

Hidalgo County Data Reporting Improvement Plan

Even though Hidalgo County was in compliance and not previously required to submit this DRIP document we do so out of a desire to meet any potential change in requirements.

Section I

Article 60 Mandate

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 (DRIP), 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 Article 60.10, Code of Criminal Procedure, Hidalgo County Commissioner's Court established the Hidalgo County Local Data Advisory Board On October 13, 2009.

Section II

Composition of the Hidalgo County Local Advisory Board Members

This section of the County's plan must identify the members of the Local Advisory Board.

The members of the Hidalgo County Local Advisory Board are:

- (1) the Sheriff of the county, or the Sheriff's designee;
- (2) an attorney who represents the State in the District Courts of the County;
- (3) an attorney who represents the state in the County Courts of the County;
- (4) the Clerk for the District Courts of the County, or the Clerk's designee;
- (5) the Clerk for the County Courts of the County, or the Clerk's designee;
- (6) the police Chief of the municipality with the greatest population located in the County, or the Chief's designee;
- (7) a representative of the County's automated data processing services;
- (8) other persons as deemed necessary.

Section III

Detail of current reporting process

This area of the county's plan must detail the current process of the flow of information between the following entities: Arrest Reporting to Repository, Arrest Reporting to Prosecutor, Prosecution Reporting to Repository, Prosecution Reporting to Court Clerk, and Court Clerk Reporting to Repository.*

** Repository in this context means the Department of Public Safety Criminal Case History database.*

Hidalgo County sends, receives, and stores Adult Criminal Justice information through a database application system called Ableterm published and licensed by Tyler Technologies, Plano, Texas. The following local reporting procedures are currently followed by Hidalgo County to report CJIS information to DPS.

All CJIS reporting information in the Ableterm system is stored in two tables: CJIS.TRN and CJIS.TRS. The CJIS.TRN table holds links to all the defendant information as contained in the PERSON table of Ableterm. The CJIS.TRS table holds the data relating to the specific offense arrest for that assigned TRS value. All Criminal Justice modules have links to the CJIS.TRN and CJIS.TRS and maintain the appropriate actions, dispositions, and updates through each module :Jail for Sheriff's Office, Prosecutor for Prosecutor actions, Criminal Case Management for Courts Clerks actions. Uploads to DPS are assembled into a text file from the CJIS.TRN and CJIS.TRS tables and downloads from DPS are manually applied to these tables upon receipt twice weekly.

Arrest Reporting to DPS Repository for Adults

When an arrest is made in Hidalgo County, the arresting agency will either book the individual in to the Hidalgo County Jail at which time a record is created in the Ableterm database which assigns a TRN and TRS combination to the offense drawing on a bank of TRN numbers obtained from DPS. Fingerprinting is done and submitted to DPS through the LiveScan system to ensure proper identification and obtain the State Identification Number. Most arrests are reported electronically through the Ableterm software and a manual upload twice a week to the DPS Repository.

Some agencies have their own LiveScan system which they use for identifying the individuals and for assigning a TRN/TRS combination from a bank of TRN numbers obtained from DPS. The electronically submit the reported offenses through their own uploading process. Those records are obtained by Hidalgo County through downloads done twice weekly as part of a manual upload to and download from the DPS Repository. The Ableterm database system stores the downloaded information which must be manually linked to the prosecutor record when it is created by the prosecutor's data entry personnel. If the physical arrest documents are not brought to the prosecutor's office by the arresting agency, that arrest can remain without a disposition in the DPS Repository as no record will exist in Ableterm having not been reported by Hidalgo County through the Ableterm system and upload to the Repository.

Arrest Reporting to Prosecutor

Jailing booking sheets are manually delivered to the prosecutor's office by the Sheriff's office on a daily basis. New prosecutor records are created from those booking sheets into

the Ableterm database system and the jailing, TRN, and TRS are linked to the prosecutor record.

By creating records from the booking sheets, Hidalgo County strives to improve the jail crowding situation. Law enforcement agencies bring their printed copies of the arrest information which are used to complete the records as full intake by investigators and attorneys in the prosecutor's office review these cases.

Prosecution Reporting to Repository

When the physical arresting agency reports are received, intake personnel review the offense charged to ensure that the elements of the offense are met. If those elements are met, the offense is presented for indictment if it is a felony offense or a complaint and information document is prepared and filed with the Courts Clerk appropriate to the level and degree of offense. A prosecutor action code is entered into Ableterm appropriate for the prosecutor decision made. The prosecutor can change, accept, or reject the arresting offense charged and, in the case of a felony offense, a Grand Jury may either indict or no-bill. Prosecutor Action Codes appropriate to those decision and actions are entered into Ableterm.

This prosecutor action field code (PAF) is flagged as ready in the Ableterm system and the prosecutor staff will enter the correct action and select the CJIS option ("M") to electronically mail the action to the DPS Repository. This "mailed" in Ableterm prosecutor action record, identified as an ER3 record, is uploaded as part of the upload text file when uploads are made twice a week manually by County IT staff. Any errors in this record will be reported to Hidalgo County in a return file that is downloaded manually twice a week.

Changes in prosecutor actions after they have been submitted to the Repository are filled out and mailed on a CR43 form or printed for faxing to DPS. Most changes to prosecutor actions cannot be electronically mailed through updating the record in Ableterm.

Prosecution Reporting to Court Clerk

The Courts Clerk has the prosecutor and jailing information available at the time of filing the case for linking the cause number in the Criminal Case Management module of Ableterm to the prosecutor record in the Prosecutor module of Ableterm. All CJIS reporting information is maintained in the same CJIS.TRN and CJIS.TRS tables in Ableterm. The Criminal Case Management (Courts Clerk) record is created by the Courts Clerk and the Cause Number is assigned to the offense(s) charged.

Court Clerk Reporting to Repository

When disposition occurs or changes in disposition occur in the case, the Courts Clerk enters the appropriate disposition data in Ableterm and it is ready for mailing by selecting that choice in the Criminal Case Management module CJIS screen. Once that option is selected the record is flagged for upload to the DPS Repository and is uploaded when the twice weekly upload download process is performed by County IT.

Changes to correct errors in disposition data may be entered in Ableterm and mailed electronically again if there is a change in disposition code, disposition date or status date. Other types changes in data that has already been reported to DPS must be printed and faxed or entered on the CR43 form and mailed by USPS.

Section IV

Chapter 60 CJIS Reporting Issues

This section is used to identify problem issues associated with compliance to Chapter 60 reporting requirements.

Issues are presented here as they relate to five stages of Chapter 60 CJIS reporting:

1. Law Enforcement Issues
2. Prosecutor Issues
3. Courts Clerks Issues
4. County Information Technology Department Issues
5. Texas Department of Public Safety Criminal Case History EDR Issues

Law Enforcement Issues

This section describes issues relating to Article 60 CJIS reporting by Law Enforcement agencies.

The main issue relating to law enforcement agencies is the reporting of offenses at booking or through their own LiveScan equipment that are never brought to the prosecutor's office for prosecution. This occurs when charges in addition to the primary charge are recorded as TRS offenses but when the cases are reviewed by members of the agency while preparing the paperwork to bring to the prosecutors office it is determined at that level that the elements of the offense are not there and the agency does not submit the report of the TRS to the prosecutor's office.

This issue is made worse by the fact that some law enforcement agencies have their own LiveScan equipment and obtain their own batch of TRN numbers for use with that equipment. Even though the defendant may be brought to the County Jail, the TRN, not being generated at the time of booking through the LiveScan and Ableterm interfaces there, does not have a "normal" record created in Ableterm. This makes it virtually impossible for the prosecutor to identify offenses which were never brought to their offices for prosecution. Disposition of these cases with a non-prosecution or changed disposition must be performed by the arresting law enforcement agency.

Prosecutor Issues

This section describes issues relating to Article 60 CJIS disposition reporting by the prosecutor's office.

Training of Prosecutor's Office Staff

The prosecutor's office has been using an incorrect action code for a number of years apparently due to being trained incorrectly to enter the data in Ableterm. The prosecutor's office has been using the "O" Prosecutor Action Code when the level, degree, or offense are changed from that made by the arresting agency at the time of arrest. This incorrect code is not only rejected by DPS at the time of upload but also prevents subsequent Court Actions to be entered.

Some offenses are being given a proper Prosecutor Action Code but the "M" option in Ableterm is not being selected to electronically mail the disposition record.

Obtain access to DPS CCH website so staff can check records

Courts Clerks Issues

This section describes problem issues with the Courts Clerks' Article 60 CJIS reporting.

Problem: Errors in entering data are being made

The Courts Clerks' in both the County Clerk's Office and the District Clerk's Office have been entering disposition incorrectly in many cases. In Ableterm, in the CJIS reporting section, the 6r field, which holds the disposition type has been completed with its associated date (in DPS database known as the CDD or Court Disposition Date) but the user must move to the next page and enter the information on field 9 which holds the DPS value of (DOS or Date of Sentence which can change to Date Of Status as well). When updates were done the CDD date would be changed, which should never change, and this would cause the CDD date to be later than the DOS date causing a rejection by DPS due to an invalid DOS which cannot precede the CDD or sometimes the error of the DOS cannot be a future date if data was mis-entered by the Courts Clerk. Other date entry error include a CDD (Court Disposition Date) was entered that is prior to the DOA (Date of Arrest) which of course is impossible.

Obtain access to CCH DPS site so Courts Clerks can check records

There were discovered some special Court Transaction Errors being caused by two different issues. The first error was a rejection due to the PAF/N or PAF/O does not allow Court action. The prosecutor office has been using the Prosecutor Action Field value of "O" for other instead of "C" for change where the offense was changed in to match the elements actually occurring in the offense. The "N" code is a "Non-prosecution" code and obviously a Court action is not possible if the prosecutor is choosing not to prosecute.

The above errors are a combination of incorrect training in the disposing of cases in Ableterm as well as simply data entry errors.

A common cause of rejection by DPS is "REJECT - DUPLICATE COURT/A00<some value>" which occurs either by the Courts Clerk going back into Ableterm and changing the disposition after moving off the page for disposition entry causing a second record of disposition to be created in the upload to DPS file. This same error can occur if County IT Department personnel do not apply unapplied DPS Return files before the next upload is done.

Retraining of Courts Clerks

Staff needs to be performed due to incorrect training or understanding initially as well as a large number of new employees being on staff who never had the degree of training as was done initially. Training in CJIS reporting by our DPS regional representative is need as well as some guidance from Tyler Technologies CJIS reporting specialists in the proper use of Ableterm for entering those dispositions.

County Information Technology Issues

This section describes issues relating to procedures in use by Hidalgo County Information Technology Department personnel in the process of Article 60 CJIS Electronic Disposition Reporting.

It has been discovered through examination of reports from DPS EDR website that the procedures used in uploading and downloading needed to be examined and changed. Current frequency of the upload/download process to DPS is twice weekly on Tuesday and Thursday. This procedure is predominately manual and done by one person. The following problems exist.

1. Consistent performance of the upload and download process to the DPS CCH EDR (Texas Department of Public Safety Criminal Case History Electronic Data Reporting) website and Ableterm. There have been periods, such as December 2009, when only one upload/download process was performed during the entire month.
2. Relating to item one above is the frequency of the upload and download process which is currently twice weekly.
3. The entire upload/download process is manual and done after working hours opening the potential for failure due to the party performing this twice weekly process being out due to vacation, illness or other reasons.
4. There is a large hold file (TRANS) containing records where the TRN or SID (State Identification Number) was not present. There are over 41,000 records in this file. A solution to reducing the number of these records needs to be addressed.

Texas Department of Public Safety EDR Issues

This section describes issues relating to Article 60 CJIS reporting to DPS.

1. There are a fairly high percentage of parties who Fail to Appear for their Court hearings which leaves the offenses pending with the potential of never being able to provide a disposition. This situation is especially problematic for border counties in Texas as it is fairly easy for defendants to slip across the border and never return to face prosecution. A disposition procedure for dealing with the Failure To Appear cases is needed.
2. A method of automating the upload and download process is needed to eliminate the manual process currently being used.
3. Auditing of DPS Transaction errors and communication of issues needs to be improved so that errors being made by those entering disposition can be identified and corrected through training that addresses those errors.

Section V

Plan to Remedy Problems Identified in Section IV

This section describes the plans to address the identified relating to Chapter 60 CJIS reporting compliance.

The plan for remediation of issues is presented for each stage of the reporting process as identified in Section IV:

1. Plan to remedy Law Enforcement issues
2. Plan to remedy Prosecutor issues
3. Plan to remedy Courts Clerks issues
4. Plan to remedy County Information Technology issues
5. Plan to remedy Texas Department of Public Safety EDR issues

Plan to remedy Law Enforcement issues

This section contains proposed remedies for the issues relating to Law Enforcement Article 60 CJIS reporting.

Initial examination of the CJIS reporting issues seemed to suggest that there were more cases that were never brought to the prosecutor's office than deeper investigation supports. Of the four to five thousand open offenses for each year examined, only four to five hundred were due to the cases not being brought to the prosecutor's office.

The offenses that are open for this reason need to be identified by the process of elimination and would, from the records examined, be those with no prosecutor action and no record in Ableterm. A list of those needs to be developed by year and ORI of the arresting agency which should be forwarded to those agencies for their research and disposition of change to a Class C offense (non-reportable) or with a disposition of non-prosecution.

This phase of the remediation process will by its very nature need to be last in order to obtain these cases by the process of elimination.

Plan to remedy Prosecutor issues

This section describes those things required to remedy the issues relating to Article 60 CJIS reporting by the Office of Criminal District Attorney (Prosecutor), Hidalgo County, Texas

Training of prosecutor staff by prosecutor staff person, Gloria Guzman.

Training will be given to those entering dispositions in the Ableterm Prosecutor module to ensure proper Prosecutor Action Field (PAF) codes are entered. The use of the "O" option will be foremost but also the correct manner of entering changed offenses and the creation of additional offense by the prosecutor's office will be given. Ensuring that actions are completed by the "M" option in CJIS to mail the PAF record, identified by DPS as an E3 record, are prepared for uploading.

Prosecutor Transaction Errors will be monitored and audited daily and errors forwarded to Ms. Guzman for further identification of the reason for the error and necessary corrective training.

Plan to remedy Courts Clerks issues

This section describes the remedies needed to resolve the issues relating to Article 60 CJIS reporting by the Courts Clerks.

Training by DPS CJIS Reporting Regional Representative, Stacy Adams

Both Courts Clerks offices need to have training in CJIS reporting relative to the CR43 manual reporting form and the Criminal Justice Information System Computerized Criminal History Electronic Reporting Guide document published by Texas Department of Public Safety. This training then needs to be followed with training in use the use of Ableterm CJIS disposition reporting pages to ensure that the record in Ableterm properly reflects the disposition requirements as expressed in the DPS document.

In possible preparation for needed Failure to Appear disposition codes, pending cases should be examined to identify pending cases with no-shows, NISIs granted, and active Warrants pending.

Plan to remedy County Information Technology issues

This section describes the action to be taken to remedy County Information Technology issues relating to Article 60 CJIS reporting issues.

1. The manual upload and download to DPS EDR site process needs to be automated is possible and changed to a daily procedure immediately to eliminate large numbers of reporting errors.
2. A Sync Disk needs to be requested and applied and applied by County IT staff to Ableterm and the upload/download/apply to Ableterm procedure needs to be run until no more records are available from Ableterm for upload to reduce the high numbers of records in the Ableterm hold file (TRANS table).
3. Daily auditing of the files that upload to DPS and are downloaded from DPS along with reports downloaded from DPS listing Court Transaction Errors and Prosecutor Transaction Errors to facilitate identification of disposition entry procedures and DPS return file application to Ableterm errors.

Plan to remedy Texas Department of Public Safety EDR issues

This section describes possible remedies to Article 60 CJIS reporting issues relating to Texas Department of Public Safety Electronic Data Reporting.

A group should address the need of Failure to Appear and Dismissed due to Lunacy disposition codes to address those cases that do not have any means of removing from the list of Open Arrests due to a lack of codes to properly reflect the true status of those cases.