

**Ward County
Data Reporting Improvement Plan
May 17, 2010**

**Section I
Introduction**

Pursuant to Section 60.10, *Code of Criminal Procedure*, the Ward County Commissioners Court appointed a Data Advisory Board (the "Board") and charged the Board with preparing the data reporting improvement plan required by statute. That plan is set forth herein.

**Section II
Composition of the Board**

The Ward County Data Advisory Board is composed of the following members:

Greg M. Holly	Ward County Judge (Board Chairman)
Mikel Strickland	Ward County Sheriff
Randy Reynolds	District Attorney, 143 rd Judicial District
Hal Upchurch	Ward County Attorney
Patricia Oyerbides	District Clerk, Ward County, 143 rd Judicial District
Natrell Cain	Ward County Clerk
Belinda Thomas	Chief Deputy, Ward County Clerk's Office
Denise Valles	Deputy Clerk, Ward County Clerk's Office
Kim Franco	Records, Monahans Police Department
Annie Martinez	Records, Ward County Juvenile Probation Department
Carrie Fonseca	Records, Ward County Attorney's Office
Mada McKeever	Records, Ward County Sheriffs' Office
Linda Baker	Chief Deputy, District Clerk's Office, Ward County

Vacancies on the Board will be filled by the Ward County Commissioners Court.

**Section III
Flow of Information**

The Board analyzed the flow of information from the arresting agency to the prosecutors' offices to the court clerks, including the related reporting of each to the repository. The following describes the flow of information ...

In 2007, a Live Scan machine was purchased and is now used to process most individuals arrested and brought to the sheriff's office. The machine electronically creates a CJIS form and transmits information to the Department of Public Safety ("DPS").

The records clerk in the sheriff's office receives the forms and verifies certain information. If the matter originated with the Monahans Police Department ("MPD"), a copy of the form is sent to that agency. The records clerk for MPD then provides a copy to the appropriate prosecuting attorney. If the matter originated with the sheriff's office or DPS, then the records clerk for the sheriff's office sends a copy directly to the appropriate prosecuting attorney. In addition, a copy of each form is sent by mail to DPS.

When an individual is arrested on an out-of-county warrant, the Live Scan machine is not used. Instead, the CJIS form is created manually. In the past, the Live Scan machine was used and the electronic report that it transmitted to DPS made it appear as a Ward County arrest. This, of course, created a matter which would never be closed and reflected negatively on the disposition percentage. Now, the form is created manually (without the entry of an ORI) and forwarded to the county which issued the warrant.

When an individual is arrested on a subsequent warrant (e.g. failure to appear, motion to release bondsman, motion to revoke probation, etc.), the Live Scan machine is not used. If used, the machine will create another CJIS form which will never be closed and will reflect negatively on the disposition percentage. Jail staff have been trained not to process these re-arrests through Live Scan.

When juveniles are detained, CJIS forms are created manually. This usually occurs at the MPD, and on occasion at the sheriff's office. A copy of the form is sent to DPS, and two (2) copies are sent to the juvenile probation department. The records clerk for the juvenile probation department enters information online. If the matter results in deferred prosecution, that information is reported at the onset and again when the matter is completed. If the matter goes to juvenile court, one copy of the form is sent to the county clerk's office and the other is maintained by the juvenile department. For matters referred to court, the county clerk's office electronically reports the disposition to DPS.

When adult matters are received by prosecuting attorneys, a decision is made as to whether or not to prosecute the case. The prosecutor's office reports to DPS whether the case has been accepted or declined for prosecution, any changes in the charge being prosecuted, etc. These reports may be accomplished online or manually.

When matters are filed in court, the court clerks report final dispositions to DPS (judgment, dismissal, etc.). If an individual is placed on probation and later revoked, the fact of the revocation is reported to DPS by the court clerks. These reports are accomplished online.

Section IV
Potential Problem Areas

The Board noted that the County's completion rate according to the report examined was 87%, which was just below the 90% threshold required by law. The Board attempted to identify areas which potentially could negatively affect the disposition percentage.

The Board identified potential problem areas as follows:

1. Arrests on Out-Of-County Warrants - When an individual is arrested on an out-of-county warrant, creation of a new form in the County will result in a matter for which disposition is never reported and will reflect negatively on the disposition percentage.
2. Re-Arrests - When an individual is arrested on a subsequent warrant (e.g., failure to appear, motion to release bondsman, motion to revoke probation, etc.), creation of a new form in the County will result in a matter for which disposition is never reported and will reflect negatively on the disposition percentage.
3. Arrests for Which Prosecution is Declined - When prosecution of a matter is declined, failure to report the disposition to DPS will reflect negatively on the disposition percentage.
4. Outstanding Warrants on Bonded Defendants - In some cases, matters may remain pending for an extended period of time due to the fact that a warrant is outstanding but the defendant has not been located and re-arrested. These include such situations as judgments nisi (when the defendant has failed to appear for court) and requests by bondsmen to surrender their principals. In such cases, the matter remains pending and has a negative effect on the disposition percentage.

Section V
Remediation of Potential Problem Areas

The potential weakness identified above are being addressed as follows:

1. Arrests on Out-Of-County Warrants - Jail staff have been trained to process these individuals manually and not use the Live Scan machine. The forms are created manually and sent to the county which issued the warrant.
2. Re-Arrests - Jail staff have been trained to process re-arrests manually and not use the Live Scan machine.

3. Arrests for Which Prosecution is Declined - When decisions are made to decline prosecution, prosecutors will report these dispositions to DPS.
4. Outstanding Warrants on Bonded Defendants - Law enforcement will attempt to locate and arrest defendants for whom warrants are outstanding. Absent the ability to locate and re-arrest these individuals, however, the Board is unaware of other methods to address the affect of this situation on the disposition percentage. It is the position of the Board that these cases should not be included in the calculation and should not reflect negatively on local efforts to report dispositions efficiently.