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An Audit Report on  
**The Criminal Justice Information System at  
the Department of Public Safety and  
the Texas Department of Criminal Justice**

September 2011  
Report No. 12-002



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## Overall Conclusion

The Department of Public Safety (DPS) and the Texas Department of Criminal Justice (TDCJ) have improved the quality of data in the Criminal Justice Information System (CJIS) since the State Auditor's Office's February 2006 audit of CJIS.<sup>1</sup> However, DPS should make additional improvements to the completeness of its criminal history records.

This audit focused on DPS's Computerized Criminal History System and TDCJ's Corrections Tracking System, which are two components of CJIS (see text box for details).

### DPS's Computerized Criminal History System

As of January 2011, prosecutor offices and courts had submitted disposition records to the Computerized Criminal History System for 73.68 percent of arrests made in 2009. That is an improvement from the 71.00 percent submission rate the State Auditor's Office audit reported in February 2006.<sup>2</sup> However, the 73.68 percent submission rate indicates that data in DPS's Computerized Criminal History System is not complete, and users may not receive a reliable result from criminal history background checks that are conducted based on the data in that system. DPS also should improve the timeliness and accuracy of the data in its Computerized Criminal History System. It is important to note that DPS does not have authorization to take administrative action to penalize criminal justice agencies that do not submit criminal records.

#### Background Information

The Criminal Justice Information System (CJIS) includes information systems at two state agencies:

- The Department of Public Safety (DPS) maintains the Computerized Criminal History System, a database of criminal records in Texas that includes:
  - ♦ Arrest records that police departments, sheriff's offices, and other law enforcement agencies submit when an individual is arrested.
  - ♦ Prosecutor records that district and county attorney offices submit. Those records include offenses and charges that each attorney is pursuing for each defendant.
  - ♦ Records that county, district, and other courts submit. Those records include conviction decisions and sentencing information.
- The Texas Department of Criminal Justice (TDCJ) maintains the Corrections Tracking System, a collection of databases with records on offenders in state jail, in prison, on parole, on probation, and in other offender programs.

Texas Code of Criminal Procedure, Chapter 60, established CJIS and defines the types of information that it contains.

Source: DPS, TDCJ, and the Texas Code of Criminal Procedure.

<sup>1</sup> See *An Audit Report on the Criminal Justice Information System*, State Auditor's Office Report No. 06-022, February 2006.

<sup>2</sup> Auditors' calculation of the submission rate did not include the submission of juvenile arrests or dispositions; the submission rate for that information averaged 82.71 percent in January 2011.

A significant number of prosecutor and court records are not reported to DPS, which impairs the quality of information that DPS uses to conduct criminal history background checks. For example, 1,634 (7.65 percent) of 21,351 offenders whom TDCJ admitted to jail, prison, or probation in November 2010 did not have corresponding prosecutor and court records in DPS's Computerized Criminal History System. In addition, information that DPS provides as part of its criminal history background checks does not include probation records.

DPS also should strengthen controls to ensure that only authorized users can access and modify records in its Computerized Criminal History System.

### **TDCJ's Corrections Tracking System**

While TDCJ has made improvements to its records of offenders on probation, more improvements are needed to ensure that data in TDCJ's Corrections Tracking System is complete, accurate, and up to date. Specifically, some records do not have a state identification number or an arrest incident number as required by the Texas Code of Criminal Procedure, Section 60.052. Additionally, users at local probation departments in 120 (47.24 percent) of the 254 counties in Texas do not view arrest records associated with the notifications that TDCJ sends to them when an offender on probation or parole is arrested.

TDCJ also should strengthen controls to ensure that only authorized users can access and modify records in the Corrections Tracking System.

Auditors communicated other, less significant issues to DPS and TDCJ management separately in writing.

### ***Summary of Management's Response***

DPS and TDCJ agreed with the recommendations in this report.

### ***Summary of Objective, Scope, and Methodology***

The audit objective was to determine whether controls over CJIS provide reasonable assurance that data in the system is complete, accurate, and up to date.

The audit scope included data in CJIS from September 1, 2009, through November 30, 2010, as well as system controls. The period of review for access and general controls of the Computerized Criminal History System at DPS and the Corrections Tracking System at TDCJ was from March 2011 through July 2011.

The audit methodology consisted of reviewing the process for collecting criminal records at DPS and TDCJ; analyzing performance reports that DPS uses to

determine the completeness of criminal records; analyzing error reports, correction logs, and compliance reports from key systems at both DPS and TDCJ; reviewing the flash notice system; assessing the CJIS information technology control environment and relevant subsystems; and visiting users at criminal justice agencies that submit data to CJIS. Auditors determined that the completeness and accuracy of data in CJIS should be improved before users can more fully rely on CJIS data when conducting criminal history background checks. Appendix 1 of this report presents detailed information on the methodology that auditors used to assess the reliability of information in CJIS.

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# Detailed Results

## Chapter 1

### ***DPS and TDCJ Should Improve the Completeness of Their Portions of the Criminal Justice Information System***

The Department of Public Safety (DPS) should continue to work with criminal justice agencies to submit more criminal records to its Computerized Criminal History System (DPS's portion of the Criminal Justice Information System or CJIS) so that users can more fully rely on the results of criminal history background searches conducted in that system.

The Texas Department of Criminal Justice (TDCJ) has implemented controls that help it to ensure that it collects records for all offenders in its Corrections Tracking System (TDCJ's portion of CJIS), but it should implement additional controls to ensure that it collects the state identification number and arrest incident number for all criminal records.

#### Chapter 1-A

### **DPS Should Encourage Criminal Justice Agencies to Submit Criminal Records to the Computerized Criminal History System, and It Should Include Probation Information in Its Criminal History Background Checks**

DPS has increased the number of disposition records it matches to arrest records to ensure that more information in its Computerized Criminal History System is complete. (See text box for additional details on disposition records.) It has done this by requesting that more criminal justice agencies submit criminal records to its Computerized Criminal History System. A total of 4,272 criminal justice agencies submitted criminal records to the Computerized Criminal History System from September 1, 2009, through November 30, 2010 (see Table 1).

Table 1

Criminal Justice Agencies That Submitted Information to the Computerized Criminal History System	
Type of Criminal Justice Agency	Number
Police Departments, Sheriff's Offices, and Other Law Enforcement Agencies	2,309
District and County Attorney Offices	507
District and County Courts	1,456
Total	4,272

Source: State Auditor's Office analysis of criminal justice agencies that provided records to DPS from September 1, 2009, through November 30, 2010.

#### Disposition Records

After police departments, sheriff's offices, and other law enforcement agencies submit arrest records to DPS's Computerized Criminal History System, prosecutor offices and courts are required to submit additional records to finalize each criminal record. DPS refers to those records as "dispositions," and examples include:

- Rejection of a case.
- Prosecution of a case.
- Conviction of an offender.
- Sentencing of an offender.

Texas Code of Criminal Procedure, Section 60.01, also defines "disposition" as an action that results in the termination, transfer to another jurisdiction, or indeterminate suspension of the prosecution of a criminal charge.

Source: DPS and the Texas Code of Criminal Procedure.

The number and type of criminal justice agencies that submit criminal records to DPS's Computerized Criminal History System indicate that the system generally functions as intended. However, despite DPS's efforts, many criminal justice agencies are still not submitting criminal records to the Computerized Criminal History System. Specifically, as of January 2011, prosecutor offices and courts had submitted disposition records to the Computerized Criminal History System for 73.68 percent of arrests made in 2009. This is an improvement from the 71.00 percent submission rate the State Auditor's Office reported in February 2006 (for arrests made in 2003).<sup>3</sup>

Texas Code of Criminal Procedure, Section 60.05, requires DPS to collect information relating to prosecutions and dispositions of cases for each felony or misdemeanor not punishable by fine alone. In addition, Texas Code of Criminal Procedure, Section 60.10, required plans for improving Computerized Criminal History System data from each county that reported dispositions for less than 90.00 percent of arrest charges. See Appendix 3 for a list of counties and the percent of dispositions that each county submitted to the Computerized Criminal History System.

DPS maintains a compliance report that details the number and percent of matching arrests and dispositions by county so that prosecutor offices and courts can review their performance and correct any errors. DPS also has a team of field representatives that review criminal justice agencies that do not submit all disposition records or submit a large number of erroneous records. According to DPS, those controls have improved the completeness of data in the Computerized Criminal History System.

It is important to note, however, that DPS cannot control whether prosecutor offices and courts submit all records because the Texas Code of Criminal Procedure does not provide DPS with the ability to penalize prosecutor offices and courts for not submitting information. Texas Code of Criminal Procedure, Section 60.08(d), requires courts and prosecutor office to submit information within 30 days of receiving it. Auditors visited the Houston District Attorney's Office, the Tarrant County Criminal District Attorney's Office, and the Harris County District Clerk's Office, which provided the following reasons for not always submitting records as required:

- Information systems at prosecutor offices and courts may not receive rejection or error notifications when submissions of information to the Computerized Criminal History System are unsuccessful.
- Prosecutor offices and courts cannot submit records that lack state identification numbers or arrest incident numbers to the Computerized Criminal History System. DPS requires that information because it uses

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<sup>3</sup> See *An Audit Report on the Criminal Justice Information System*, State Auditor's Office Report No. 06-022, February 2006.

the state identification number and the arrest incident number to uniquely identify a particular person and a particular offense.

- After prosecutor offices and courts submit information, they must correct errors or supply missing information manually via fax.

Despite DPS's efforts to collect more criminal records, the number of prosecutor offices and courts that do not submit criminal records makes the Computerized Criminal History System incomplete as the single source of criminal background check information. Auditors reviewed the records of 21,351 offenders in jail, in prison, or on probation who were convicted of crimes and began serving sentences in November 2010 and determined that the Computerized Criminal History System did not include prosecutor office or court records for 1,634 offenders (7.65 percent). The Computerized Criminal History System did not include any sentencing information for those offenders, even though they were admitted into jail, prison, or probation. See Appendix 4 for a list of 10 counties that did not submit disposition records for the largest numbers of offenders whom TDCJ admitted in November 2010.

DPS should improve the Computerized Criminal History System by incorporating TDCJ's information on all offenders. DPS should improve the completeness of criminal history data in the Computerized Criminal History System by obtaining data from TDCJ for offenders who were convicted and are serving sentences, but for whom the Computerized Criminal History System lacks court records.

As of May 2011, DPS was obtaining information from TDCJ on the location of offenders who were in jail, in prison, or on parole, and reporting that information with the results of its criminal history background checks. However, DPS did not obtain information for offenders who were serving probation. On August 31, 2010, TDCJ reported that local probation offices supervised 419,920 offenders in its probation programs. Because DPS collects prosecutor office and court records for 73.68 percent of arrest records in the Computerized Criminal History System, it should obtain additional information for all offenders on probation to ensure that all available conviction information is recorded in the Computerized Criminal History System.

For offenders for whom the Computerized Criminal History System lacks prosecutor or court records, having information on those offenders' locations in the TDCJ system helps to clarify their criminal histories. However, the information that DPS collects does not always have the specific arrest incident number or offense code for which an offender was convicted. Additionally, for offenders with multiple arrests and convictions, the location information that DPS collects may not be adequate to determine the exact number or severity of offenses that an offender committed.



Criminal justice agencies that submit criminal records to the Computerized Criminal History System do not always submit complete information. The Computerized Criminal History System lacks arrest records to match with at least 65,424 prosecutor office or court records collected between September 1, 2009, and November 30, 2010. DPS could not match those records because law enforcement agencies had not submitted arrest records appropriately or because the prosecutor offices and courts submitted erroneous data that prevented DPS from matching records. For felonies and misdemeanors that are not punishable by fine alone, Texas Code of Criminal Procedure, Section 60.08(d), requires law enforcement agencies to submit arrest records within 7 days of the arrest.

If an individual's arrest, prosecution, or court records are not submitted to the Computerized Criminal History System, that individual will have an incomplete criminal history. Potential employers, criminal justice agencies, or authorized individuals who may query any of those individuals' criminal histories would not be able to determine whether an arrest resulted in a conviction without contacting the appropriate prosecutor's office or court clerk to request hard copies of prosecutor and court records.

## Recommendations

DPS should:

- Continue its efforts to improve the accuracy of the data in the Computerized Criminal History System, including:
  - ♦ Continuing to monitor prosecutor offices and courts to encourage them to submit plans for improving Computerized Criminal History System data as required by Texas Code of Criminal Procedure, Section 60.10.
  - ♦ Consider working with TDCJ to reconcile court records in the Computerized Criminal History System to locate and identify missing offender records in TDCJ's Corrections Tracking System.
- Collect data for offenders in TDCJ's probation programs in the Computerized Criminal History System, and include that data in the results of criminal history background checks.

## Management's Response from DPS

*DPS appreciates the acknowledgement that data accuracy has improved. We agree with the recommendations and will continue to:*

- *Provide training by CJIS representatives on the requirements of Chapter 60 CCP.*

- *Conduct countywide meetings to foster local communication and the development of data improvement plans.*
- *Promote automated reporting solutions.*
- *Monitor prosecutor offices and courts and encourage them to work with arresting agencies on developing a data improvement plan.*
- *Encourage counties that have submitted plans to follow through on their plans.*

*Additionally, we will work with TDCJ to identify opportunities to reconcile missing sentencing information.*

*Responsible Party: Deputy Assistant Director, Crime Records Service*

*Target Implementation Date: March 2012*

Chapter 1-B

## **TDCJ Should Continue to Improve the Completeness of Criminal Records in Its Corrections Tracking System**

TDCJ has implemented additional controls since the February 2006 State Auditor’s Office audit of CJIS, and those controls have improved the completeness of data in its Corrections Tracking System. The Corrections

**TDCJ’s Corrections Tracking System**

TDCJ’s Corrections Tracking System includes several different components:

- The State Ready System, which contains information on offenders in prisons.
- The State Jail System, which contains information on offenders in state jails.
- The Offender Information Management System, which contains information on offenders on parole.
- The Intermediate System (ISYS), which contains information on offenders serving probation.

Source: State Auditor’s Office interviews with TDCJ.

Tracking System includes several different components that contain criminal records for different TDCJ programs. Since the February 2006 audit, TDCJ has implemented the Intermediate System (ISYS) to obtain information on offenders in its probation programs to collect more state identification numbers. (See text box for more information on the Corrections Tracking System.)

TDCJ’s processes for collecting offender information ensure that the Corrections Tracking System consistently collects criminal records for the offenders TDCJ supervises. However, auditors determined that TDCJ does not always receive arrest incident numbers. The arrest incident number is a field within a probation record that DPS uses to uniquely identify an arrest and related charges; that number is used throughout the judicial process to track a specific offense and is transmitted to TDCJ along with an offender’s other criminal records. Auditors

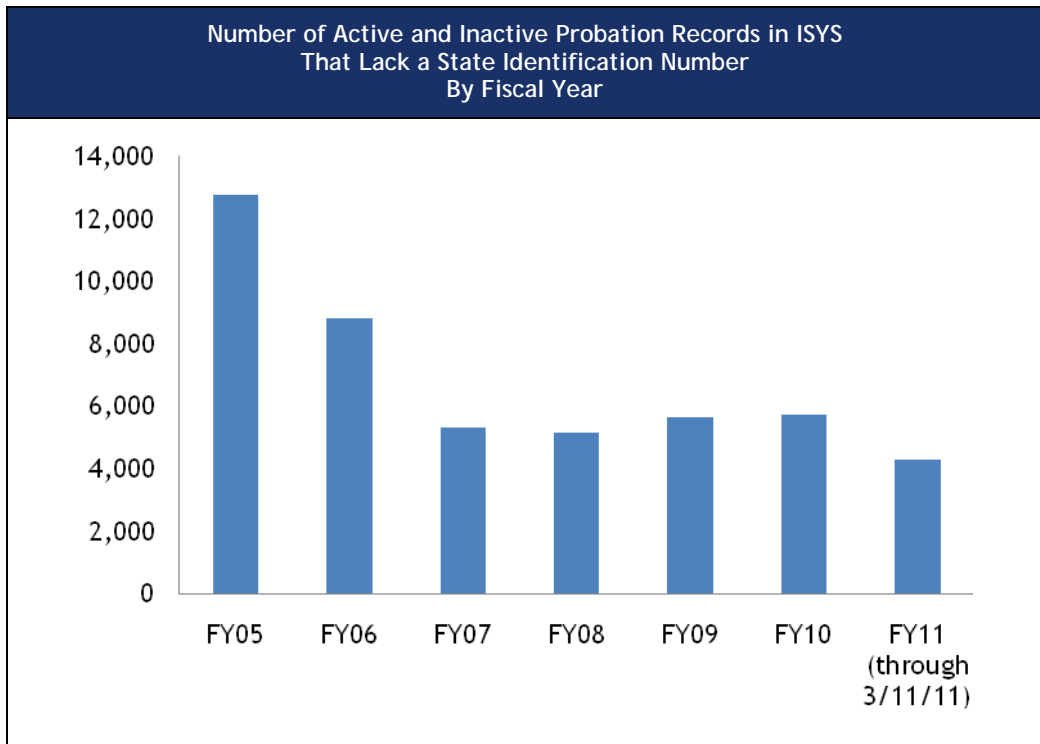
reviewed Corrections Tracking System records for offenders who began serving sentences in November 2010 and determined that:

- For offenders placed in jail or prison, 1,333 (19.29 percent) of 6,912 records lacked an arrest incident number.
- For offenders on probation, 1,267 (7.02 percent) of 18,044 probation records did not specify an arrest incident number.

Texas Code of Criminal Procedure, Section 60.052, states that information in the Corrections Tracking System must include the offender’s arrest incident number. If an arrest incident number is not recorded in the Corrections Tracking System, TDCJ may need to obtain and review hard copies of court records to determine the specific charges for which an offender was convicted.

TDCJ has made progress in its efforts to obtain state identification numbers from local probation offices. TDCJ submits the state identification numbers of probationers to DPS each day to determine whether probationers were arrested. (See Chapter 2 for additional details on arrest notifications for offenders on probation.) Figure 1 shows the trend in the number of active and inactive probation records in ISYS that lack a state identification number.

Figure 1



Source: State Auditor’s Office analysis of records in ISYS at TDCJ.

Local probation offices have improved the number of records that include a state identification number, but additional improvements are needed. Despite the decrease in probation records that lack a state identification number, local probation offices still do not always submit that information. Auditors reviewed the records of the 18,044 offenders who were placed on probation

during November 2010 and determined that 557 (3.09 percent) lacked a state identification number. See Appendix 5 for a list of counties whose records listed probationers without state identification numbers.

Local law enforcement offices and probation offices are responsible for obtaining the state identification number and entering it into ISYS. Auditors visited Harris County’s local probation office and verified that 4 (13.33 percent) of 30 randomly selected probation records at that office did not have a state identification number. When probationers are not assigned a state identification number, their probation officers will not receive flash notices that inform them if probationers are arrested.

According to local probation offices, many probation records also lack a state identification number, even though the offender is no longer supervised under a TDCJ probation program. Harris County’s local probation office had a total of 19,545 probation records without a state identification number (40.96 percent of 47,716 records that TDCJ identified in the state from January 24, 2005, through March 11, 2011). When auditors visited this probation office, it reported that it had only 914 probation records for probationers who were under active supervision and for which ISYS lacked a state identification number. The reduced number of active probation records indicates that Harris County’s local probation office has significantly improved the completeness of state identification numbers in its records. (See Appendix 2 for a list of all criminal justice agencies that auditors visited.) Table 2 presents details on the number and status of probationers at the local probation office auditors visited.

Table 2

Offenders on Probation at Harris County’s Local Probation Office		
Type of Record	Time Period	Number of Probationers
Active and inactive probationers for which ISYS lacked a state identification number	January 24, 2005, through March 11, 2011	19,545
Active probationers for which ISYS lacked a state identification number	May 2011	914
Inactive probationers for which ISYS had a state identification number	May 2011	3,327

Source: TDCJ and probation office reports of offenders without a state identification number in ISYS.

Local probation offices can update probation records only if the offender is actively monitored. Probation officers stop actively monitoring an offender when a probationary period ends, when a probationer absconds, or when an offender’s probation is otherwise terminated. If a state identification number

is acquired after an offender's probationary term ends, that number cannot be electronically uploaded to ISYS and must be updated manually.

Texas Code of Criminal Procedure, Section 60.052, states that information in the Corrections Tracking System must include the offender's state identification number. Additionally, Texas Government Code, Section 509.012, gives TDCJ the ability to reduce the funding it provides to a local probation office that is not in substantial compliance with TDCJ's standards or requirements.

## Recommendations

TDCJ should:

- Encourage local probation offices to collect state identification numbers and arrest incident numbers for all offenders, and to submit those numbers to ISYS in a timely manner. If it identifies local probation offices that do not consistently submit either of these numbers, TDCJ should consider reducing the funds it provides to those offices under Texas Government Code, Section 509.012.
- For offenders who are no longer under probation, develop a process through which local probation departments can submit missing state identification numbers.

## Management's Response from TDCJ

*Concur.*

*The Texas Department of Criminal Justice-Community Justice Assistance Division (TDCJ-CJAD) will utilize ongoing webinar presentations, live presentations at probation advisory committee meetings, statewide email reminders and individual department meetings to re-emphasize to community supervision and corrections departments (CSCDs) to collect state identification numbers (SIDs) and arrest incident numbers for submission into ISYS in a timely manner.*

*Additionally, the TDCJ-CJAD, through policy will require CSCDs, pursuant to Texas Code of Criminal Procedure, Section 60.052, to collect state identification numbers and arrest incident numbers for offenders placed on community supervision and to submit them to ISYS in a timely manner. These communications and policy change will be used in considering whether to reduce funding to CSCDs that are not in substantial compliance with the TDCJ's requirements.*

*There is currently a process in place by which CSCDs can submit SIDs on offenders no longer under community supervision through submission of a demographics transaction. However, the CSCDs have typically restricted use of the demographic transaction for offenders that completed community supervision without a SID and were subsequently arrested in another jurisdiction. The TDCJ-CJAD will utilize the communication systems described above to ensure CSCDs are instructed to use the demographic transaction process for all instances that an offender's SID number is not known, and utilize the periodic monitoring process recommended in Chapter 3-B to help ensure missing SID numbers are provided.*

*Target Date: February 29, 2012*

## ***TDCJ and DPS Should Improve the Distribution and Timeliness of Criminal History Information***

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### **Flash Notices**

TDCJ provides information to DPS about which individuals with criminal records in the Corrections Tracking System are on probation, are incarcerated, and are on parole. Information for those individuals is flagged in DPS's Computerized Criminal History System so that, if those individuals are arrested again, their probation or parole officers will be notified of the arrest. The notifications that TDCJ sends in these cases are called "flash notices."

DPS is responsible for adding and removing flags for individuals on probation and parole based on the information TDCJ provides. The flags reside in the Computerized Criminal History System that DPS maintains.

Source: State Auditor's Office interviews with TDCJ employees.

TDCJ and DPS have improved the distribution and timeliness of criminal history information since the State Auditor's Office's February 2006 audit. The process for identifying offenders to flag in DPS's Computerized Criminal History System for "flash notices" (see text box for additional details) and the process for distributing information about subsequent arrests of persons under supervision is working as intended in accordance with Texas Code of Criminal Procedure, Section 60.18.

However, TDCJ should ensure that Community Supervision and Corrections Departments (CSCDs, see text box for additional information) view arrest records associated with flash notices in a timely manner. In addition, DPS should take additional measures to ensure that criminal justice agencies submit information into the Computerized Criminal History System in a more timely manner, and it should enter into the Computerized Criminal History System information that it receives in hard-copy form in a more timely manner.

### **Community Supervision and Corrections Departments**

The Texas Department of Criminal Justice - Community Justice Assistance Division (TDCJ-CJAD) administers community supervision, or adult probation, in Texas. TDCJ-CJAD does not work directly with offenders. Instead, it works with the local Community Supervision and Corrections Departments (CSCDs), which supervise the offenders. There are 121 CSCDs, organized within judicial districts that serve 254 counties in Texas.

Source: State Auditor's Office interviews with TDCJ employees.

TDCJ should monitor CSCDs to ensure that they view arrest records associated with flash notices in a more timely manner. Auditors reviewed a list of CSCDs that serve the 254 counties within Texas. Based on analysis of active and inactive user accounts, as of May 2011, users representing 120 (47.24 percent) of the 254 counties in Texas had not viewed arrest records associated with flash notices for at least 90 days. That included 56 (41.48 percent) of 135 total users in the 254 counties who had not accessed their accounts within a 6-month period. See Appendix 6 for a list of counties that did not view arrest records associated with flash notices.

A designated flash coordinator is responsible for distributing flash notices to the probation offices within each county that a CSCD serves. However, the Bexar County CSCD had not viewed arrest records associated with flash notices in more than one year and, instead, indicated that it relied on that county's system to provide arrest notifications that occurred only within that county. As of May 5, 2011, Bexar County's CSCD did not have a flash coordinator because it was not aware of the flash notice process.

The Texas Department of Criminal Justice - Community Justice Assistance Division (TDCJ-CJAD) does not actively monitor the frequency with which flash coordinators at CSCDs view arrest records associated with flash notices, and it also did not identify prolonged periods of inactivity during which some flash coordinators' access to flash notices was disabled. As a result, TDCJ-CJAD cannot ensure that all CSCDs have designated an individual to receive flash notice messages.

Unlike TDCJ's Parole Division, which is under TDCJ's direct control, CSCDs work for the judicial district that they serve (although CSCDs receive funding from TDCJ-CJAD). This hinders TDCJ-CJAD's ability to require CSCDs to view arrest records associated with flash notice messages in a timely manner. The February 2006 State Auditor's Office audit reported that, in some cases, that information on individuals who are placed on or removed from probation may not be correctly identified in the Corrections Tracking System for up to a month; this limited probation officers' ability to be notified of an arrest in a timely manner. However, TDCJ-CJAD has improved the submission rate of probation records to the Corrections Tracking System by implementing an Intermediate System (ISYS). As a result of the implementation of ISYS, from September 2009 through February 2011, the majority of counties in Texas submit probation records to the Corrections Tracking System more frequently than every two weeks.

#### Criminal Justice Agency Reporting Requirements

Texas Code of Criminal Procedure, Section 60.08(d), specifies that "Except as otherwise required by applicable state laws or regulations, information or data required by this chapter to be reported to the Texas Department of Criminal Justice or the Department of Public Safety shall be reported promptly but not later than the 30th day after the date on which the information or data is received by the agency responsible for reporting it except in the case of an arrest. An offender's arrest shall be reported to the Department of Public Safety not later than the seventh day after the date of the arrest."

The flash notice process is an important means of communicating the subsequent arrest of offenders under supervision, particularly for offenders who are arrested in a county that differs from the county in which their probation office is located. Without flash notices, when probationers are arrested in counties other than the county in which their probation office is located, Bexar County's probation office indicated it would not be aware of these arrests and would not be able to make appropriate and timely assessments about probationers who may be absconders.

DPS should improve the timeliness with which criminal justice agencies submit information to the Computerized Criminal History System. Auditors compared the submission of criminal records to DPS's Computerized Criminal History System between September 1, 2009, and November 30, 2010, with timeliness requirements from the Texas Code of Criminal Procedure, Section 60.08 (see text box for more information) and determined that:

- 939,802 (84.25 percent) of 1,115,469 arrest records were submitted within 7 days as required.
- 734,138 (76.48 percent) of 959,892 court records were submitted within 30 days as required.



- 47,051 (63.61 percent) of 73,967 records for criminal charges that prosecutors dismissed were submitted within 30 days as required.

As of March 2011, DPS had not entered into the Computerized Criminal History System records that criminal justice agencies had submitted in hard-copy form during a time period that covered approximately two months. To submit those records, criminal justice agencies mail hard copies of records to DPS; DPS staff then enter the records into the Computerized Criminal History System. Auditors observed this process in March 2011, when DPS staff were entering criminal records submitted in January 2011.

Criminal justice agencies also submit information electronically, and DPS estimates that approximately 80.00 percent of submissions are electronic. Table 3 shows the number of electronic and hard-copy records that criminal justice agencies submitted between September 2009 and November 2010.

Table 3

Electronic and Hard-copy Submissions of Criminal Justice Agency Records September 2009 - November 2010			
Type of Record	Total Records	Electronic	Hard-copy
Arrest	1,115,469	Unknown <sup>a</sup>	Unknown <sup>a</sup>
Prosecutor Dismissal of Charges	157,963	137,471	20,492
Court	959,892	831,509	128,383

<sup>a</sup> DPS is not able to distinguish between electronic and hard-copy arrest records. DPS asserts that all arrest records are considered electronic because all arrest records are submitted from the Automated Fingerprint Identification System (AFIS) to the Computerized Criminal History System electronically.

Source: Auditor analysis of records in the Computerized Criminal History System for September 1, 2009, through November 30, 2010.

As stated in Chapter 1-A of this report, the Texas Code of Criminal Procedure does not provide DPS with authorization to take administrative action to penalize criminal justice agencies for not submitting records in a timely manner. DPS also asserted that staffing and budget issues contributed to the two-month backlog in entering records submitted in hard-copy form. When criminal justice agencies do not submit records in a timely manner and there are processing delays in entering records received in hard-copy form, this hinders the ability of employers, state licensing agencies, and law enforcement agencies to obtain accurate information about an individual's criminal history.

## Recommendations

TDCJ should monitor CSCDs to ensure that they view arrest records associated with flash notices in a timely manner.

DPS should:

- Monitor the submission of information to the Computerized Criminal History System to help ensure that it receives that information within the time frames required by Texas Code of Criminal Procedure, Section 60.08.
- Submit arrest and disposition monitoring reports to the appropriate commissioner court when a criminal justice agency does not comply with Texas Code of Criminal Procedure, Chapter 60.
- Enter information into the Computerized Criminal History System in a timely manner.

#### Management's Response from TDCJ

*Concur.*

*The TDCJ-CJAD will monitor local CSCD flash notice activity and regularly notify departments that fail to timely view flash notices. Additionally, the division through annual Chiefs Conferences and contact using Go-to-Meeting and webinars will reiterate the importance to public safety of CSCD timely responding to subsequent offender arrests.*

*Target Date: October 1, 2011*

#### Management's Response from DPS

*DPS agrees with the recommendations and will:*

- *Add the timeliness of submissions to the current review of information submitted to Computerized Criminal History System.*
- *Disseminate the compliance report to all Texas Commissioners' Courts.*

*It is worth noting that the majority of CCH data is reported in an electronic fashion and is posted when received. Crime Records Services has eliminated the paper record backlog identified by the State Auditors Office and is committed to entering records received on paper into the Computerized Criminal History System within 30 days of receipt.*

*Responsible Party: Deputy Assistant Director, Crime Records Service*

*Target Implementation Date: October 2012*

## ***DPS and TDCJ Should Improve the Accuracy of Criminal History Information That Criminal Justice Agencies Submit***

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Auditors identified a limited number of inaccurate records in DPS's Computerized Criminal History System. In addition, a weakness in TDCJ's monitoring of the accuracy of probation records in ISYS prevents TDCJ from determining whether those records are accurate.

### Chapter 3-A

#### **DPS Should Improve the Accuracy of Criminal History Information That Criminal Justice Agencies Submit**

Auditors reviewed the accuracy of criminal records that criminal justice agencies submitted to DPS's Computerized Criminal History System and identified a limited number of inaccurate records that could negatively affect the results of criminal history background checks.

Court and prosecutor offices. Auditors visited one court and two prosecutor offices, and determined that they generally submitted accurate records to the Computerized Criminal History System. Specifically:

- Auditors did not identify any inaccurate criminal history information at the Harris County District Clerk's Office or at the Houston District Attorney's Office. Auditors randomly selected 30 records at each location and matched each field from those records to the information in DPS's Computerized Criminal History System.
- Auditors identified only one error at the Tarrant County Criminal District Attorney's Office. That office erroneously categorized a class A misdemeanor as a class B misdemeanor in DPS's Computerized Criminal History System. Auditors verified that 10 other fields in that prosecutor office's records—including the state identification number, the arrest incident number, name, and the offense code—matched the information in DPS's Computerized Criminal History System.

Law enforcement agencies. Auditors also visited four law enforcement agencies and identified certain inaccuracies in the information they had submitted to DPS's Computerized Criminal History System. (See Appendix 2 for a list of all criminal justice agencies that auditors visited.) However, those law enforcement agencies accurately submitted the majority of the information that the Texas Code of Criminal Procedure requires them to submit, including the state identification number, the arrest incident number, and the name of the arrested individual.

All four law enforcement agencies submitted inaccurate disposition codes for some arrested individuals. Arrest records for 53 (59.55 percent) of 89 records

tested incorrectly showed that the individual was held in the custody of the law enforcement agency when the individual had actually been released. The disposition code specifies the short-term status of an arrested individual, such as held in custody or released on recognizance.

In conducting tests at the four law enforcement agencies visited, auditors also determined that two other law enforcement agencies not visited had submitted information to DPS's Computerized Criminal History System that contained erroneous agency identification numbers. This occurred because they had submitted inaccurate out-of-county arrest information to DPS's Computerized Criminal History System. This indicates that law enforcement agencies statewide may experience problems in submitting accurate out-of-county arrest information.

DPS's monitoring of the accuracy of information. DPS maintains electronic logs of erroneous arrest records that criminal justice agencies submit to the Computerized Criminal History System. Auditors reviewed the logs for records submitted from September 1, 2009, through November 30, 2010, and determined that DPS identified 22,064 erroneous records, which represented 1.83 percent of the 1,202,920 arrest records submitted to DPS during that time period. Automated controls in the Computerized Criminal History System log those errors for the criminal justice agencies to correct and resubmit.

As part of its monitoring process, DPS also examines some information that criminal justice agencies submit to the Computerized Criminal History System. If DPS data entry operators identify erroneous information, they can modify or delete those erroneous data elements rather than rejecting the entire submission of information. The data elements that DPS data entry operators can modify or delete includes Texas driver's license number, citizenship status, address, license plate, and Social Security number. While none of those elements is required by the Texas Code of Criminal Procedure, the practice of modifying or deleting information could impact the completeness of those data elements that DPS modifies or deletes in the Computerized Criminal History System. Texas Code of Criminal Procedure, Section 60.02(c), requires DPS to maintain an accurate repository of criminal history records, and the weaknesses discussed above limit DPS's ability to ensure the accuracy of the information.

## Recommendations

DPS should:

- Continue to provide training to law enforcement agencies on arrest record requirements, including DPS's processes for submitting accurate information for out-of-county arrests.

- Periodically review criminal records in the Computerized Criminal History System for common data entry errors, and follow up with criminal justice agencies that submitted erroneous records.

#### Management's Response from DPS

*DPS agrees with the recommendation and will:*

- *Continue to provide training to law enforcement agencies on arrest record requirements.*
- *Develop a plan to more aggressively address error issues with submitting agencies.*

*Responsible Party: Deputy Assistant Director, Crime Records Service*

*Target Implementation Date: January 2012*

Chapter 3-B

#### **TDCJ Should Improve Its Monitoring of Probation Information That Local Probation Offices Submit**

TDCJ has improved the quality of its probation information by implementing ISYS, which interfaces with case management systems at local probation offices and enables local probation offices to submit records and updates to records directly to TDCJ. However, TDCJ should improve the accuracy of ISYS by tracking the resolution of erroneous information that local probation departments submit.

TDCJ maintains a log of errors in probation information that local probation departments submit, but it does not track those errors to verify whether they are corrected. Specifically, TDCJ maintains an electronic log of erroneous records for each local probation office that submits information to ISYS. This automated control helps to identify potentially inaccurate information; however, after TDCJ identifies errors, it does not verify that the erroneous information is corrected. Instead, TDCJ relies on the 121 local probation offices to access the error logs and correct the errors. It does not have a formal process to ensure that all identified errors are consistently corrected.

Auditors reviewed the error logs for the five largest local probation offices. TDCJ identified errors in 415,453 (22.60 percent) of the 1,838,576 probation records those local probation offices submitted from September 1, 2009, through February 28, 2011. In April 2011, TDCJ asserted that it was not able to determine how many of those errors remained and how many had been corrected. Texas Code of Criminal Procedure, Section 60.02(c), requires

TDCJ to maintain an accurate repository of criminal history records, and TDCJ cannot ensure that all probation records are accurate until it determines whether probation offices have corrected all known errors.

It is important to note that auditors visited two local probation departments and did not identify any errors in the 60 probation files tested. Auditors also observed that each of those local probation offices actively corrected errors that TDCJ identified in the information that those local probation offices submitted. Therefore, both local probation offices were taking action to correct the errors that TDCJ identified. However, it will not be possible to determine the accuracy of probation records that all 121 local probation offices have submitted until TDCJ implements a process to ensure that all known errors have been corrected.

### Recommendation

TDCJ should develop and implement a process to periodically monitor the number of erroneous records that local probation departments have corrected in ISYS and the number of erroneous records they have not yet corrected.

### Management's Response from TDCJ

*Concur.*

*The TDCJ-CJAD will send email notifications to CSCD directors who's CSCDs have a higher rate of missing SIDs and/or TRNs than the state average and monitor the progress of the error corrections. In addition, the TDCJ-CJAD will continue to educate the 121 CSCDs on the importance of reviewing CSTS/ISYS error reports and making needed corrections.*

*Target Date: November 30, 2011*

## ***DPS and TDCJ Should Strengthen Certain Information Technology Controls***

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DPS should strengthen certain information technology controls in its Computerized Criminal History System, and TDCJ should strengthen certain information technology controls in its Corrections Tracking System to ensure that CJIS records in those systems are protected from unauthorized changes and are available for criminal history background checks.

### Chapter 4-A

#### **DPS Should Strengthen Certain Information Technology Policies and Controls in the Computerized Criminal History System**

DPS should strengthen user access controls. Auditors reviewed access to the Computerized Criminal History System at DPS and identified control weaknesses that increase the risk of unauthorized modification or deletion of criminal records. Those weaknesses included the following:

- DPS should further restrict access to update crime records in the Computerized Criminal History System. Specifically:
  - ♦ Twenty-six staff had administrative access that enabled them to modify criminal records, security configurations, and application functionality for the Computerized Criminal History System. However, only one of those individuals required the ability to modify security configurations to perform the individual's job duties.
  - ♦ Two individuals with data entry roles still had access to the Computerized Criminal History System, even though DPS no longer employed them. In addition, two individuals changed positions at DPS but maintained the ability to update criminal records.
- DPS inappropriately granted eight programmers administrative access that enables them to modify the production databases that store Computerized Criminal History System data. Programmers make changes to those databases on a weekly basis, but the duties associated with making those changes are not segregated to reduce the risk that unauthorized changes could be made to criminal records.
- DPS did not appropriately manage access to criminal records stored on an external Web site that is used to perform criminal history background checks. Job responsibilities changed for 3 (10.00 percent) of 30 randomly selected users that auditors sampled and those users no longer required the ability to conduct criminal history background checks; however, they still had access to do so.

- DPS granted access to nine staff that would allow them to modify or delete audit trails in the Computerized Criminal History System. Modifying or deleting audit trails would limit DPS's ability to identify specifically who made changes to the system.

When users have inappropriate access to the Computerized Criminal History System, this increases the risk of fraud and unauthorized modification of criminal records. It is important to note that auditors did not detect any instances of fraud, and DPS maintains audit trails for changes to the Computerized Criminal History System. However, DPS may not be able to detect an unauthorized modification to that system if audit trails are also modified. Title 1, Texas Administrative Code, Section 202.25 (6)(C), requires all state agencies to approve security changes through a change control process.

Auditors reviewed documentation for 10 changes that programmers made to the Computerized Criminal History System from February 1, 2011, to March 31, 2011, and determined that DPS reviewed and approved all 10 changes prior to implementation. However, a risk still exists that programmers could make unauthorized and undocumented changes to the Computerized Criminal History System. In addition, although security officials at DPS asserted that they review logs of suspicious attempts to access the Computerized Criminal History System, DPS does not have a formal process for monitoring security events related to those attempts. As a result, DPS may not be able to detect unauthorized changes to the Computerized Criminal History System.

The weaknesses described above also indicate that DPS should enhance its policies for updating and modifying its systems to ensure that it segregates the duties of making changes to the Computerized Criminal History System and placing those changes in the production environment.

DPS should require users to undergo fingerprint-based criminal history background searches before it allows them to conduct criminal history background checks for other individuals. In February 2006, the State Auditor's Office recommended that DPS perform fingerprint-based criminal history background checks on users who conduct criminal history background checks for other individuals.<sup>4</sup> However, DPS did not implement that recommendation. DPS does not require users who access its Computerized Criminal History System Web site to receive fingerprint-based checks.

DPS should strengthen backup and disaster recovery controls. DPS should test its backup and recovery operations for the Computerized Criminal History System database and its disaster recovery plan for its Automated Fingerprint Identification System (AFIS), both of which are critical components of the Computerized Criminal History System. DPS has developed a disaster

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<sup>4</sup> See *An Audit Report on the Criminal Justice Information System*, State Auditor's Office Report No. 06-022, February 2006.



recovery plan for AFIS, but it has not tested that plan as required by Title 1, Texas Administrative Code, Section 202.24(a)(4)(D). DPS uses AFIS to match fingerprints to identify each individual for whom a criminal record is submitted.

If an unexpected disaster occurred, users may not be able to access the Computerized Criminal History System to submit criminal records or obtain criminal history background checks.

## Recommendations

DPS should:

- Comply with all applicable sections of Title 1 of the Texas Administrative Code when administering the Computerized Criminal History System, including:
  - ♦ Reviewing the access of all users with special access to the Computerized Criminal History System, and revoking all access that is not necessary for users to complete their job responsibilities.
  - ♦ Developing and implementing a process to deactivate or revise user access to the Computerized Criminal History System in a timely manner when users' job responsibilities change.
  - ♦ Segregating the duties of developing and installing all changes to the Computerized Criminal History System, operating systems, and databases.
  - ♦ Developing policies and procedures for monitoring attempts to access the Computerized Criminal History System and related resources.
  - ♦ Testing the backup and recovery capabilities of the Computerized Criminal History System and AFIS to ensure that it can recover those systems.
- Perform fingerprint-based criminal history background checks on all individuals who request access to nonpublic criminal history information.

## Management's Response from DPS

*DPS agrees with the recommendations and will:*

- *Review the access of all users with special access and revoke all access that is not necessary.*
- *Institute a periodic review of access roles.*

*Responsible Party: Deputy Assistant Director, Crime Records Service*

*Target Implementation Date: November 2011*

- *Implement a process to deactivate or revise user access to the Computerized Criminal History System in a timely manner when users' job responsibilities change.*

*Responsible Party: Human Resources Director and Manager, Information Technology Division*

*Target Implementation Date: January 2012*

- *Segregate the duties of developing and installing all changes to the Computerized Criminal History System, operating systems, and databases. Where segregation is not feasible in order to accomplish deployments, we will review current authorizations and limit privileges to only those required.*

*Responsible Party: Manager of Law Enforcement Support, Information Technology Division*

*Target Implementation Date: November 2011*

- *Develop policies and procedures for monitoring attempts to access the Computerized Criminal History System and related resources.*

*Responsible Party: Assistant Director, Information Technology Division*

*Target Implementation Date: November 2011*

- *Currently there is no statutory authority to perform fingerprint based CHRI checks on individuals that do not have terminal access to CHRI. When statutory authority is granted, DPS will perform fingerprint-based criminal history background checks on all individuals who request access to nonpublic criminal history information.*

*Responsible Party: Deputy Assistant Director, Crime Records Service*

*Target Implementation Date: Pending Statutory Authority*

- *Test the backup and recovery capabilities of the Computerized Criminal History System and AFIS to ensure that it can recover those systems.*

*Responsible Party: Assistant Director, Information Technology Division*

*Target Implementation Date: June 2014*

## TDCJ Should Strengthen Specific Information Technology Controls in the Corrections Tracking System

TDCJ should improve segregation of duties. TDCJ should improve the security of criminal records by limiting programmers' ability to modify the Corrections Tracking System and ISYS (the system in which TDCJ collects information on offenders in its probation programs, see Chapter 1 for additional details). Specifically:

- TDCJ does not properly restrict programmers' access to the Corrections Tracking System. As a result, certain programmers can directly update criminal records in the Corrections Tracking System. It is important to prevent or restrict programmers' access to production data. Title 1, Texas Administrative Code, Section 202.25 (6)(C), requires all state agencies to approve security changes through a change control process.
- TDCJ does not properly restrict two programmers' access to ISYS. As a result, those programmers can directly modify probation records and database configurations in ISYS.

Auditors tested all 17 documented changes that employees made to TDCJ systems from May 10, 2010, through May 9, 2011, and determined that all of those changes were authorized. However, without proper segregation of duties, a risk still exists that unauthorized changes would not be detected or prevented.

TDCJ should enhance its policies for updating and modifying systems that contain CJIS data. Since the State Auditor's Office's February 2006 audit, TDCJ has been involved in the data center consolidation project with the Department of Information Resources (DIR) and DIR's contractor.<sup>5</sup> However, TDCJ should modify its change management policies to formalize the roles and responsibilities of DIR's contractor. Having a formal process would help TDCJ ensure that changes to the Corrections Tracking System are properly controlled and authorized. Title 1, Texas Administrative Code, Section 202.20, requires all state agencies to modify data in an authorized manner. In addition, Title 28, Code of Federal Regulations, Section 20.21(f)(3)(i), requires computer operations that support CJIS to follow procedures developed or approved by the participating criminal justice agency.

TDCJ should improve security by configuring certain security options. TDCJ has not configured its mainframe security system to protect key database files that store some criminal data for the Corrections Tracking System, although it has configured the mainframe security system to protect many other system

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<sup>5</sup> See *An Audit Report on the Department of Information Resources and State Data Center Consolidation*, State Auditor's Office Report No. 09-051, August 2009.

resources, such as data files, user accounts, and key configurations. If an unprotected database file was deleted, TDCJ could risk losing criminal data and disrupting the availability of the Corrections Tracking System. Title 28, Code of Federal Regulations, Section 20.21(f)(3)(i)(b), requires CJIS to prohibit destruction of records from any unintended terminal.

TDCJ also should activate audit trails that log key data for certain tables and applications in the Corrections Tracking System database. Both TDCJ staff and state data center contractor staff can make changes to data. Therefore, activating audit trails would enable TDCJ to monitor critical data for unauthorized changes and help to enhance the quality of CJIS data. Title 1, Texas Administrative Code, Section 202.25 (5)(B), requires state agencies to maintain appropriate audit trails to protect mission-critical information.

## Recommendations

TDCJ should:

- Segregate the duties of making and deploying all changes to the Corrections Tracking System, operating systems, and databases to help ensure compliance with Title 1, Texas Administrative Code, Section 202.25 (6)(C).
- Establish policies and procedures that differentiate between changes that it is responsible for making to its automated systems and changes that contractors are responsible for making to help ensure compliance with Title 1, Texas Administrative Code, Section 202.20 (5).
- Configure its mainframe security software to secure all critical components of the Corrections Tracking System and database.
- Use a risk-based process to activate and monitor audit trails for all changes to criminal records in the Corrections Tracking System to help ensure compliance with Title 1, Texas Administrative Code, Section 202.25 (5)(B).

## Management's Response from TDCJ

*Concur.*

*The TDCJ will add additional segregation of duties to limit programmers' ability to modify the Corrections Tracking System in accordance with Title 1, Texas Administrative Code, Section 202.25(6)(c).*

*The TDCJ will modify change management policies to formalize roles and responsibilities of contractors in accordance with Title 1, Texas Administrative Code, Section 202.20.*

*The TDCJ will make the recommended adjustments and/or configuration changes to help reduce risk of losing criminal data and/or disrupting the availability of the Corrections Tracking System in accordance with Title 28, Code of Federal Regulations, Section 20.21 (f)(3)(i)(b). The TDCJ also intends to maintain sufficient active audit trails to log key data to monitor critical data for unauthorized changes in accordance with Title 1, Texas Administrative Code, Section 202.25(5)(B).*

*Target Date: March 31, 2012*

# Appendices

Appendix 1

## **Objective, Scope, and Methodology**

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### **Objective**

The objective of this audit was to determine whether controls over the Criminal Justice Information System (CJIS) provide reasonable assurance that data in the system is complete, accurate, and up to date.

### **Scope**

The scope of this audit covered data in CJIS from September 1, 2009, through November 30, 2010, as well as system controls. The period of review for access and general controls of the Computerized Criminal History System at the Department of Public Safety (DPS) and the Corrections Tracking System at the Texas Department of Criminal Justice (TDCJ) was from March 2011 through July 2011.

### **Methodology**

The audit methodology included reviewing the process for collecting criminal records at DPS and TDCJ; analyzing performance reports that DPS uses to determine completeness of criminal records; analyzing error reports, correction logs, and compliance reports from key systems at both DPS and TDCJ; reviewing the flash notice system; assessing the CJIS information technology control environment and relevant subsystems; and visiting criminal justice agencies that submit data to CJIS. Auditors determined that the completeness and accuracy of data in CJIS should be improved before users can more fully rely on CJIS data for conducting criminal history background checks.

Auditors assessed the reliability of data in the systems that comprise CJIS, including the Computerized Criminal History system at DPS and the Corrections Tracking System at TDCJ. To assess the reliability of those systems, auditors conducted interviews, visited criminal justice agencies, tested source documentation for key data elements, reviewed access controls, reviewed processes used to modify and update computer data (change management), and performed analysis of key data fields. The results of those tests indicated that CJIS data was not reliable because courts and prosecutor offices do not submit all criminal records to DPS. State agencies, law enforcement officers, and employers that use the Computerized Criminal History System to conduct criminal history background checks may not receive complete information because a significant number of court records and prosecutor records are never submitted for inclusion in that system. See

Chapter 1-A of this report for details and recommendations on incomplete criminal records in the Computerized Criminal History System.

Information collected and reviewed included the following:

- DPS's *Report on Criminal History Background Checks*, January 2009.
- DPS's *Criminal Justice Information System User Guide*.
- DPS change management policies.
- Disaster recovery plan for DPS's Automated Fingerprint Identification System.
- Access lists for users who could update the Computerized Criminal History System.
- DPS's *Report Examining Compliance To The Texas Computerized Criminal History System*.
- Records submitted to the Computerized Criminal History System from September 2009 through November 2010.
- TDCJ information security program information.
- TDCJ change management policies.
- Access lists for users who could update the Corrections Tracking System and TDCJ's Intermediate System (ISYS).
- Transaction and error logs from ISYS.
- Corrections Tracking System records for offenders admitted to jail, prison, or probation in November 2010.
- ISYS records without a state identification number from January 2005 through March 2011.

Procedures and tests conducted included the following:

- Analyzed the criminal justice processes related to CJIS data.
- Reviewed access configurations for DPS's Computerized Criminal History System, database, and Web site.
- Tested DPS's processes for modifying the Computerized Criminal History System.

- Visited four law enforcement agencies, two prosecutor offices, and one court and tested the accuracy of criminal records submitted by each of those entities.
- Calculated the percent of arrest records that prosecutor offices or courts disposed.
- Reconciled TDCJ offender data with DPS arrest, prosecution, and court records.
- Calculated the average time criminal justice agencies take to submit records to DPS.
- Reviewed the process by which DPS and TDCJ exchange information to create flash notices for arrested offenders.
- Attended training for ISYS.
- Reviewed access configurations for TDCJ's Corrections Tracking System and database.
- Reviewed access configurations for ISYS and database.
- Tested TDCJ's processes for modifying information resources.
- Visited two local probation offices and tested the accuracy of probation records submitted by each.
- Analyzed the completeness of state identification numbers for probation records in ISYS.

Criteria used included the following:

- Texas Code of Criminal Procedure, Chapter 60.
- Title 1, Texas Administrative Code, Chapter 202.
- Title 37, Texas Administrative Code, Chapter 27.
- Texas Government Code, Chapter 411.
- Texas Government Code, Chapter 509.
- Title 28, Code of Federal Regulations, Chapter 20.

## **Project Information**

Audit fieldwork was conducted from March 2011 through July 2011. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and



perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

The following members of the State Auditor's staff performed the audit:

- Kels Farmer, MBA, CISA (Project Manager)
- Anton Dutchover, BBA (Assistant Project Manager)
- Jeff Grymkoski
- Karen S. Mullen, CGAP
- Alyassia Taylor, MBA, CGAP
- Adam Wright, CFE, CGAP, CIA
- Michael Yokie, CISA
- Dana Musgrave, MBA (Quality Control Reviewer)
- Nicole M. Guerrero, MBA, CIA, CGAP, CICA (Audit Manager)

## ***Criminal Justice Agencies That Auditors Visited***

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Table 4 lists the nine criminal justice agencies that auditors visited while conducting this audit.

Table 4

<b>Criminal Justice Agencies That Auditors Visited</b>	
<b>Agency Name</b>	<b>Agency Type</b>
Bexar County Community Supervision and Corrections Department	Local Probation Office
Garland Police Department	Law Enforcement Agency
Harris County Community Supervision and Corrections Department	Local Probation Office
Harris County District Clerk's Office	Court Office
Harris County Sheriff's Office	Law Enforcement Agency
Houston District Attorney's Office	Prosecutor's Office
Houston Police Department	Law Enforcement Agency
Kerr County Sheriff's Office	Law Enforcement Agency
Tarrant County Criminal District Attorney's Office	Prosecutor's Office

## Counties That Did Not Submit Dispositions Associated with Fiscal Year 2009 Arrests

The Department of Public Safety (DPS) produces a report that details, by county, the number and percent of matching arrests and dispositions so that prosecutor offices and courts can review their performance and correct any errors. Texas Code of Criminal Procedure, Section 60.06, requires district courts, county courts, district attorney offices, and prosecutor offices to submit all criminal records to DPS. Table 5 lists the number of arrests each county reported from September 1, 2008, through August 31, 2009, and the number of prosecutor and court records associated with each arrest that had been submitted to DPS as of January 2011.

Table 5

Adult Arrest Records Submitted to DPS from September 1, 2008, to August 31, 2009 And Associated Prosecutor or Court Office Records Submitted to DPS as of January 2011			
County	Total Arrests Submitted to DPS	Total Dispositions Submitted to DPS	Percent of Arrests for Which Disposition Records Were Submitted to DPS
Anderson County	2,028	709	34.96%
Andrews County	893	741	82.98%
Angelina County	2,610	2,059	78.89%
Aransas County	740	593	80.14%
Archer County	232	167	71.98%
Armstrong County	89	48	53.93%
Atascosa County	1,486	864	58.14%
Austin County	899	689	76.64%
Bailey County	147	117	79.59%
Bandera County	552	468	84.78%
Bastrop County	1,809	1,223	67.61%
Baylor County	139	99	71.22%
Bee County	1,275	653	51.22%
Bell County	9,370	7,485	79.88%
Bexar County	49,613	37,562	75.71%
Blanco County	238	86	36.13%
Borden County	14	6	42.86%
Bosque County	475	336	70.74%
Bowie County	3,456	1,750	50.64%
Brazoria County	9,087	7,601	83.65%

**Adult Arrest Records Submitted to DPS from September 1, 2008, to August 31, 2009  
And Associated Prosecutor or Court Office Records Submitted to DPS as of January 2011**

County	Total Arrests Submitted to DPS	Total Dispositions Submitted to DPS	Percent of Arrests for Which Disposition Records Were Submitted to DPS
Brazos County	6,675	5,442	81.53%
Brewster County	542	270	49.82%
Briscoe County	38	30	78.95%
Brooks County	1,136	155	13.64%
Brown County	1,888	1,450	76.80%
Burleson County	547	368	67.28%
Burnet County	1,580	1,008	63.80%
Caldwell County	1,494	1,206	80.72%
Calhoun County	941	659	70.03%
Callahan County	360	308	85.56%
Cameron County	11,730	4,469	38.10%
Camp County	666	497	74.62%
Carson County	430	267	62.09%
Cass County	936	513	54.81%
Castro County	159	66	41.51%
Chambers County	1,535	1,006	65.54%
Cherokee County	1,907	1,331	69.80%
Childress County	355	260	73.24%
Clay County	340	242	71.18%
Cochran County	47	21	44.68%
Coke County	92	72	78.26%
Coleman County	235	135	57.45%
Collin County	11,720	9,216	78.63%
Collingsworth County	130	44	33.85%
Colorado County	908	868	95.59%
Comal County	3,068	1,678	54.69%
Comanche County	516	412	79.84%
Concho County	96	40	41.67%
Cooke County	885	673	76.05%
Coryell County	1,968	1,403	71.29%
Cottle County	42	21	50.00%
Crane County	116	91	78.45%
Crockett County	292	221	75.68%
Crosby County	179	135	75.42%
Culberson County	122	4	3.28%

**Adult Arrest Records Submitted to DPS from September 1, 2008, to August 31, 2009  
And Associated Prosecutor or Court Office Records Submitted to DPS as of January 2011**

County	Total Arrests Submitted to DPS	Total Dispositions Submitted to DPS	Percent of Arrests for Which Disposition Records Were Submitted to DPS
Dallam County	280	192	68.57%
Dallas County	67,269	49,227	73.18%
Dawson County	302	67	22.19%
Deaf Smith County	898	746	83.07%
Delta County	172	129	75.00%
Denton County	12,890	10,046	77.94%
Dewitt County	698	591	84.67%
Dickens County	54	46	85.19%
Dimmit County	415	104	25.06%
Donley County	153	97	63.40%
Duval County	1,033	553	53.53%
Eastland County	640	543	84.84%
Ector County	5,686	4,398	77.35%
Edwards County	45	7	15.56%
El Paso County	20,666	14,867	71.94%
Ellis County	3,578	2,898	80.99%
Erath County	1,041	873	83.86%
Falls County	539	482	89.42%
Fannin County	965	729	75.54%
Fayette County	601	498	82.86%
Fisher County	83	65	78.31%
Floyd County	77	48	62.34%
Foard County	17	1	5.88%
Fort Bend County	10,201	7,299	71.55%
Franklin County	347	189	54.47%
Freestone County	621	419	67.47%
Frio County	679	308	45.36%
Gaines County	685	582	84.96%
Galveston County	12,830	11,312	88.17%
Garza County	176	118	67.05%
Gillespie County	676	574	84.91%
Glasscock County	10	4	40.00%
Goliad County	258	238	92.25%
Gonzales County	895	602	67.26%
Gray County	1,135	638	56.21%

**Adult Arrest Records Submitted to DPS from September 1, 2008, to August 31, 2009  
And Associated Prosecutor or Court Office Records Submitted to DPS as of January 2011**

County	Total Arrests Submitted to DPS	Total Dispositions Submitted to DPS	Percent of Arrests for Which Disposition Records Were Submitted to DPS
Grayson County	3,864	2,704	69.98%
Gregg County	5,796	4,248	73.29%
Grimes County	708	296	41.81%
Guadalupe County	2,862	2,166	75.68%
Hale County	1,215	503	41.40%
Hall County	88	38	43.18%
Hamilton County	261	174	66.67%
Hansford County	54	42	77.78%
Hardeman County	196	138	70.41%
Hardin County	2,109	1,403	66.52%
Harris County	103,200	100,286	97.18%
Harrison County	2,130	1,675	78.64%
Hartley County	133	92	69.17%
Haskell County	158	132	83.54%
Hays County	5,303	3,760	70.90%
Hemphill County	115	72	62.61%
Henderson County	3,117	2,148	68.91%
Hidalgo County	21,382	14,570	68.14%
Hill County	1,574	696	44.22%
Hockley County	839	478	56.97%
Hood County	1,697	1,488	87.68%
Hopkins County	1,493	1,227	82.18%
Houston County	709	512	72.21%
Howard County	1,512	1,247	82.47%
Hudspeth County	290	4	1.38%
Hunt County	3,046	2,381	78.17%
Hutchinson County	820	416	50.73%
Irion County	31	26	83.87%
Jack County	171	126	73.68%
Jackson County	854	699	81.85%
Jasper County	1,572	888	56.49%
Jeff Davis County	2	1	50.00%
Jefferson County	8,910	6,644	74.57%
Jim Hogg County	309	132	42.72%
Jim Wells County	1,310	555	42.37%

**Adult Arrest Records Submitted to DPS from September 1, 2008, to August 31, 2009  
And Associated Prosecutor or Court Office Records Submitted to DPS as of January 2011**

County	Total Arrests Submitted to DPS	Total Dispositions Submitted to DPS	Percent of Arrests for Which Disposition Records Were Submitted to DPS
Johnson County	3,529	2,996	84.90%
Jones County	408	326	79.90%
Karnes County	328	192	58.54%
Kaufman County	3,078	2,263	73.52%
Kendall County	422	256	60.66%
Kenedy County	385	265	68.83%
Kent County	16	12	75.00%
Kerr County	2,317	1,974	85.20%
Kimble County	287	208	72.47%
King County	42	30	71.43%
Kinney County	89	41	46.07%
Kleberg County	1,744	1,234	70.76%
Knox County	107	68	63.55%
La Salle County	376	55	14.63%
Lamar County	1,900	1,819	95.74%
Lamb County	283	225	79.51%
Lampasas County	661	589	89.11%
Lavaca County	517	415	80.27%
Lee County	716	489	68.30%
Leon County	460	319	69.35%
Liberty County	2,092	1,631	77.96%
Limestone County	937	702	74.92%
Lipscomb County	49	44	89.80%
Live Oak County	481	344	71.52%
Llano County	705	268	38.01%
Loving County	9	1	11.11%
Lubbock County	11,668	9,526	81.64%
Lynn County	305	196	64.26%
Madison County	467	390	83.51%
Marion County	580	542	93.45%
Martin County	99	38	38.38%
Mason County	76	71	93.42%
Matagorda County	1,690	1,424	84.26%
Maverick County	1,249	268	21.46%
McCulloch County	277	201	72.56%

**Adult Arrest Records Submitted to DPS from September 1, 2008, to August 31, 2009  
And Associated Prosecutor or Court Office Records Submitted to DPS as of January 2011**

County	Total Arrests Submitted to DPS	Total Dispositions Submitted to DPS	Percent of Arrests for Which Disposition Records Were Submitted to DPS
McLennan County	10,223	8,596	84.08%
McMullen County	16	13	81.25%
Medina County	1,585	850	53.63%
Menard County	167	158	94.61%
Midland County	5,343	4,149	77.65%
Milam County	1,006	852	84.69%
Mills County	96	82	85.42%
Mitchell County	288	184	63.89%
Montague County	700	270	38.57%
Montgomery County	12,740	7,191	56.44%
Moore County	1,046	926	88.53%
Morris County	649	525	80.89%
Motley County	13	10	76.92%
Nacogdoches County	2,979	2,017	67.71%
Navarro County	2,112	1,661	78.65%
Newton County	553	361	65.28%
Nolan County	797	609	76.41%
Nueces County	13,292	10,725	80.69%
Ochiltree County	544	423	77.76%
Oldham County	143	58	40.56%
Orange County	2,899	1,918	66.16%
Palo Pinto County	1,149	827	71.98%
Panola County	1,001	531	53.05%
Parker County	2,910	2,311	79.42%
Parmer County	331	251	75.83%
Pecos County	601	225	37.44%
Polk County	1,739	1,230	70.73%
Potter County	5,692	4,774	83.87%
Presidio County	5	1	20.00%
Rains County	395	319	80.76%
Randall County	2,843	2,356	82.87%
Reagan County	137	77	56.20%
Real County	111	45	40.54%
Red River County	461	297	64.43%
Reeves County	511	249	48.73%



**Adult Arrest Records Submitted to DPS from September 1, 2008, to August 31, 2009  
And Associated Prosecutor or Court Office Records Submitted to DPS as of January 2011**

County	Total Arrests Submitted to DPS	Total Dispositions Submitted to DPS	Percent of Arrests for Which Disposition Records Were Submitted to DPS
Refugio County	467	352	75.37%
Roberts County	10	3	30.00%
Robertson County	817	666	81.52%
Rockwall County	2,306	1,953	84.69%
Runnels County	458	278	60.70%
Rusk County	1,148	795	69.25%
Sabine County	265	204	76.98%
San Augustine County	441	157	35.60%
San Jacinto County	635	419	65.98%
San Patricio County	3,037	2,550	83.96%
San Saba County	227	120	52.86%
Schleicher County	138	92	66.67%
Scurry County	727	616	84.73%
Shackelford County	125	99	79.20%
Shelby County	1,198	783	65.36%
Sherman County	25	14	56.00%
Smith County	6,224	5,555	89.25%
Somervell County	153	117	76.47%
Starr County	1,902	284	14.93%
Stephens County	449	297	66.15%
Sterling County	80	69	86.25%
Stonewall County	49	37	75.51%
Sutton County	161	103	63.98%
Swisher County	164	25	15.24%
Tarrant County	46,129	29,977	64.99%
Taylor County	5,778	4,812	83.28%
Terrell County	15	4	26.67%
Terry County	481	224	46.57%
Throckmorton County	34	22	64.71%
Titus County	1,331	649	48.76%
Tom Green County	4,697	3,826	81.46%
Travis County	40,323	19,507	48.38%
Trinity County	274	95	34.67%
Tyler County	640	478	74.69%
Unknown or Out of State	611	215	35.19%

**Adult Arrest Records Submitted to DPS from September 1, 2008, to August 31, 2009  
And Associated Prosecutor or Court Office Records Submitted to DPS as of January 2011**

County	Total Arrests Submitted to DPS	Total Dispositions Submitted to DPS	Percent of Arrests for Which Disposition Records Were Submitted to DPS
Upshur County	1,150	889	77.30%
Upton County	124	64	51.61%
Uvalde County	1,307	610	46.67%
Val Verde County	929	460	49.52%
Van Zandt County	1,285	691	53.77%
Victoria County	3,941	3,073	77.98%
Walker County	2,066	1,362	65.92%
Waller County	1,379	772	55.98%
Ward County	542	500	92.25%
Washington County	1,496	1,246	83.29%
Webb County	10,433	2,828	27.11%
Wharton County	2,010	1,637	81.44%
Wheeler County	175	110	62.86%
Wichita County	5,886	4,194	71.25%
Wilbarger County	724	601	83.01%
Willacy County	641	334	52.11%
Williamson County	10,037	8,758	87.26%
Wilson County	932	634	68.03%
Winkler County	269	201	74.72%
Wise County	2,140	1,872	87.48%
Wood County	1,160	843	72.67%
Yoakum County	240	169	70.42%
Young County	784	608	77.55%
Zapata County	614	6	0.98%
Zavala County	213	15	7.04%

Source: State Auditor's Office analysis of DPS reports on court and prosecutor offices' submission of disposition records.

## Counties That Did Not Submit Dispositions for TDCJ Admissions in November 2010

Auditors reviewed the records of 21,351 offenders in jail, in prison, or on probation who were convicted of crimes and began serving sentences in November 2010. The Department of Public Safety's Computerized Criminal History System did not include prosecutor office or court records for 1,634 (7.65 percent) of those 21,351 offenders. Table 6 lists the 10 counties with the largest numbers of offenders without court or prosecutor office records in the Computerized Criminal History System.

Table 6

Ten Counties with the Largest Number of Offenders for Whom The Computerized Criminal Justice System Did Not Include Prosecutor Office or Court Records November 2010		
County	Number of Offenders Without Court or Prosecutor Office Records in the Computerized Criminal History System	Number of Offenders Without Court or Prosecutor Office Records in the Computerized Criminal History System as a Percent of Offenders Admitted to Jail, Prison, or Probation
Dallas County	215	1.01%
Travis County	137	0.64%
Cameron County	136	0.64%
Hidalgo County	110	0.52%
Bexar County	85	0.40%
Tarrant County	66	0.31%
McLennan County	39	0.18%
Fort Bend County	38	0.18%
Caldwell County	31	0.15%
Jefferson County	29	0.14%

Source: State Auditor's Office analysis of offenders that the Texas Department of Criminal Justice admitted to jail, prison, or probation in November 2010 and records in the Department of Public Safety's Computerized Criminal History System for September 1, 2009, through November 30, 2010.

## ***Counties Whose Probation Office Records Lacked Offenders' State Identification Numbers***

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As discussed in Chapter 1-B, local probation offices do not always submit a state identification number to the Texas Department of Criminal Justice's Intermediate System (ISYS), which is a component of the Corrections Tracking System. Texas Code of Criminal Procedure, Section 60.052, states that information in the Corrections Tracking System must include the offender's state identification number.

Table 7 lists the 10 counties with the largest number of probation records that did not have state identification numbers in ISYS in March 2011.

Table 7

<b>Ten Counties with the Largest Number of Active and Inactive Probation Records in March 2011 That Did Not Have Offenders' State Identification Numbers in ISYS</b>		
<b>County</b>	<b>Number of Probation Records with No State Identification Number</b>	<b>Percent of Total Probation Records with No State Identification Number</b>
Harris County	19,545	40.96%
Bexar County	3,671	7.69%
Gregg County	3,336	6.99%
Tarrant County	1,730	3.63%
El Paso County	1,691	3.54%
Nueces County	782	1.64%
Liberty County	717	1.50%
Dallas County	585	1.23%
Collin County	520	1.09%
Smith County	449	0.94%

Source: State Auditor's Office analysis of records in the Texas Department of Criminal Justice's ISYS.

## Counties That Did Not View Arrest Records Associated with Flash Notices

Auditors reviewed flash notices associated with the Texas Department of Criminal Justice's probation programs in May 2011 and determined that users representing 120 (47.24 percent) of the 254 counties in Texas had not viewed arrest records associated with flash notices for at least a six-month period. Table 8 lists the counties that had inactive accounts preventing them from viewing arrests associated with flash notices.

Table 8

Counties That Did Not View Arrest Records Associated with Flash Notices	
County Name	Status of Account
Anderson County	Inactive
Angelina County	Inactive
Archer County	Inactive
Armstrong County	Inactive
Austin County	Inactive
Bailey County	Inactive
Baylor County	Inactive
Bexar County	Inactive
Borden County	Inactive
Bosque County	Inactive
Brazos County	Inactive
Brewster County	Inactive
Briscoe County	Inactive
Brooks County	Inactive
Brown County	Inactive
Calhoun County	Inactive
Castro County	Inactive
Cherokee County	Inactive
Clay County	Inactive
Cochran County	Inactive
Coke County	Inactive
Colorado County	Inactive
Comanche County	Inactive
Concho County	Inactive
Cottle County	Inactive
Crockett County	Inactive

Counties That Did Not View Arrest Records Associated with Flash Notices	
County Name	Status of Account
Dallam County	Inactive
DeWitt County	Inactive
Dickens County	Inactive
Dimmit County	Inactive
Duval County	Inactive
Ector County	Inactive
Edwards County	Inactive
Fannin County	Inactive
Fayette County	Inactive
Fisher County	Inactive
Floyd County	Inactive
Foard County	Inactive
Fort Bend County	Inactive
Glasscock County	Inactive
Goliad County	Inactive
Gonzales County	Inactive
Hale County	Inactive
Hamilton County	Inactive
Hansford County	Inactive
Hardeman County	Inactive
Hardin County	Inactive
Hartley County	Inactive
Haskell County	Inactive
Hemphill County	Inactive
Hill County	Inactive
Hockley County	Inactive
Houston County	Inactive
Howard County	Inactive
Hutchinson County	Inactive
Irion County	Inactive
Jackson County	Inactive
Jeff Davis County	Inactive
Jefferson County	Inactive
Jim Hogg County	Inactive
Jim Wells County	Inactive
Kenedy County	Inactive
Kent County	Inactive

Counties That Did Not View Arrest Records Associated with Flash Notices	
County Name	Status of Account
King County	Inactive
Kinney County	Inactive
Kleberg County	Inactive
Knox County	Inactive
Lamar County	Inactive
Lamb County	Inactive
Lavaca County	Inactive
Lipscomb County	Inactive
Loving County	Inactive
Marion County	Inactive
Martin County	Inactive
Maverick County	Inactive
McLennan County	Inactive
Midland County	Inactive
Milam County	Inactive
Mills County	Inactive
Mitchell County	Inactive
Montague County	Inactive
Moore County	Inactive
Motley County	Inactive
Navarro County	Inactive
Nolan County	Inactive
Ochiltree County	Inactive
Panola County	Inactive
Parmer County	Inactive
Pecos County	Inactive
Potter County	Inactive
Presidio County	Inactive
Randall County	Inactive
Reagan County	Inactive
Reeves County	Inactive
Refugio County	Inactive
Roberts County	Inactive
Runnels County	Inactive
Schleicher County	Inactive
Scurry County	Inactive
Shelby County	Inactive

Counties That Did Not View Arrest Records Associated with Flash Notices	
County Name	Status of Account
Sherman County	Inactive
Starr County	Inactive
Sterling County	Inactive
Stonewall County	Inactive
Sutton County	Inactive
Swisher County	Inactive
Terrell County	Inactive
Throckmorton County	Inactive
Tom Green County	Inactive
Upshur County	Inactive
Upton County	Inactive
Val Verde County	Inactive
Victoria County	Inactive
Waller County	Inactive
Ward County	Inactive
Wheeler County	Inactive
Wilbarger County	Inactive
Winkler County	Inactive
Wood County	Inactive
Zavala County	Inactive

Source: State Auditor's Office analysis of local probation offices' use of the Department of Public Safety's Web site in May 2011.



## ***Related State Auditor's Office Work***

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Related State Auditor's Office Work		
Number	Product Name	Release Date
06-022	An Audit Report on the Criminal Justice Information System	February 2006

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