

BANDERA 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 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. Not later than June 1, 2010, a local data advisory board established under this article shall submit to the Department of Public Safety the data reporting improvement plan prepared for the county. Upon receipt of the data improvement plan under this article, the department shall post the plan on the Internet website maintained by the department. The public safety director of the Department of Public Safety may adopt rules concerning the contents and form a data reporting improvement plan prepared under this article.

In compliance with this statute, the Bandera County Commissioners' Court established the local advisory board on October 22, 2009.

The mission of the Bandera County Local Advisory Board is to implement and develop procedures to ensure accurate and complete reporting of all reportable arrests, prosecutor actions, and court dispositions which occur in the county in an efficient and timely manner for the County's average disposition completeness percentage to be equal to or greater than mandated by statute.

SECTION II - COMPOSITION OF THE LOCAL ADVISORY BOARD MEMBERS

The board members must meet the requirements under Chapter 60.10, CCP;

Required Members include:

Bandera County Sheriff – Designee -Chief Deputy Richard Smith
District Attorney – Bruce Curry or Steve Wadsworth, Assistant District Attorney
Bandera County Attorney – John Payne
Bandera County District Clerk – Tammy Kneuper
Bandera County Clerk – Candy Wheeler
Bandera Chief of Police designee - Lt. Neil McLean
Bandera County IT Administrator – Kathi Halfmann
SunGard Public Sector – Andrea Jones Application Support Analyst

Additional members responsible for collecting, storing, reporting and using data:
Sheriff's Office Administrative Assistant – Nita Rogers



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Jail Administrator – Terry Green, Designee – David Chupp
County Attorney Legal Assistant – Louetta Holt
Bandera County Commissioner – Bruce Elikor
Bandera County Juvenile Probation – Glenn Muennink
Bandera County Adult Probation – April Castañeda
Justice of Peace, Pct. #2 – Bobbie Jo Basinger

When necessary, newly elected officials or newly appointed officers who are members of the board will be automatically replaced by the newly elected official or appointment designee.

SECTION III - CURRENT PROCESS SUPPORTING CHAPTER 60 REPORTING REQUIREMENTS

ADULT ARREST REPORTING TO REPOSITORY

Law Enforcement Agencies arrest the Defendants and bring them to jail. The jail enters the defendant's personal information in the County's data base, fingerprints the defendant and issues a Criminal Justice Information System (CJIS) Form CR43 which includes the Incident Tracking Number (TRN) and an Incident Tracking Number Suffix (TRS) which are the keys to linking charges from the arrest through adjudication. Additional charges are submitted by submitting a CJIS supplemental form CR44 using the initial TRN number and changing the TRS to A002 etc. The fingerprints and the CJIS Form CR 43 / CR44 (TRN/TRS) are submitted to DPS electronically, unless system is down then done manually. A copy of the form CR 43/CR44 is printed out and submitted to the state's attorney in a jail packet and a copy is maintained in the defendant's file. The arresting agency or officer does not receive a copy of the CJIS form.

Persons arrested on out of county warrants are fingerprinted on a local hard card and the card is maintained in the defendant's file. A TRN/TRS is not issued and the other agency is only notified of the arrest by teletype.

When a person is arrested out of county for an in-county warrant the only paperwork received will be the teletype from the other agency or the bond if a bond has been posted. The prosecution will be notified by the court of the arrest and the case needing to be set. The defendant will be fingerprinted and issued a CJIS form at the first court appearance or at the time of judgment.

JUVENILE ARREST REPORTING TO REPOSITORY

When a juvenile is arrested or filed on "at large" for probable cause of a Class B Misdemeanor or higher, the reporting law enforcement agency forwards the case to the Bandera County Juvenile Probation Department. This case may include the CR- 43-J and fingerprint card or just the case may be forwarded to the Juvenile Probation Department, or an incomplete CR-43-J and fingerprint card.

The Bandera County Juvenile Probation Department reviews the referral/identification section of the CR- 43-J, if provided, and completes any segments that are not filled in. If the juvenile was not fingerprinted, the Juvenile Probation Officer conducting Intake of the juvenile will fingerprint the juvenile and complete the required segments. Any supplements (CR-44-J) are checked and completed as required. The white page section of the CR-43-J is then sent to the Texas Department of Public Safety.

The Juvenile Probation Department then either completes a Deferred Disposition of the case, or forwards the



case to the Prosecutor if mandated by the Texas Family Code or if the Juvenile Probation Department is requesting a petition to be filed and a court hearing set. At this time, the Juvenile Probation Department completes the Pre Adjudication section of the CR-43-J and sends the green page to the Texas Department of Public Safety if a Deferred Prosecution Agreement was signed, or completes the Prosecutor Segment and then sends the green page to the Texas Department of Public Safety.

Once the case is disposed of in Juvenile Court, the Juvenile Probation Department completes the Court Segment of the CR-43-J and CR-44-J and sends this to the Texas Department of Public Safety.

PROSECUTION REPORTING TO REPOSITORY

When the District attorney receives the CJIS form from the jail along with the offense report from arresting agency they reject, accept or no-bill based on outcome of the Grand jury. The CJIS prosecution form is filled out and mailed to DPS and the court copy is mailed to the District clerk.

When the County Attorney receives the jail packet they fill out the CJIS prosecution form(s) accepting or rejecting the case, mail their copy to DPS and send the court's copy to the County Clerk.

COURT CLERK TO REPOSITORY

Once a disposition of a case has been reached the clerk of the court will enter the disposition data electronically through the DPS EDR website and maintain a copy in a sealed envelope within the case file. When other events occur within a case, i.e. motion to revoke, appeals, etc. the clerk will fill out a supplemental CJIS form and enter the appropriate disposition electronically through the DPS website and maintain a copy sealed in the courts file.

SECTION IV - PROBLEM AREAS ASSOCIATED WITH COMPLIANCE TO CHAPTER 60 REPORTING REQUIREMENTS

The most common problem in the reporting process is failure in reporting to DPS and to the next agency by lack of communication and procedures for case filing and missing paperwork.

REPORTING TO REPOSITORY:

Miscommunication of alleged offense from officer to jailer.

Information entered into Live-Scan system not transmitted.

Cross-match transmission problems (system down- manually print).

Error or return files not checked and not corrected at jail.

Out of County Arrest warrants not sent to DPS prior to court unless inmate is transferred to the jail (even if fingerprints & CJIS form received).

Warrants recalled and not pulled from system.

JUVENILE REPORTING TO REPOSITORY

The Juvenile Probation Department has been completing a large part of the Referral/Identification Section of the CR-43-J and CR-44-J due to incomplete segments, or the juvenile was filed on "at large" and no CR-43-J or fingerprints were provided.

The Juvenile Probation Department has then completed all mandatory segments of the CR-43-J and CR-44-J and sent these to the Texas Department of Public Safety.



There appears to be several areas of weakness in the system to provide for timely reporting to The Texas Department of Public Safety. Of first concern is getting the white form and fingerprint card to the Department within the 7 day requirement after a custody event. The 7 day custody event begins on the day the juvenile was fingerprinted. If all the mandated segments are not complete, this requires the Juvenile Probation Officer to get this information before the CR-43-J can be sent in.

The next area of weakness in the past has been when a case is referred to the Prosecutor's office and the case is "held over the child" but no disposition is done. Some cases have remained pending for as long as two years. This creates an issue where no disposition has occurred in the Texas Department of Safety's data system and the case appears to have been "lost". These cases have all been reported, but due to the length of time they appeared to have been "lost".

The next area of weakness is at times the Juvenile Probation Department has completed a case and either failed to complete the proper segment of the CR-43-J or just failed to get the CR-43-J mailed in to the Texas Department of Public Safety.

PROSECUTION REPORTING TO REPOSITORY

Lack of procedures when cases are filed and missing paperwork in the case file.

Having to manually fill out CJIS forms and mailing to DPS and clerks.

When a case has been filed and a CJIS form not received from arresting agency or in file, no procedure to locate missing TRN number or to verify if a local arrest was made or not.

Paperwork not forwarded to prosecutor in a timely manner.

Paperwork lost or misplaced when transported to or from law enforcement.

CLERK TO REPOSITORY

CJIS form not forwarded to clerk from prosecutors' office.

TRN/TRS and/or SID number not provided.

Unable to submit disposition due to fingerprints not taken, TRN not issued, case dismissed before prints were obtained.

Additional charges filed and supplemental forms not provided.

Web-site off-line or locked up, password expired, computer registration problems.

Jail or Prosecution information not submitted to DPS.

SECTION V - REMEDIATION OF PROBLEMS ADDRESSED IN SECTION IV

ARRESTING AGENCIES

Within 7 days of arrest the arresting agency of a class B or higher offense of a Texas statute reports the violation to DPS by electronic data and if done on paper must be on the CJIS form CR43 or CR44 created by DPS. Report must include the arrested person's fingerprints, the TRN and TRS numbers and all other data required by statute.

- ◆ Copy of the CJIS form is to be forwarded in the Jail packet to the appropriate prosecutor.
- ◆ A copy is maintained in the defendant's file.
- ◆ A copy goes to arresting officer to include with case report.
- ◆ Copy to Clerk of the Court - attached to defendant's Custody or Time Served sheet along with the original warrant with return information filled out if any, magistration paperwork and bond, if posted. The



TRN, TRS and offense code is to be typed on the time served sheet for the clerk.

If arrest made with no CJIS paperwork to be found, verify through AFIS system; if so, re-transmit and print copies. If not, include a note so the case file can be flagged to have the person finger printed and issued a TRN on their first court appearance.

Out of county warrants – fingerprints are taken - CR-43 Arrest Segment is filled out and a TRN number is issued and the required fields are entered:

- ◆ date of arrest;
- ◆ our contributor number;
- ◆ all personal information of defendant;
- ◆ if the charge is a result of another county's warrant? Check (Yes);
- ◆ the out of County ORI who has authority over the warrant issued;
- ◆ the Out of County warrant number; and
- ◆ Prepared by and date form was completed.

One CR-43 with fingerprints should be filled out for each warrant held by another county.

JUVENILE REPORTING

When a law enforcement agency determines that there is Probable Cause to believe a juvenile has committed an offense of Class B Misdemeanor or higher, they shall immediately forward the case to the Bandera County Juvenile Probation Department. They may either initiate the Referral/Identification Segment of the CR-43-J, fingerprint cards, and any CR-44-J as required along with the case or the Bandera County Juvenile Probation Department shall initiate the CR-43-J, fingerprint card, and any CR-44-J as required. The law enforcement agency referring the case shall include, at a minimum, the following information as required by Section 52.04, Texas Family Code:

Sec. 52.04. REFERRAL TO JUVENILE COURT; NOTICE TO PARENTS. (a) The following shall accompany referral of a child or a child's case to the office or official designated by the juvenile board or be provided as quickly as possible after referral:

- (1) all information in the possession of the person or agency making the referral pertaining to the identity of the child and the child's address, the name and address of the child's parent, guardian, or custodian, the names and addresses of any witnesses, and the child's present whereabouts;
- (2) a complete statement of the circumstances of the alleged delinquent conduct or conduct indicating a need for supervision;
- (3) when applicable, a complete statement of the circumstances of taking the child into custody; and
- (4) when referral is by an officer of a law-enforcement agency, a complete statement of all prior contacts with the child by officers of that law-enforcement agency.

The following information shall also be included when a case is referred to the Juvenile Probation Department,



either on a "cover sheet" or in the CR-43-J and CR-44-J:

- 1. Alleged offense with the Statute Citation;**
- 2. Date of Offense;**
- 3. Victim of offense with pertinent addresses and phone numbers;**
- 4. Complete restitution requested, if required.**

In a custody event, the case must be referred to the Juvenile Probation Department within ten days or the case and all information obtained in the investigation must be destroyed as mandated in the Texas Family Code. A custody event (Date of Arrest) begins the day the juvenile was arrested or the date of fingerprinting when the juvenile was filed on "at large".

When the Juvenile Probation Department is referred a case, this case shall promptly be entered into Caseworker (data system provided by the Texas Juvenile Probation Commission). Mandatory fields have been entered by the Bandera County Juvenile Probation Department that will enable searches to be performed for each stage of the CR-43-J process (Referral/Identification, Pre-Adjudication, and Court Segments). These searches will identify if the proper segment has been completed and the date the appropriate page has been mailed to the Texas Department of Public Safety. A copy of these pages shall be maintained in the juvenile's file. A copy of the 43J form shall be provided to the referring Law Enforcement Agency, the Prosecutor, and the Juvenile Court when required. The date the completed page was mailed to the Texas Department of Public Safety shall be included with these copies.

The Juvenile Probation Department shall run a search on the first business day of each week using the Caseworker System to identify any referrals and CR-43-J, fingerprint cards, and any CR-44-J that have not been properly completed and mailed to the Texas Department of Public Safety. The following timelines shall be strictly adhered to:

1. Law enforcement shall refer the case to the Juvenile Probation Office within ten (10) days of a Custody Event. If the case continues to be under investigation, send all the mandated information and as much information in possession at that time. This procedure will initiate the time frame mandated by the Texas Family Code.
2. If the referring law enforcement agency completes the Referral/Identification segment, they must send the white page and fingerprint card to the Texas Department of Public Safety within seven (7) days of the Custody Event. If the Juvenile Probation Department completes the Referral/Identification segment, the Juvenile Probation Department must send the white page and fingerprint card to the Texas Department of Public Safety within seven (7) days.
3. After disposition of the case, the Juvenile Probation Department shall complete the appropriate segment of the CR-43-J and any CR-44-J and send them to the Texas Department of Public Safety within thirty (30) days.
4. When a juvenile has any modifications to probation or when the term of probation has ended, the Juvenile Probation Department shall complete the required segment and notify the Texas Department of Public Safety of the status of the completed probation. A copy of this report shall be sent to the Law Enforcement Agency who referred the juvenile and the Prosecutor and/or Court as appropriate.

Cases that have remained pending shall be reviewed for prompt disposition (referral to court or dismissal) when all current terms of probation have expired.



The Bandera County Juvenile Probation Department, Bandera Sheriff's Department, and the Bandera Police Department shall schedule training on completing the required Reporting Forms as soon as possible. The Texas Department of Public Safety Field Representative, Nick Perales, will conduct this training.

PROSECUTORS

Within 30 days of receipt of paperwork or as soon as practical, review paperwork received, report the decision to accept, reject, change or add to the charge for trial and report to DPS electronically or by paper on CJIS form, send the courts copy to the appropriate clerk.

If the arresting agency decides not to pursue or drops the charge after the prosecutor has accepted the charges, the prosecutor will report the action by completing the CR-44 using the proper prosecutor action code (PAF) D-dropped by arresting agency. If additional charges are added the prosecutor indicate " yes "on the CJIS form and completes a CR-44(supplemental form) prosecutor section using proper codes and submits the form to DPS and to the proper court.

When a Motion to Revoke is filed on an original charge a copy of the original CJIS form will be attached to the MTR paperwork for the clerk. For misdemeanor cases the TRN/TRS number will be included on the MTR provided by the probation office.

Change CJIS data reporting transfer to DPS from mailing the form to entering direct data into the DPS EDR website.

COURT CLERKS

When paperwork is received from Jail, verify if TRN/TRS number is included on the paperwork or a copy of the TRN/TRS is attached. Cases needing fingerprints and TRN/TRS will be flagged in file and case management system to obtain at first court appearance. After receipt of the CJIS form from the Jail or prosecutor, enter the appropriate TRN/TRS number into the computer on the appropriate charge offense along with the offense code number. When court disposition is entered, within 20 days enter the CJIS information electronically to DPS EDR.

When cases are pulled for court the clerk will verify the existence of a CJIS form, if none available the case will be flagged and the person re-fingerprinted in court with new paperwork.

GENERAL

The last week of each fiscal year the Open Arrest report will be run and reviewed to determine if any dispositions or prosecutor actions have not been reported. {These will be reviewed by the clerks and prosecutors; cases not seen by prosecutors will be referred to the arresting agency.}

Have monthly training on procedures for filing CJIS paperwork. Cooperate in compiling the data required by law and forwarding the appropriate information to the proper agency in the county and to DPS in a timely manner. Communicate and work with one another on any problems or discrepancies that occur in compiling the reports.



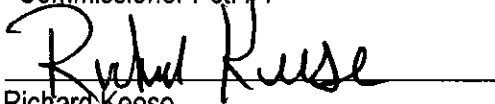
CONCLUSION

The Local Advisory Board was instrumental in bringing the various departments together to discuss procedure changes and the need for these changes. It also provided an opportunity for departments to share with other departments to improve county reporting as a whole. Changes have been made in personnel training, reporting procedures and departmental transfer procedures. The additional procedures put in place should allow the County in compliance with Chapter 60, C.C.P. improve on the accuracy of the data submitted to DPS, thereby contributing toward our goal of complete and accurate reporting of all reportable offenses.

Signed and approved by Commissioner's Court this 13th day of May, 2010.



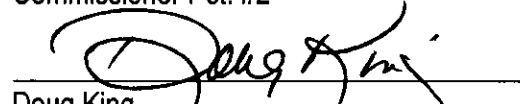
H. Bruce Elikor
Commissioner Pct. #1



Richard Keese
Commissioner Pct. #3



Robert A. Harris
Commissioner Pct. #2

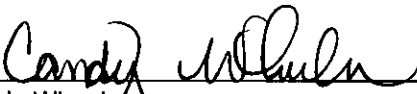


Doug King
Commissioner Pct. #4



Richard A. Evans,
Bandera County Judge

ATTEST:



Candy Wheeler
Bandera County Clerk



Bandera County Improvement Plan