

BAYLOR COUNTY DATA REPORTING IMPROVEMENT PLAN

Section I Legislative Requirement

Baylor County's Data Advisory Board (BCDAB) acknowledges that Chapter 60.10 of the Code of Criminal Procedure 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, which Baylor County Commissioners did. We acknowledge that the bill sets forth the persons authorized and required to be included in such a local data advisory board and that 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 the 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. Baylor County acknowledges this requirement and the plan is included herein and submitted prior to the due date. Baylor County Data Advisory Board acknowledges that DPS, on receipt of a data reporting improvement plan, is required to post the plan on the DPS Internet website and the statute authorizes the public safety director of DPS to adopt rules concerning the contents and form of a data reporting improvement plan.

BCDAB's Mission Statement: To ensure compliance with the requirements of Chapter 60.10 of the Code of Criminal Procedure and to see that Baylor County has an average disposition completeness percentage of 90% or greater.

Section II Composition of the Local Advisory Board Members

The members of BCDAB are as follows (pursuant to statute):

Diane Burnett	County Attorney's office employee
Brenda Dickson	District Clerk's designee
Bob Elliott	Baylor County Sheriff
Susan Elliott	County Attorney
Donna Emsoff	District Attorney's office employee

Mike Griffin	Seymour Police Chief
David Hajek	District Attorney
Gerald Livingston	Seymour Police Department employee
Kathy Moore	Baylor County Sheriff's Deputy

The process whereby members will be replaced, when necessary, is as follows: Any elected official no longer in office will be replaced by the newly elected official at the time they take office. Any other member, no longer acting in the capacity listed above, will be replaced by the new employee at the time they begin their employment.

Section III

Detail current process that supports the Chapter 60 reporting requirements.

The current process of the flow of information between the named entities is as follows:

- a. Arrest Reporting to Repository – Currently both the Sheriff's Office and the Seymour Police Department complete the CR-43 and fingerprints by hand and mail them in to DPS. However, they are both awaiting training by DPS to be able to utilize the electronic reporting and fingerprinting machine. This will speed up this process tremendously.
- b. Arrest Reporting to Prosecutor – Currently both the Sheriff's Office and the Seymour Police Department hand-deliver the CR-43s to the District Attorney's office and the County Attorney's office on a daily basis.
- c. Prosecution reporting to Repository – Currently both the District Attorney's office and the County Attorney's office report electronically as soon as that tracking number has been entered by DPS (from the mailed-in peace officer reports).
- d. Prosecution Reporting to Court Clerk – Both prosecutors' offices hand-deliver the CR-43 forms to the Court Clerk for reporting.
- e. Court Clerk Reporting to Repository – The Court Clerk's office reports electronically to DPS once a month.

BCDAB answers the following questions:

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

When the Sheriff's Office or Seymour Police Department complete the CR-43 form by hand, the numbers are pre-printed on the forms and that paper form is then delivered to the prosecutors who in turn deliver it to the Clerk.

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

A supplement form is used. The prosecutors in the county ensure that there is a CR-43 or supplement on every charge and that the Clerk is given a copy.

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

See Section III above for the current process of the flow of information.

How are persons arrested on out of county warrants processed?

A CR-43 and prints are completed and mailed to the Sheriff's Office of the county where the warrant originated.

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

That depends on where they are arrested. Some counties do not do a CR-43 at all and so then our county makes sure one is done when they appear for court. Some counties do a CR-43 and then the prosecutors in our county are able to complete their part electronically and pass that information on to the Clerk.

How does each agency ensure that all charges are reported to the next county agency and to DPS?

See Section III above for the current process of the flow of information.

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

We are not automated at this time. We are awaiting DPS training.

Section IV

Identify problem areas associated with compliance to Chapter 60 reporting requirements.

Arrest Reporting to Repository – There is a lag time problem in reporting in writing because the prosecutors and clerk then have to wait for DPS to get the initial arrest information into the system before they can update the prosecutors' part and the clerk's part electronically.

Prosecution Reporting to Repository and Court Clerk Reporting to Repository – It is impossible to report the outcome of a case when the defendant has not been apprehended and a warrant is pending for their arrest. Baylor County would have been 90% or more in 2006 had cases with active warrants not been included in the list of "incomplete" cases. We do not believe cases should be dismissed against defendants who have avoided apprehension for two or three years just so that we can report a case as "complete". We are here to see that justice is done, not to ignore justice in the interest of having a 90% average disposition completeness percentage.

Section V

Provide a plan to address remediation of the problems identified in Section IV.

Arrest Reporting to Repository – This problem should be soon rectified once DPS trains the Sheriff's Office and Seymour Police Department employees on how to report electronically.

Prosecution Reporting to Repository and Court Clerk Reporting to Repository – This problem could be solved if DPS would have a code that the prosecutors or clerk could enter to designate "warrant pending" if the defendant has avoided apprehension for over a year.

It should be noted that until this past year, the County Attorney's office was not trained on and did not know how to report electronically. Once DPS trained them, they have worked with the other members of the BCDAB, and through working together, our County's reporting percentages are now as follows:

2006 – 100%

2007 – 100%

2008 – 100% (not counting the 2 cases that are pending awaiting trial and the two cases that have warrants issued)

BCDAB believes that with the training it has already received, and the training it will receive soon, there will not be a problem with our County meeting the 90% mark in the future unless it is because of cases with pending warrants.