any corrections need to be made to the CR-43's, DPS rejects the original CR-43 and returns these back to the jail. In return, the Jail Intake Officer has the responsibility to correct and re-submit these CR-43's. Corrections can be made electronic, by mail or fax. Immediate notice of the correction is sent to the prosecutor.

Section V

Problem Areas Associated with Compliance of Chapter 60 Reporting

Val Verde County has identified problem areas in the criminal history reporting process, and has been working to update procedures to prevent these problems. Issues were identified and solutions put in place and the creation of the Local Data Advisory Board has helped communicate the overall process.

The Board will provide an opportunity to address concerns or limitations of each agency when trying to comply with the reporting requirements of Chapter 60 CCP. It will also be available to assist all agencies in developing policies to improve CCH reporting. Quarterly meetings may be very beneficial to accomplish this goal.

Training on required booking information, the use of DPS offense codes, creation of the CR-43 form, for all arresting officers and those responsible for reporting, is planned. The

importance of each agency's role in reporting will be a good opportunity for all agencies to exchange ideas and recognize the efforts being made by each agency.

Sometimes paperwork must still be submitted by mail to DPS in order to create arrest records. This causes delays in making the information readily available. Also, Prosecutors and Clerk's cannot submit any of their actions until the record appears in the CCH, thus creating paperwork delays. Procedures should be developed by DPS to accommodate these situations and to prevent non-compliance. Also, if an error is found on a mailed document or the CR-43 was not created at the time of arrest, the document is returned to the county for correction through the DPS CJIS representative for that region. The representative's visits are sporadic thus delaying notification of any errors and follow-up corrections.

On cases where the arrestee has not had any fingerprints made, there will be no record in DPS. The prosecutor and courts cannot submit any information to DPS until fingerprints are obtained and the DPS arrest record is created. This is also the case on out of county arrests and in-county warrants. Sometimes fingerprints received are usually not of the quality necessary to submit to DPS. If a case is dismissed before these prints are taken, the arrest may never be submitted to DPS. Also, if a person fails to appear in court, the arrest will not make it in the DPS CCH.

The most common failure in reporting to DPS and to the next agency is caused by a lack of paperwork for case filing or missing paperwork. The same problem affects the County and District Clerk offices. If the CR-43 paperwork is not in the file there can be no reporting to DPS on the disposition. Sometimes the problem is not discovered until after the case has been disposed and the defendant is no longer in contact with the court.

Research and extra effort is required when paperwork is missing in order to prevent cases getting filed without entry into the DPS CCH system. This is especially a problem on felony charges, The District Attorney must be able to verify arrests and identify cases where paperwork may be missing. Problems may also occur if cases bypass the CJIS data entry. This may prevent the next department from receiving the hard copy CJIS paperwork with the TRN as well as preventing the prosecutor's action from showing up in DPS.

Section VI

Remediation of Problems

Many changes in procedures have already been put in place to solve some of these reporting problems. In addition, several hardware, software and policy changes have been identified as necessary and are in the process of being implemented. The County Clerk's office currently has a scanning project in progress to update all case information in its case management system. This task is projected to be completed by the end of the year. Arresting agencies will be given access to this information.

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Improvement in the communication of arrest data from one department to the next is that all cases submitted to the prosecutors and to the clerks must have a CR-43 (or CJIS data printed from DPS) if there was a local arrest. Offices will be reminded to review all cases and if this paperwork is not attached, they are being asked to locate the paperwork or will have the jail submit copies of the CR-43 directly to the County prosecutor to help verify the paperwork reaches the prosecutor on all arrests.

The prosecutor's office will review cases before they are filed in the County or District Clerk's office. CJIS information is sent to DPS and a review of cases will be done to ensure missing information is included in the case file. The clerk's office will also have responsibility for entering CJIS information to DPS.

Conclusion

Agencies involved in reporting information were provided an opportunity to comment on the aspects of the plan which pertained to their particular department. Implemented changes to share information with other departments and improve county reporting as a whole have already begun. Changes to hardware, personnel training, reporting procedures and departmental transfer procedures are in process. An additional procedure to allow the County to maintain this compliance and improve on the accuracy of the data submitted to DPS is anticipated. They will contribute toward our goal of complete and accurate reporting of all reportable offenses.

Approved by Local Advisory Board Members this 28th day of May, 2010.

/s/ Joe Frank Martinez

Joe Frank Martinez, Sheriff

/s/ Generosa G. Ramon

Generosa G. (Janie) Ramon, County Clerk

Ratified by Val Verde County Commissioner's Court on the 14th day of June, 2010.

Mike L. Fernandez, County Judge