Texas Criminal Justice Information System Audit

Criminal Justice Policy Council
May 2002

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Executive Director
Texas Criminal Justice Information System Audit

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Note from the Director

This report presents the results of the Criminal Justice Policy Council (CJPC) statutorily mandated evaluation of the Texas Criminal Justice Information System (CJIS). CJIS is comprised of the Department of Public Safety (DPS) Computerized Criminal History system (CCH) and the Texas Department of Criminal Justice (TDCJ) Corrections Tracking System (CTS). The CCH system holds the official criminal history records that are used for identification, offender tracking, and state and national background checks. The records include fingerprints, personal descriptors and history of arrests, prosecutions, court dispositions, and sentences to corrections. In 1989, Texas mandated enhancements to the CCH system. These enhancements included the use of a unique incident tracking number (TRN) related to each offense to track the offender from arrest to release from the system, the reporting of certain information, and the creation of the CTS for offenders under the control of TDCJ to link with the DPS CCH system. In 1996, the system was further expanded to create computerized records for juvenile offenders.

This evaluation shows significant improvements that have strengthened the reporting infrastructure to the DPS system and improved reporting but it also shows that further improvements are needed in reporting and in the corrections tracking system.

Federal funds have been provided by the U.S. Department of Justice to assist Texas in improving criminal history records. One program has awarded over $17 million in discretionary federal funds to the CJPC to implement a paperless live scan fingerprint identification and arrest reporting system and upgrade systems at DPS. This electronic arrest reporting system is presently operational in 32 high volume reporting sites. A separate program used over $11 million in federal formula funds received by the Office of the Governor, Criminal Justice Division (CJD) primarily to implement electronic court disposition reporting. This electronic disposition reporting system is presently operational in 59 counties. The federal funds provided by CJPC and CJD have been distributed mainly to local reporting agencies to develop electronic arrest and disposition reporting capabilities. In addition, funds have been provided to DPS to build the necessary central site infrastructure. The electronic reporting systems have streamlined arrest and disposition reporting and improved the efficiency of reporting between local reporting agencies and DPS. Since these systems have been implemented:

- Over 600,000 fingerprint cards, more than one million prosecutor actions, and over 1.3 million court actions have been reported to DPS electronically instead of on paper.
- Fingerprint identification responses sent back to the reporting agencies from the DPS and the Federal Bureau of Investigation (FBI) are now returned in hours instead of weeks under the manual reporting system.
- The paper data entry backlogs have been cut from 129,013 fingerprint and arrest reports in August 2000 and 60,450 court disposition records in November 2000 to zero today.
Note from the Director
(cont’d)

- The percentage of records transmitted that passed DPS edit checks and were posted to the CCH system was 92% for prosecutor filing records and 96% for court disposition records.

- Staff re-assignments have been made allowing DPS to meet additional demands in other functional areas within the Crime Records Division. These re-assignments which accomplished work which could not otherwise have been done, had a salary value of $900,000 for FY 2000-2001.

Court disposition reporting has improved since the implementation of electronic reporting with the percentage of arrest records that are associated with court dispositions increasing from 44% in 1995 to 61% in 2000-2001. Court disposition information is critical for background checks as this segment of the record identifies if an arrested person has been convicted for offenses that would disqualify them from a wide range of activities, such as providing unsupervised services to the elderly, children, or disabled; working in financial or national security positions; purchasing any firearm based on federal criteria and other activities. Manual verification by the FBI and DPS is still required for persons arrested that have a missing court disposition record (7,091 between January 1999 and November 2000). The additional investigation takes time and if dispositions are not located within three business days, the firearm may be sold to the potential buyer. Therefore, improving court disposition records remains a high priority.

The number of missing arrests as indicated by the number of court dispositions held at counties because the arresting agency did not report to DPS is still a significant reporting problem. There were 88,770 court dispositions held in a sample of 30 counties because arrests were not reported to DPS. The legislature in 2001, based on recommendations by DPS, authorized the creation of a name-based file to receive and store court dispositions as a compromise step that would allow name-based searches of disposition information. However, without a fingerprint, the name identification of an offender disposed in court cannot be positively verified. Again, this is a critical area where reporting still needs improvement. Other shortfalls found in the evaluation were:

- The completeness of CCH custody segments in the record that are used to identify the correctional status of offenders has worsened due to TDCJ not receiving, for a large percentage of cases, the unique TRN tracking number that would allow the matching of prison and parole records with the DPS records.

- The “flash notice” system to notify local agencies of the re-arrest of probationers or parolees is in place but the system could be substantially improved. Major impediments include missing TDCJ information and the way TDCJ makes the flash notices available to probation and parole offices.
• The low level of reporting combined with incompleteness of records creates an ineffective Community Supervision Tracking System (CSTS). This system is administered by TDCJ and links to the DPS system to provide re-arrest flash notices. As a result of CJPC recommendations made in February 2002, TDCJ has already implemented steps to improve the CSTS.

• Juvenile records are incomplete, meaning that of the known offenders under probation supervision, only 71% had a CCH arrest record and of those, only 52% had a CCH record that accurately indicated their proper correctional status.

• The records of juveniles under the confinement of the Texas Youth Commission (TYC) were better with 100% of juveniles known to have been in TYC having a CCH arrest record and of those, 73% having court conviction records reflecting their sentence to TYC confinement.

The main recommendation to improve the system relates to the need for DPS and TDCJ to implement an aggressive reporting monitoring system that is conducted routinely and is published at least once a year to highlight the reporting levels by relevant reporting agencies. Based on recommendations by the CJPC, the last legislature mandated DPS to start this monitoring system no later than January 1, 2003. DPS was also directed to report to the next legislature on a plan to encourage local criminal justice agencies to report and evaluate the necessity of imposing sanctions on local criminal justice agencies that do not report. Based on recommendations by CJPC, TDCJ has agreed to fund community corrections in Texas based on numbers reported to the CSTS instead of the present paper reports. This should encourage local agencies to report to the CSTS as the records in this system will become the basis to calculate aggregate statistics to be used for the funding formula to distribute state funds to local probation departments.

Other specific recommendations are listed in the body of this report. The State Auditor’s Office (SAO) also issued a report related to this audit with their own set of recommendations for improvements (SAO Report No. 02-013). Implementing these recommendations will continue to improve the CJIS.

Tony Fabelo, Ph.D.
Executive Director
Acknowledgements

The Criminal Justice Policy Council would like to acknowledge the outstanding cooperation and assistance we received for this study from the Texas Department of Criminal Justice and the Department of Public Safety. In particular, we would like to thank David Gavin, Assistant Director for Administration at DPS and Jeff Baldwin, Executive Assistant to the TDCJ Director for their assistance in analyzing the complex processes presented in this report.
The Criminal Justice Policy Council Is Mandated to Perform Periodic Examinations of the CJIS System

- Chapter 60, Code of Criminal Procedure (CCP) mandates the CJPC to coordinate an examination of the records and operations of the Criminal Justice Information System (CJIS).
  - Ensure the accuracy and completeness of information in the system.
  - Ensure promptness of information reporting.

- There have been two prior CJPC examinations of the CJIS.
  - In 1988, CJPC performed the first ever examination of the state’s computerized criminal history records.
    - Issues raised about non-reporting and tracking problems led to the creation of Chapter 60, CCP in 1989.
  - In 1996, the second CJPC examination was released.
    - Issues were raised about the inefficiency of paper arrest reporting that led the CJPC to develop the Texas Criminal History Improvement Program (TCHIP) using federal funds.

- This report presents the results of the evaluation of the CJIS conducted in 2001 - 2002.
  - A recent CJPC report entitled “Audit of the Texas Community Supervision Tracking System” (February 2002) presented the findings of an in-depth evaluation of the Community Supervision Tracking System (CSTS) and a summary of these findings is integrated in this report.
The Legislature Created CJIS in 1989 by Enhancing the DPS CCH System and Mandating that TDCJ Create a New Corrections Tracking System

Criminal Justice Information System (CJIS)
Chapter 60, Code of Criminal Procedure

- Mandatory reporting of arrests, prosecutor filing decisions and court dispositions
- Implemented an incident tracking number (TRN) for each offense to track offenders from arrest to release from the system

Computerized Criminal History (CCH) System
maintained by Texas Department of Public Safety (DPS)

- Records of 6,690,501 persons as of March 2002
- Fingerprints, personal descriptors, history of arrests, prosecutions, court dispositions and sentencing information

Corrections Tracking System (CTS)
maintained by Texas Department of Criminal Justice (TDCJ)

- Records for offenders under TDCJ supervision (probation – prison – parole)

- CTS tracks offenders incarcerated in prison and state jails, and offenders under probation or parole supervision.

- In 1995, the Texas legislature mandated a computerized juvenile offender record system.
  
  √ DPS created the Juvenile Justice Information System (JJIS) that tracks juvenile arrests, prosecutions, court dispositions, probationers, and youth in the custody of the Texas Youth Commission.
  √ The JJIS became operational in 1996.
Goals of CJIS Were to Streamline Reporting and to Improve Completeness and Accuracy of Computerized Criminal Records

- **Streamlined reporting**
  - Encourage the use of electronic reporting
  - Eliminate reporting of convictions by court clerks to licensing agencies – DPS to perform computer matching of convictions and license holders and notify licensing agency if any of their license holders have been recently convicted

- **Improved completeness**
  - Mandatory reporting by local jurisdictions to DPS of arrests, prosecutor filing decisions, and court dispositions

- **Improved accuracy**
  - Adoption of incident number to link, in conjunction with the DPS number, all components of the record as an offender moves through the criminal justice system

- **Expanded reach**
  - Require the reporting of juvenile offender criminal history tracking information
  - Expand depth of criminal history information to allow for more detailed background checks and pre-sentence information
For the CJIS System to Work Two Tracking Numbers Must Be Used with All Information Reported

| SID – State identification number also known as DPS number | TRN – Tracking incident number  
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>√ Unique person identifier</td>
<td>√ TRN is the number given to each arrest incident to track arrest, court disposition and sentence resulting from each offense</td>
</tr>
<tr>
<td>√ Number assigned by DPS based on positive identification using fingerprints</td>
<td>√ TRS is a suffix to the TRN used when more than one offense is charged</td>
</tr>
</tbody>
</table>

- Process for assigning TRNs/TRSs:
  - √ DPS provides blocks of TRNs to counties with centralized computerized information systems.
  - √ DPS provides arrest reporting forms with the TRN preprinted to counties with paper reporting systems.
  - √ TRN is assigned at arrest by the local booking staff.
  - √ If there is more than one offense alleged, each charge will be given a sequential TRS starting with “001”.
  - √ Each time the person re-enters the system on a new offense, a new TRN is generated to track the disposition and sentence resulting from that offense.

- The combined use of SID and TRN numbers gives a picture of the person’s status as well as the status of each criminal charge.
  - √ The use of the unique SID in conjunction with multiple TRNs allows for the compilation of a complete detailed criminal history of each person in the system.

- Local agencies should always have the TRN as it is locally assigned, however, the SID number is assigned by DPS.
  - √ SIDs must be sent by DPS to the local agencies and entered into the local record either manually or through automated record matching.
Structure of CCH Files Includes Identification, Arrest, Prosecutor, Court, and Custody Segments

- Arresting agencies are mandated to report to DPS all felony and Class “A” and “B” misdemeanor arrests along with fingerprints of the suspect.
  - Arrest information is processed by the DPS Automated Fingerprint Identification System (AFIS) before it is entered into the CCH system.
  - If this is the suspect’s first arrest, AFIS assigns a new DPS SID number for the individual and passes the identification and arrest record to CCH where an identification segment is created.
  - If the suspect has been previously arrested, the new fingerprints submitted are matched with the old prints on file and the old DPS SID number is retrieved.
  - After the identification process is completed, an arrest segment is created.

- Prosecutors are mandated to report their case filing decisions to DPS.
  - The SID and TRN/TRS numbers are important elements in tracking filing and dismissal decisions on multiple charges.

- Court clerks are mandated to report court dispositions to DPS to help track the arrest through the court system and into corrections, or release if acquitted.
A System of Electronic Arrest Reporting Has Been Implemented Using Federal Funds

- CJPC began implementation of electronic arrest reporting (EAR) in 32 Texas sites in 1995 using discretionary federal funds awarded by the U.S. Department of Justice, Bureau of Justice Statistics.

√ The Office of the Governor, Criminal Justice Division (CJD) has been using federal funds from the U.S. Department of Justice, Bureau of Justice Assistance (BJA) to expand EAR to additional sites across the state.
A System of Electronic Court Disposition Reporting Has Also Been Implemented with Federal Funds

- Implementation of electronic disposition reporting (EDR) began in 1993 using federal formula funds allocated to CJD by the U.S. Department of Justice, Bureau of Justice Assistance.

- Electronic disposition reporting to DPS is an automated process that replaces the former manual disposition form completion and mailing tasks.

- CJD has awarded grant funds to 64 counties to implement EDR.
  - EDR is currently fully operational in 59 counties.
  - Another 5 counties are in various stages of implementation.
Electronic Arrest and Court Disposition Reporting Have Reduced the Use of Paper and Made Reporting More Efficient and Timely

- Implementation of electronic arrest and court disposition reporting across the state has dramatically improved reporting efficiency and timeliness to the DPS CCH system.
  
  ✓ Prior paper reporting by the arresting agencies, prosecutors and courts often took weeks or months, if reporting was done at all.
  
  ✓ Reporting can now be performed within minutes of the actual arrest, case filing or disposition and its subsequent entry into the local computer systems.

- Electronic reports submitted instead of paper
  
  ✓ Over 600,000 electronic arrest records submitted since 1998
  
  ✓ Over 1.1 million electronic prosecutor filing decisions submitted
  
  ✓ Over 1.3 million electronic court dispositions submitted since 1995
Electronic Court Disposition Reporting Has Also Increased Accuracy for Prosecutor and Court Disposition Reporting

- The number of electronic records submitted each year has increased at the same time that the accuracy of records sent has improved.

  ✔ Pass rate is the percentage of records transmitted that passed DPS edit checks and were posted to the CCH system.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>Pass Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>99,760</td>
<td>90%</td>
</tr>
<tr>
<td>2000</td>
<td>304,686</td>
<td>92%</td>
</tr>
<tr>
<td>2001</td>
<td>419,108</td>
<td>92%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
<th>Pass Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>151,942</td>
<td>79%</td>
</tr>
<tr>
<td>2000</td>
<td>308,554</td>
<td>94%</td>
</tr>
<tr>
<td>2001</td>
<td>350,650</td>
<td>96%</td>
</tr>
</tbody>
</table>

1999 data is from 6/1 – 12/31/1999. 2000 and 2001 data is for the whole year.
Electronic Reporting Has Eliminated Paper Record Backlogs at DPS and Avoided Additional Personnel Costs

- Electronic reporting has allowed DPS to eliminate the past criminal record entry backlogs and should prevent their reoccurrence in light of increased demand for CCH services.

  ✓ Data entry backlogs meant that arrest and disposition records were in a stack awaiting entry rather than being available for background checks.
  ✓ Criminal justice arrest fingerprint records processed increased from 434,178 to 790,855 from 1999 to 2001 (an increase of 82%).
  ✓ Non-criminal justice fingerprint submissions increased from 177,897 to 229,365 from 1999 to 2001 (an increase of 29%).
  ✓ Non-criminal justice name search submissions increased from 1,534,594 to 2,091,492 from 1999 to 2001 (an increase of 36%).

- Personnel previously assigned to process and manually enter the paper arrests and disposition records have been re-assigned to new duties to manage increasing workloads and new mandates. These savings helped DPS realign internally to meet FY 1999 FTE reductions.

  ✓ Live Scan Processing/Reduced Data Entry at DPS
    - Re-assignment of 17 staff within Crime Records (with an annual salary value of $390,048) from performing data entry for paper records has allowed DPS to accomplish other critical records related tasks for which no separate resources existed.
  ✓ Automated "Lights Out" fingerprint classification and verification
    - Enhancements in automated fingerprint processing have saved the need for 20 additional staff (total annual cost of $509,952).
Electronic Reporting Has Improved Efficiency and Levels of Reporting But Reporting Is Still Incomplete

- The electronic reporting infrastructure is in place, but more proactive monitoring must be implemented to ensure that arrests and court dispositions are properly reported.

  √ DPS must implement internal polices and procedures that ensure a more proactive oversight of the entire reporting process.
Local Arresting Agencies Are Mandated to Report Arrests to the CCH But Reporting Is Incomplete

- Although mandated by state law, some arrests are not reported to DPS.
  - Reporting sites occasionally fail to send arrest records to DPS for various reasons including staff turnover, insufficient personnel, computer reporting problems, and other reasons leading to local arrest reporting backlogs.
  - DPS edits the arrest records and may reject the arrest records and return them to the reporting site for correction and resubmission, but in manual paper sites, if the arrestee has posted bond and gone through the court system, corrections and resubmissions are virtually impossible.
An Indicator of Missing Arrests in CCH Is the Number of Court Dispositions Held at Counties Because the Arresting Agency Did Not Properly Report the Arrest to DPS

- Projecting from the sample to the entire state, an estimated 221,000 dispositions are being held at counties because no arrest has been successfully reported to DPS.

  √ When arrests are not reported by the arresting agency or the arrest record has errors and is rejected, no CCH record is created. The arrestee continues to move through the local court system and upon disposition there is no CCH record to update, therefore the disposition is rejected at the DPS CCH.
  √ Some of these court disposition records are years old, and in some cases it is unlikely that information needed to correct errors or to fill data omissions can ever be obtained.

- As mandated in HB 776, ratified by the 77th Texas Legislature in 2001, DPS is creating a name-based file to receive and store these court dispositions rather than sending them back to the county.

  √ This will allow for a name-based identification of court dispositions, but there will be no fingerprints associated with the disposition to allow a positive match to an offender.
  - Name-based identification is considered by criminal justice experts across the nation to be the least reliable means of identifying criminals, especially in background check situations.
  - This file should be operational by August 2002.
County and District Clerks Are Mandated to Report Court Dispositions to the CCH But Reporting Is Incomplete

- Not all dispositions are reported.

√ As in arrest reporting, reporting sites occasionally fail to send disposition records for various reasons including staff turnover, insufficient personnel, computer reporting problems, and other reasons resulting in local disposition reporting backlogs.

√ If no arrest was reported or contained errors and was rejected, the associated disposition cannot be posted to the CCH system.
   - DPS used to reject the record by sending it back to the submitting county clerk, if it had been submitted electronically, or hold it in a manual file if it had been submitted manually.
   - DPS will store disposition records that do not have a corresponding arrest record in a name-based file.

√ Disposition records containing errors that are rejected by DPS may not be corrected and resubmitted by local court clerks.
   - DPS does not follow-up with local sites to ensure that rejected records are corrected and resubmitted.
Court Disposition Reporting Has Improved But Over One-Third of Known Court Disposition Records at Selected Counties Were Not Found in the CCH System

- Court dispositions that occurred during January 2000 and January 2001 were obtained from Bexar, Harris, Tarrant, and Travis Counties and the CCH system was searched to determine if the offender and the disposition was in the CCH system.

  ✓ Travis County failed to report arrests during 1998 through 2000, therefore no dispositions for these arrests could be posted to the CCH.

    - Travis County officials have resolved their reporting problem and have subsequently reported many of the missing arrests.

- It is important to note that while the offender may be found in the CCH system and the disposition is not, the person is usually in the CCH from an earlier arrest rather than the one leading to the court disposition provided for this audit.

  ✓ Offenders previously arrested would show up even if the most recent arrest leading to the disposition was not reported. This would lead to a high rate of offender matching but a low rate of current court disposition matching.
A Negative By-Product of Missing Dispositions
Is a Time Consuming Manual Follow-up
of Arrests with No Dispositions by the FBI and DPS

- National Instant Criminal Background Check System (NICS)
  FBI managed system to screen potential firearm buyers

- Convicted felons are not allowed to purchase firearms

- FBI uses records provided by the state to verify arrests and convictions

- When arrest records with no corresponding court dispositions are found a manual follow-up is necessary by the FBI and DPS

- For Texas arrests that are missing dispositions, FBI NICS staff must follow-up with the county to perform the required background checks.
  - When the FBI locates missing dispositions, they are sent to DPS to update the CCH record.

- For missing dispositions for serious offenses, DPS assists the FBI by performing the follow-up background checks with the counties to find the missing disposition.
  - Serious offenses include murder, rape, robbery, aggravated assault, injury to a child, etc.
  - When DPS locates the missing dispositions they are reported back to the FBI and are also added to the DPS CCH record.

- If dispositions are not located within 3 business days, the firearm may be sold to the potential buyer, which reinforces the critical nature of CCH record completeness.

- CJPC has provided NCHIP funding to DPS for a Machine Readable Disposition (MRD) program to send all old dispositions to the FBI in electronic format to increase Texas dispositions available for NICS background checks. This project has been completed.
Local and State Agencies Have the Responsibility for Reporting Custody Status that Is Stored in the CCH

- DPS CCH correctional status
  - Identifies offenders on probation
  - Identifies incarcerated offenders
  - Identifies offenders on parole

- Although not mandated in state law, DPS maintains custody information in the CCH to allow a complete picture of the offender’s criminal history.

  ✓ TDCJ, TJPC, and TYC are responsible for providing accurate information on the custody status of an offender to DPS.

- Methodology for evaluation:

  ✓ A sample of records was taken from TDCJ CTS of offenders on probation, in prison or other TDCJ confinement, or on parole, from TJPC of juvenile offenders on probation and from TYC of juveniles in confinement.

  ✓ Those records were matched with records in the DPS CCH system to see if the CCH record showed the offender’s known status.
TDCJ’s Failure to Receive TRNs Leads to Incomplete Custody Segments in CCH Records

Samples of offenders known to be under the supervision of TDCJ

How many of the known offender’s CCH records accurately indicated the proper correctional status of the offender?

<table>
<thead>
<tr>
<th></th>
<th>Probation</th>
<th>State Jail</th>
<th>Prison</th>
<th>SAFP*</th>
<th>Parole</th>
</tr>
</thead>
<tbody>
<tr>
<td>1988</td>
<td>15%</td>
<td>N/A</td>
<td>99%</td>
<td>N/A</td>
<td>100%</td>
</tr>
<tr>
<td>1995</td>
<td>51%</td>
<td>2%</td>
<td>90%</td>
<td>81%</td>
<td>97%</td>
</tr>
<tr>
<td>2000</td>
<td>54%</td>
<td>9%</td>
<td>47%</td>
<td>0.2%</td>
<td>55%</td>
</tr>
</tbody>
</table>

*SAFP – Substance Abuse Felony Punishment Facility
TDCJ records shown for the year 2000 are from 09/01 – 09/30/2000

- Custody status in the CCH system is not mandated by state law but is provided by DPS as a service to CCH users.

  √ Accuracy of information in the custody segment depends on TDCJ receiving and submitting accurate and complete information including the SID and TRN.

- TDCJ status in the CCH system has dropped dramatically since the 1988 and 1996 CJPC CJIS audits, primarily due to new computer matching systems that require the TRN, which TDCJ does not store.

  √ Prior to the computer matching process, DPS staff evaluated the data and inferred from other data which individual and offense was to be updated.

  √ That labor-intensive process was properly replaced with an automated process.
    - Automated processing is much more efficient but is also more demanding of data accuracy and completeness.
The CCH Records of Known Juvenile Probationers Are Comparable to Adult Probationers Records in Accuracy

<table>
<thead>
<tr>
<th>Sample of adult probationers known to be under the supervision of TDCJ</th>
<th>Sample of juvenile probationers known to be under the supervision of TJPC</th>
</tr>
</thead>
<tbody>
<tr>
<td>10,100 *</td>
<td>29,775 **</td>
</tr>
<tr>
<td>10,100 (100%) of the adult probationers had a CCH arrest record</td>
<td>21,179 (71%) of the juvenile probationers had a CCH arrest record</td>
</tr>
<tr>
<td>5,479 (54%) of the adult probationers had a CCH record that accurately indicated their proper correctional status</td>
<td>11,040 (52%) of the juvenile probationers had a CCH record that accurately indicated their proper correctional status</td>
</tr>
</tbody>
</table>

* Adult probationer sample – 09/01 – 09/30/2000
** Juvenile probationer sample - juveniles on probation for reportable offenses during 01/01 – 12/31/1999

- The lower CCH arrest record accuracy for juveniles (71%) compared to adults (100%) is partially attributable to:

  ✓ A person is identified as having been arrested if there is an arrest record for any offense – not just the current offense in the sample.
    - Juvenile offenders are less likely to have an extensive arrest record in comparison to adults because juveniles have less exposure to be arrested as juveniles (10 – 17th birthday). More arrests increase the likelihood that at least one arrest will be reported to DPS and a match will result.

  ✓ Arresting agencies have 10 days in which to refer the juvenile offender to juvenile court or the arrest record must be destroyed.
    - The juvenile offender may be referred to juvenile court after the 10 days have expired. In these cases, the arrest records have been destroyed and no arrest record can be sent to DPS.
The CCH Records of Known Juveniles in the Custody of TYC Were Relatively Accurate

- Juveniles newly committed to TYC in November 2001 were provided to DPS to perform CCH matches and determine if the juvenile, the court conviction and the current confinement status were in the CCH system.
  
  √ “New commitments” are juveniles committed to TYC by a juvenile court, and do not include revocations from TYC parole.
  
  √ The CCH custody segment match was performed in March 2002, which allowed for a 4 month period for the commitment to be reported to CCH.
The Legislature Intended to Create a Flash Notice System to Alert Probation and Parole Departments When a Probationer or Parolee Is Re-Arrested

- Requirement in Chapter 60, CCP
  - Chapter 60.18, CCP states “The Texas Department of Criminal Justice and the Department of Public Safety shall develop the capability to send to a community supervision and corrections department, district parole office, and county data processing department by electronic means information about the subsequent arrest of a person under the supervision of the office or department.”

- Purpose of a “flash notice”
  - To alert the supervising probation or parole office that one of their probationers or parolees has been charged with a new offense.
  - To provide notice of re-arrest to county data processing departments so they can route this information to county departments that are affected.

- How it is supposed to work
  - TDCJ notifies DPS when to set flags in the CCH records of probationers and parolees and notifies DPS when to remove flags.
  - When a subsequent arrest comes in to DPS for that individual, a flash notice is sent electronically to TDCJ for electronic distribution to the probation or parole office exercising custody over the offender.
The Flash Notice System for Probationers Is Ineffective Because of CSTS Reporting Deficiencies

- Records Missing
  - 46% of those placed on probation
  - 49% of those revoked from probation

- Incomplete Records
  - 44% of felons on direct supervision cannot be identified as being on direct supervision due to missing supervision segment or record

- Flash Notice
  - Incomplete reporting leads to incomplete DPS records
  - Passive notification system of probationer re-arrest as opposed to active electronic reporting as mandated by law

- Results of the CSTS audit are contained in a separate report.

  √ “Audit of the Texas Community Supervision Tracking System”, (February 2002)
Ch. 60.18, CCP mandates “The Texas Department of Criminal Justice and the Department of Public Safety shall develop the capability to send to a community supervision and corrections department, district parole office, and county data processing department by electronic means information about the subsequent arrest of a person under the supervision of the office or department”. (Emphasis added)

✓ TDCJ does not send the flash notice to local probation departments but instead uses a more passive system requiring probation offices to initiate inquiries.

• Since CSTS probationer records are incomplete, the list of records to flag is also incomplete.
All parole offices are on the TDCJ network and all flash notices are sent as internal messages to every parole office in the state.

While this meets the letter of the law “to send to a ... district parole office ... information about the subsequent arrest of a person under the supervision of the office” sending every office all arrests diminishes the effectiveness of “flash notices”.

TDCJ does not update the CCH flash notice flags to remove flags when a parolee is released from parole supervision.

Parole staff indicate that approximately 50% – 75% of “flash notice” arrestees are no longer on parole supervision.

Upon receipt of a “flash notice”, parole staff search the system using the SID number and determine the arrestee’s current status.

The effectiveness of the flash notice is severely diminished by the inundation of parole offices with inapplicable messages.
The CJIS Flash Notice System Is Available to Federal Agencies to Assist Them in Their Operations

- Although not mandated in state law, DPS has developed the capability to transmit flash notices to the U.S. Immigration and Naturalization Service (INS).
  - When an individual is arrested and states their place of birth was outside of the U.S. and they are non-citizens, DPS can send a flash notice to INS.
  - DPS sends convictions and deferred adjudications of foreign born non-citizens to INS offices in Texas that have requested this service.
  - DPS has also offered to send arrests of foreign born non-citizens, however, INS has expressed concern about capability to handle volume of potential notifications.

- Prompt reporting of the arrest to DPS is critical so that DPS can forward a message to INS.
  - Electronic arrest reporting becomes necessary to accomplishing the notification required to act while an arrestee is still in custody of the arresting agency.

- Arrest flash notices are not affected by missing disposition records.
  - Effectiveness would be higher than with current probationer and parolee re-arrest flash notice system.
### Summary of CJIS Audit Findings

<table>
<thead>
<tr>
<th>Impact of electronic reporting</th>
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<tbody>
<tr>
<td>• Over 600,000 electronic fingerprint cards have been submitted to DPS since 1998</td>
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<tr>
<td>• Over 1.3 million electronic court dispositions have been submitted to DPS since 1995</td>
</tr>
<tr>
<td>• Electronic arrest and disposition reporting is more accurate and timely than paper reporting</td>
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<thead>
<tr>
<th>Completeness of records</th>
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<tr>
<td>• Local arresting agencies are mandated to report arrests to the CCH but reporting is incomplete</td>
</tr>
<tr>
<td>• An estimated 221,000 court dispositions across the state cannot be reported to CCH as there is no arrest record to update</td>
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<tr>
<td>• Court disposition reporting has improved but over one-third of known court dispositions records at selected counties were not found in the CCH system</td>
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<thead>
<tr>
<th>Accuracy of records</th>
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<tbody>
<tr>
<td>• CCH record of known probationers, prisoners, and parolees is often inaccurate</td>
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<tr>
<td>• Approximately two-thirds of known court disposition records were found in the CCH system - a substantial improvement since the 1996 audit</td>
</tr>
<tr>
<td>• 54% of adult and 52% of juvenile probationers had a CCH record accurately reflecting their status</td>
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<tr>
<td>• The CCH records of juveniles known to be in TYC custody were accurate</td>
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<tr>
<th>Effectiveness of mandated linkages with TDCJ system</th>
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<tr>
<td>• Only 50% of the probationers in CCH had re-arrest “flash notice” flags set in their records</td>
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<tr>
<td>• TDCJ does not send flash notices to local probation departments as mandated</td>
</tr>
<tr>
<td>• Failure of TDCJ to receive TRN numbers in records leads to breakdowns in data flow</td>
</tr>
<tr>
<td>• TDCJ does not adequately update parolee flash notice flags in the CCH system when parolees are released</td>
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</tbody>
</table>
CJPC Recommendations for DPS to Implement

- DPS should implement an aggressive reporting level monitoring system for arrest, prosecutor filing, and court disposition monitoring and compliance.

<table>
<thead>
<tr>
<th>Arrest Reporting</th>
<th>Disposition Reporting</th>
<th>Output</th>
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</thead>
<tbody>
<tr>
<td>Estimated arrest records expected from each jurisdiction based on UCR trends, past years’ reporting and county suspense files for period</td>
<td>Estimated number of prosecutor filing and court disposition records expected from each jurisdiction based on OCA figures for period</td>
<td>Baseline reporting level compliance expectation for arrests, prosecutor filings, and court dispositions</td>
</tr>
<tr>
<td>Actual applicable arrest records submitted by each jurisdiction for same period</td>
<td>Actual prosecutor filing and court disposition records submitted by each jurisdiction for same period</td>
<td>Monthly internal reports identifying reporting actual compliance and DPS follow-up action</td>
</tr>
<tr>
<td>Fingerprint and arrest records reported that were rejected for each jurisdiction and how many are resubmitted</td>
<td>Prosecutor filing and court disposition records reported that were rejected for each jurisdiction and how many are resubmitted</td>
<td>Monthly internal reports identifying reporting problems and DPS follow-up action</td>
</tr>
<tr>
<td>Percentage of each above category from electronic reporting sites</td>
<td>Percentage of each above category from electronic reporting sites</td>
<td>Comparison of manual/electronic reporting accuracy</td>
</tr>
</tbody>
</table>

- Internal on-going auditing function
- Tool to make local jurisdictions aware of reporting expectations and reporting levels
- Basis to develop expected compliance reporting levels in the future

- Quarterly reports given by DPS staff to DPS Commission
- Annual reports sent to Governor, Legislative Budget Board, State Auditor, and CJPC
CJPC Recommendations for DPS to Implement (cont’d)

- Develop a reporting manual.
  
  √ DPS should develop and distribute to all user agencies a brief user-friendly manual outlining each agencies reporting responsibility stressing how their activities, or failure to perform them, negatively affect the downstream components in the system.

- Review alternative methods to assign TRN.
  
  √ DPS should evaluate and, if appropriate, adopt an alternative method for assigning the TRN to avoid the past problems with duplicate TRNs.
  
  √ One viable approach for automated counties is to use an agency’s DPS assigned originating agency identifier or “ORI” plus the date with a sequential number. The sequential number could be set back to “1” each night at midnight. This would result in the TRN also identifying the arresting agency as well as the time and date of arrest.

- DPS should evaluate updating the CCH custody segment with data provided by TDCJ, TJPC, and TYC using only a SID number, when TRNs are not available.
  
  √ The offender’s current status would be more readily available to users.

- DPS should evaluate the possibility of using the offender’s probation status currently provided by TDCJ to update a custody segment, in addition to using the court probation sentence information.

- The DPS Commission should formally inform INS of the willingness of DPS to provide arrest information on arrestees born outside of the U.S. who indicate that they are not U.S. citizens as well as the continued availability of conviction information for non-citizens.

- DPS should ensure that their planned CCH re-write will incorporate the tools necessary to more easily perform the CJPC recommended monitoring of arrest, prosecutor filing and court disposition reporting compliance.
CJPC Recommendations for TDCJ to Implement

• Mandate TDCJ to implement a comprehensive reporting monitoring and compliance program.

  √ TDCJ should compile, on at least a monthly basis, monitoring reports from the CTS for every probation office showing the sites that are not reporting or are reporting fewer probationers reported in the CTS than would be expected.
  - TDCJ should establish an acceptable reporting deviation range and print out only those sites that fall below the expected range.
  - Expected reporting levels should be computed from historical paper reported levels and other historical arrest data.
  √ TDCJ should monitor compliance in accurately reporting intakes to and releases from the various correctional agencies and institutions under their control.

• Improve probation flash notice system.

  √ TDCJ should implement the Chapter 60.18, CCP mandated flash notice system by sending probation and local data processing systems notices of arrest of an individual on probation. The current flash notice system requires probation offices to initiate an inquiry whereas the original intent was to push the notice out to the agency exercising supervision.

• Improve parole flash notice system.

  √ TDCJ should inform DPS to remove CCH flash notice flags immediately upon a parolee’s discharge from parole supervision.
  √ TDCJ should transmit parolee “flash notices” to the specific office supervising a parolee who is re-arrested rather than sending the notices to every office in the state.
CJPC Recommendations for the Legislature to Consider

- The Legislature should consider:
  - Mandating in Art. 42.01 CCP that the DPS assigned SID number for each person and the TRN for each case must be included in the court judgment that serves as the basis for commitment forms when an offender is sentenced to confinement in TDCJ.
  - Cleaning up Chapter 60 CCP to eliminate out-dated requirements.