Defense Portal General Instructions

For the Defense Lawyer Accessing, Navigating, and Using the Portal

August 25, 2021 – while every effort is made to provide up to date instructions and features, new programming is added periodically and screens or processes are updated.

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Defense Attorney Access to Discovery – for the Prosecutor

Defense Access is Predicated upon JIMS Attorney of Record Assignment

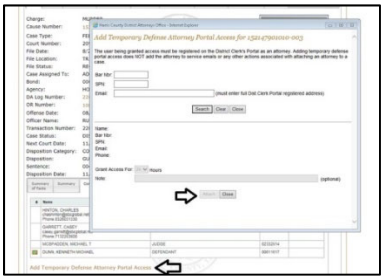
Generally speaking, the defense attorney must be the attorney of record as attached in JIMS via the clerk's system before that attorney may access the shared information. Once attached, the attorney can read most of the information displayed in the HCDA Search screen. Especially helpful to the defense is they can read the DIMS summary under the Summary of Facts screen. They can also see the "Files" tab which will give them a list of those eCase files that have been shared with the defense and the ability to open or download those files. They can also see the prior cases related to the same defendant and those summaries. Finally, they can see the Case Jacket that provides an overview of the offense and range of punishment (and soon to include offer tracking).

For delivery of items (like surveillance video) that cannot be added into eCase, see Preparing Copies of Discovery for Defense Counsel Outside the eCase Defense Portal.

Temporary Defense Access

When the clerk has not yet had an opportunity to connect the attorney to the case, you can allow an attorney you know to be the attorney of record immediate yet temporary access to our system so they may access the portal without waiting on the court clerk or coordinator to "attach" them to the case.

1. From the CCH screen, click the "connected" tab
2. At the bottom of that tab, click the option titled "Add Temporary Defense Attorney Portal Access" (see diagram below).
3. By then entering one of the criteria (bar number, SPN, or email address as it exists in the Clerk's website), you can then find the attorney.
4. Click "attach" to give the attorney access to the portal where they can see CCH and the portal, even before that attorney is officially attached via the clerk.



Caveats:

- While this gives immediate access, please note there can be up to a 10-15 minute delay due to a limitation between our system and the JIMS mainframe/clerk's office data.
- The attorney must be registered with the District Clerk's online system for any access to our system.
- This is case specific so if the defendant has multiple cases, you must make the temporary attachment for each case.
- The temporary access will last 24 hours to give the court clerk time to make the actual attachment - once the clerk attaches or 24 hours passes, the temporary attachment ends

Preparing Copies of Discovery for Defense Counsel Outside the eCase Defense Portal

When discovery needs to be copied and manually delivered to the defense attorney, use the Discovery Receipt eForm to create the form for sending the discovery to Intake and creating the receipt the defense attorney will sign. The defense attorney will pick up the discovery at Intake. Intake will have the defense attorney sign for the discovery and then add the receipt to eCase for documentation.

Note: defense attorneys are permitted to have someone else pick up their discovery on their behalf. If the defense attorney wishes to have someone else pick up their discovery, that person should bring a letter signed by the attorney of record that states the specific cause number, the defendant's name, and the legal name of the person who is authorized to accept the discovery for the attorney. That person must show valid identification and sign for the discovery on the attorney's behalf. We will keep a copy of the letter and place it in the defendant's eCase file as evidence of delivery.

What Can be Provided Outside the eCase Defense Portal

Only discovery that has (1) been actually requested by the defense attorney and (2) cannot otherwise be added to eCase for delivery via the defense portal should be copied and manually delivered to the defense attorney. All manual deliveries of such items are accomplished through this process and our Intake Division at 1301 Franklin, 1st floor.

Typically, this process would be for video that is not loaded into eCase, such as surveillance video or perhaps police video from smaller agencies that do not transfer their video to us via our IT department.

Creating the Discovery Receipt eForm

This process first assumes you have made copies of the miscellaneous media to be delivered to the defense attorney.

Create a Discovery Receipt.

Once the envelope and receipt are complete, place the envelope in the box located within your division's designated area. Examples: Misdemeanor = Located at the reception desk; Felony = Located at the reception desk.

At the end of the day, each division's box will be picked up and taken to Intake.

Email the Defense Attorney

Return to the case screen in CCH to complete an email to the defense attorney alerting them that discovery will be available for pick up at Intake.

1. Click on the "Connected" tab to find the current defense attorney and his or her email address.
2. Click on the defense counsel's email address to start an email to that attorney.
    a. Make sure you are using the correct attorney of record. "**PUBLIC DEFENDER AT PC DOCKET" is almost never the correct attorney**. "Previous Appointed Attorney" and "Previous Hired Attorney" are not correct either. Look for "Hired Defense Attorney" or "Appointed Defense Attorney" – in short, eliminate all that start with "previous".
3. The body of the message should say:
   "Discovery for the above case will be available for pick up at **1301 Franklin, Intake Division, Front Desk,** WITHIN 2-3 BUSINESS DAYS. If you are sending someone to pick up the discovery on your behalf, please provide them with a letter authorizing discovery pick-up for that particular

case. All defense attorneys or other designated persons should expect to show their ID when picking up discovery."

DA Portal General Instructions – for the Defense Attorney

The DA Portal gives the defense attorney access to those portions of the DAO electronic file that have been made available to the defense.

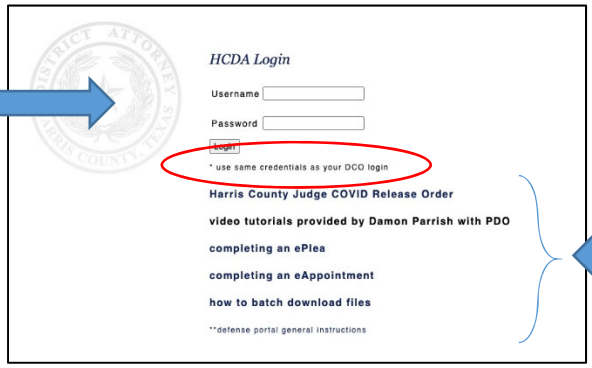
Accessing the Portal

The DA Portal is accessed by the defense attorney in two ways: (1) direct (https://web.dao.hctx.net) or (2) through the Harris County District Clerk's website. Using either method, you must first have an online account/login with the District Clerk. **Note:** You must be the attorney of record per the District Clerk's system before you will be able to access the portal for that case.

DIRECT ACCESS TO PORTAL

https://web.dao.hctx.net

Use your Harris County District Clerk login



Additional Resources and training type materials are located here and are updated periodically as new features are added

Once logged in, you will have a search screen within the DA Portal. You can search by name, cause, spn, and other fields. If you are not the attorney of record, your search will result in a message indicating no records found.

In addition to searching for cases, you can use the options on top of the screen to view a prosecutor directory for email and phone numbers as well as retrieve batch download files.

This is also where you will find jail calls if available through discovery

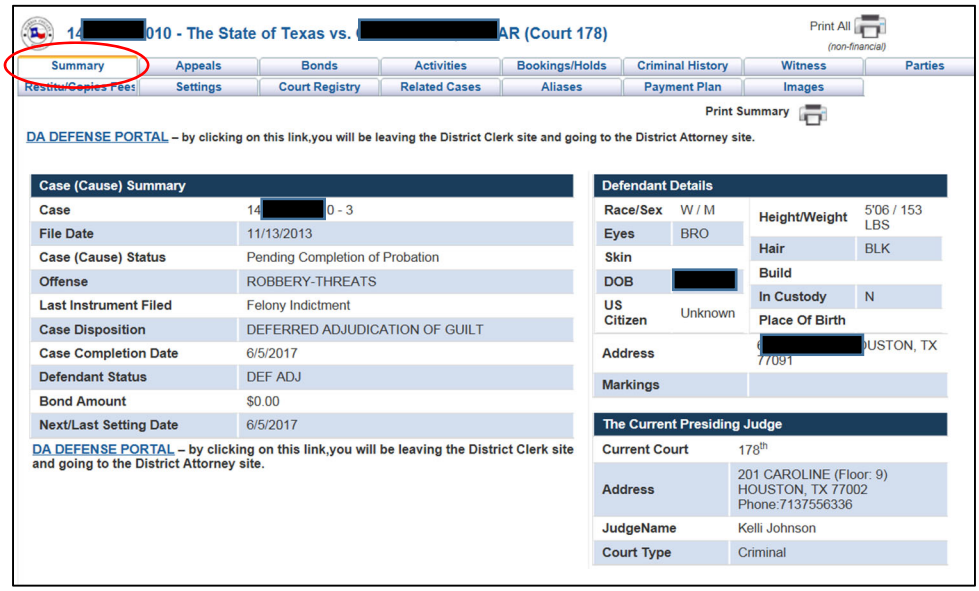
Once you search for and find a defendant to whom you are attached and have access, you can begin to use additional features.

ACCESSING PORTAL THROUGH THE CLERK'S WEBSITE

When you open your criminal case on the clerk's system, make sure you are on the "summary" tab, and you will see a link to the DA Portal.

Click on DA DEFENSE PORTAL as shown:

Click either link



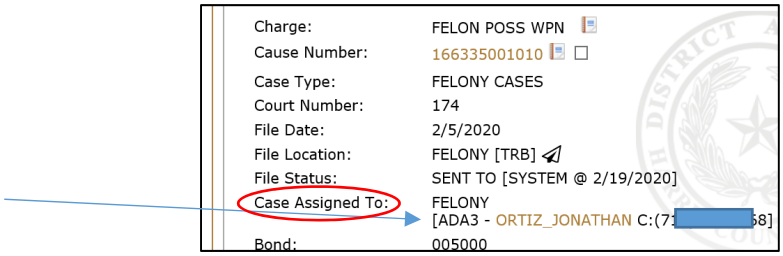
You will be asked to enter your credentials, as shown above – this is the SAME email/user and password that you use for the District Clerk's website. You will then be able to view the case via the DA Portal.

Once logged in - Parts of the Portal Access

ADA Directory and Contact Information

In the header, you can click ADA Contact Directory to access a PDF file showing current prosecutor assignments, email addresses, and county cell phones for all prosecutors.

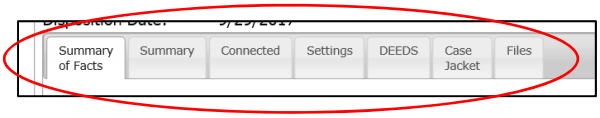
In addition to the directory, within the case information you will see the Division that is handling the case as well as the individual prosecutor who is assigned that case. Here, you can click the prosecutor's name (hyperlink) to generate an email to that prosecutor with this defendant's name and cause number already in the subject line. Additionally, you will see the prosecutor's county cell phone number. The case assignments are updated as the case is transferred to a new division or new prosecutor.



Defendant Screen/Case(s) Screen

The main screen is per defendant (by SPN aka system person number) and includes some identifying information as well as his pending and disposed Harris County cases.

Within each case or cause number, there is a set of tabs for information related to that cause.



The "summary of facts" tab gives you the DIMS summary entered by the police officer filing the charge. The "summary" tab is a view of the District Clerk's JWEB information. The "connected" tab shows the parties connected to the case. The "settings" tab is a view of the District Clerk's JWEB information for court/docket settings. The "DEEDS" tab will give you the District Clerk's public images for the file. The "case jacket" tab is the proverbial "front of the paper file" showing basic information and includes plea offers and offer tracking. Finally, the "Files" tab will be where you find *most* of your discovery.

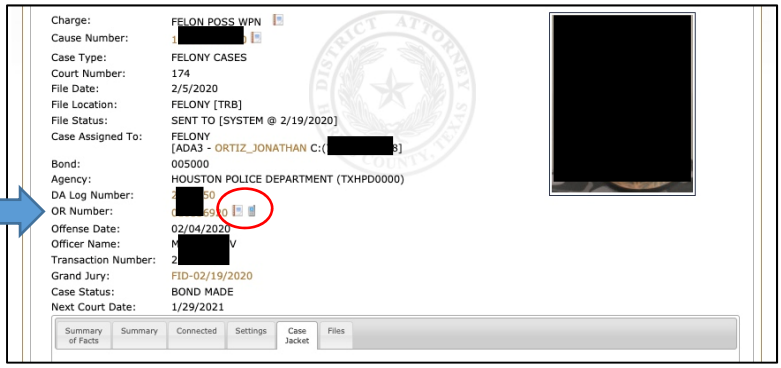
Viewing Your eDiscovery

While most discovery will be located in the "files" tab, that is not always the case. Currently some HPD discovery is accessed differently. Other agencies may change over time to mirror HPD methods.

Houston Police Department Offense Reports and Dispatch/Calls for Service Information

If the case is a Houston Police Department case, you can click on the report icon to view the current report and all entered supplements (so long as it is not a "confidential" file per HPD policy – which means the prosecutor cannot access it either from this link).

Report ICONs to view PDF of offense report and PDF of CAD dispatch/call records



Using these icons, you can pull the most current and possibly updated version of the report. For example, reviewing the offense report will return all current supplements. Be aware, you may have to check back to identify and view new supplements. There is currently no mechanism to notify the ADA or the defense attorney of "new" supplements to the report. Best practice is to check often and certainly before any plea or trial to make sure you have all available supplements.

Houston Police Department Videos

If the case is a Houston Police Department case, you will receive an email invite to a cloudshare from which to stream or download the videos associated with the case. All HPD dash-cam, body-cam, intox, and helicopter videos are stored in the HPD Evidence Library or Evidence Cloud (2 different systems). The prosecutor accesses the Evidence Library to stream video for review. Defense attorneys will receive access to that same system via an Evidence Library cloudshare link.

For more information on using the cloudshare, CLICK HERE.

If you have not received an email link to the video after 60 days, you should alert the prosecutor that you have not yet received the cloudshare.

Cloudshare only became available in October 2020 so older videos are likely in the DA Portal. Newer HPD video will not be placed in the portal but streamed or downloaded from the cloudshare instead.

Jail Calls

More info coming soon – if there are jail calls available, you would see a "JAIL CALLS" tab at the start of the defendant's information and above the individual case tabs.

Files (Evidence Documents, Photos, Video, etc.) and non-HPD Offense Reports

Click the "Files" tab to display a list of any available discovery items which you can open, view, or download.

Discovery items would be listed here if any are available

From the list of files, you can open, view, and save each file individually. Each line is a separate file. Date refers to the date the file became available to the defense attorney. You can sort any column to help you locate files in larger sets.

Note the ID# in the first column. This is a unique number for every file within the entire system. If you and the prosecutor wish to discuss a particular file, referring to the ID number (unique number for each file, document, or video) will make sure you are both looking at or considering the same file.

Additionally, you may wish to use the Batch Download capabilities (detailed below) to retrieve all non-video evidence in one zip file.

Batch Downloads

Defense attorneys have the ability to download all non-video evidence files in one zip file. Damon Parrish at the Public Defender's Office has provided a video tutorial on using this process. CLICK HERE to view the video via the HCCLA website.

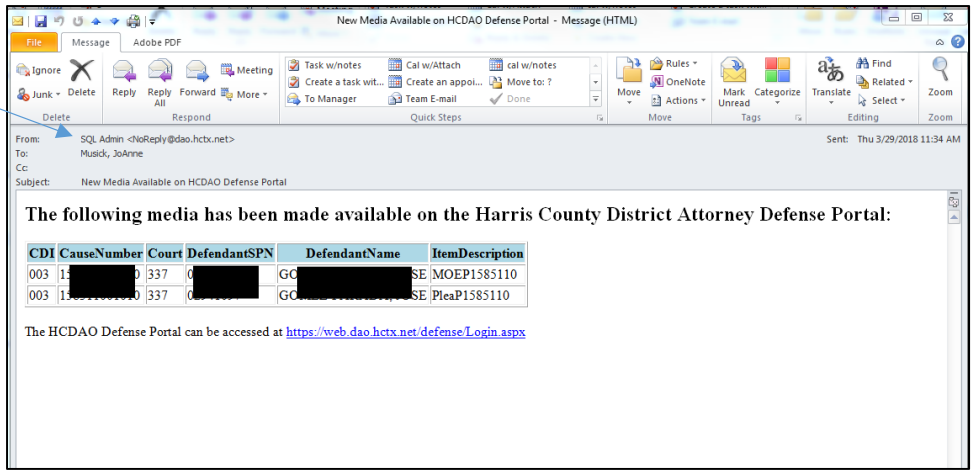
Unfortunately, if new files are added to the system after your batch download, you will have to download them individually or request a new batch file which would contain duplicates of anything already downloaded. There is no current means of selecting which files to include in the batch.

Because of their size, video files are currently NOT included in a batch download.

Automatic Email Notifications

As information is received, it is added to our eCase electronic case file. Once the item is in eCase, the prosecutor must review the items and mark each item as available to the defense before you will see it in the list of files. When items are made available to the defense, our system will generate an email notifying the attorney of record that new items are available.

Save this email address as a safe email to prevent or system from placing it in junk or spam

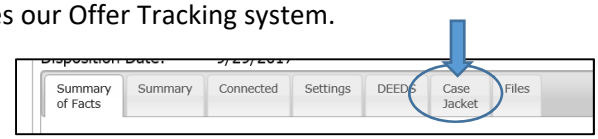


The email notifications are batched and sent once a day to avoid multiple emails, but the batched email will show you all items for all cases that are new. There is a link to the DA Portal in the email. If you use that link, you bypass the District Clerk's website and you log in directly to the DA Portal where you can then search for your case. Again, only the attorney of record will see information related to their cases. Any search that does not relate to a case in which you are the attorney of record will result in a return of no results for your query.

Viewing the Case Jacket

Defense attorneys have access to the "Case Jacket" tab via the Defense Portal. The Case Jacket tab is akin to the former "front of the file" or physical case jacket formerly used by the office.

Once you locate your case, click the "Case Jacket" tab to display the equivalent of our former "front of the file" which also includes our Offer Tracking system.



If a blank screen appears, with the words "no data" in the center, then the prosecutor has not yet completed the screening process and created the case jacket.

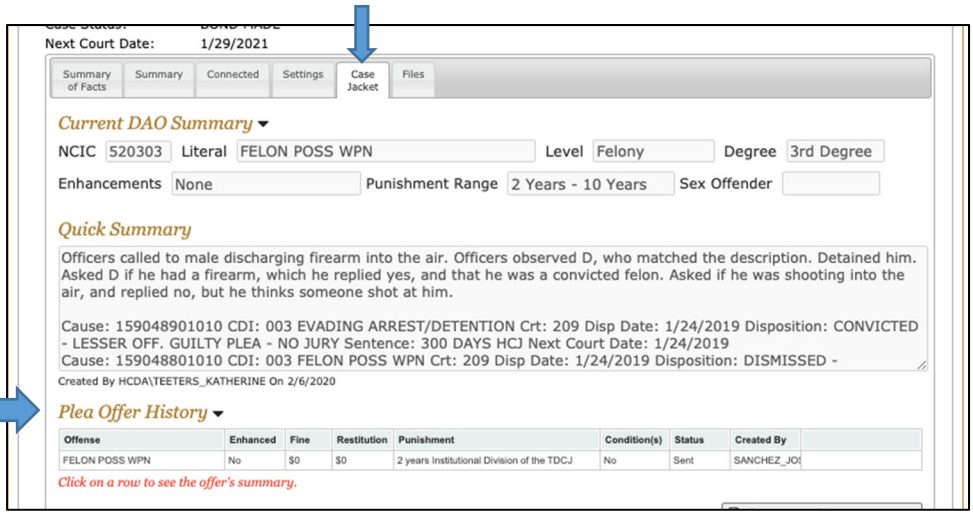
Once the case jacket is created, you will start to see that jacket. From here, you will know the NCIC code, the literal offense, its level (felony or misdemeanor) and its degree. The prosecutor will note whether enhancements exist, and if so, you will see the increased punishment range based on those enhancements. The "sex offender" field identifies whether or not this offense carries with it the possibility of registration and whether that registration is 10 years or life.

NOTE: This information is provided as a courtesy and is the prosecutor's belief regarding punishment range and other issues. No representation is made as to the accuracy of this information at any given time, though we strive to provide the best information possible throughout our reviews of each case. You should always complete your own research to ensure the accuracy of information you might rely upon or provide to your client. We are not responsible for errors, and you should always consult the charging instrument and clerk's file to determine these issues for yourself. If you believe you have discovered an error, you are free to discuss that with the prosecutor should it require correcting. The prosecutor can update this information at any time.

Below the enhancements, you may see icons representative of factors in the case – for example, you might see "on probation", "JOT history" (juvenile history), "on parole", and/or "gang affiliation" among other indicators. These are simply prosecutor notes that might guide factors in the case. Again, no representation is made as to the accuracy of this information as you should complete your own investigation into these matters.

Offer Tracking for the Defense Attorney

The offer tracking system is available from within the Case Jacket. Navigate to the case for which you wish to review plea offers. Then use the **Case Jacket** to see the **Plea Offer History**.



If the Plea Offer History section is collapsed, use the arrow at the end of the Plea Offer History to expand or open the section and reveal any offers.

Plea Offer History

Within the Plea Offer History, you should see a list of all offers that have been made. Even if the offer is rejected or withdrawn, it will be shown as a historical offer. This can assist lawyers new to the case with an understanding of prior offers made and whether they may have been accepted or rejected.

Status

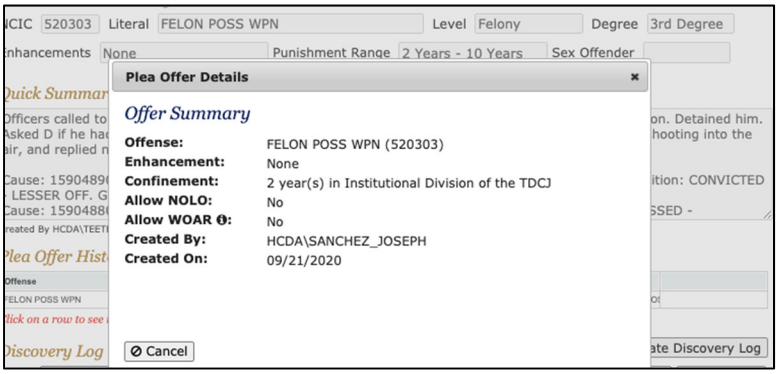
The Status column will show the current status of that particular offer: sent to defense, withdrawn, rejected, or accepted. Once any offer is accepted, no other offer can be made or accepted.

Alternate Offers

If the state makes alternative offers (for example, 10 years DADJ or 2 years TDC), the alternatives are each listed as a separate pending/open offer and either one may be accepted. This allows for the state to make multiple offers without necessarily withdrawing or rejecting others. This facilitates discussion on multiple options without unnecessarily closing other options.

Offer Details

To see more details about any particular offer, click on that row to see the Offer Summary. **Note:** Always check the details of the offer as conditions may be listed here that were not reflected on the one-line summary of the offer.

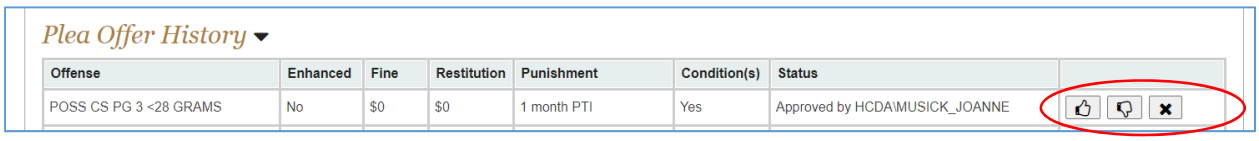


A window will display showing the details of the offer.

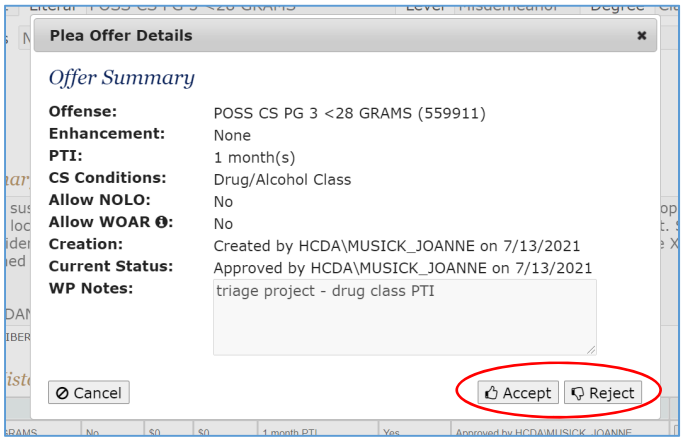
The details will indicate whether or not the prosecutor is open to a No Contest plea or specifically opposes a No Contest plea. Similarly, the offer details will indicate whether the state is open to an alternative plea that is one without an agreed recommendation. The offer summary will also indicate whether or not enhancements are being considered. If enhancements are present in the offer summary, this indicates the prosecutor is expecting a plea of true to the enhancements in exchange for the offer. Finally, if the offer includes the dismissal of other causes, those would be identified in the summary as well (for example, 5 years TDCJ and dismiss cause 1234567).

Accepting a Plea Offer

Only the ADA has the ability to accept/reject the offer from the case jacket Plea Offer History table using the thumbs up or down buttons. These “quick” buttons are not available to the defense attorney because the complete offer and all conditions cannot always be displayed and viewed from the one-row entry. The defense attorney can only accept or reject after opening the row and viewing the full details of the plea offer.



Both the ADA and the Defense Attorney have the ability to accept/reject the offer from the Plea Offer Details page.



PTI (Pretrial Intervention Offers)

PTI offers are made in the same manner as above and will be found in the offer history section. However, we currently adding additional functionality for the defense attorney in PTI offers.

Once a PTI offer is accepted, the prosecutor must click to "generate the PTI contract." The defense attorney and client need not be present with the prosecutor to sign and return the PTI contract.

Once generated, the defense attorney can download the contract for review and signing. The ADA could also download a copy if needed. Generally, the process should remain electronic without the need for the ADA to download a copy.

Download Contract/Sign Contract/Upload Signed Contract

Once the PTI Contract is generated, the defense attorney can download the contract for review with the client and to obtain signatures. The defense attorney uses the "download" button to retrieve a copy.

The defense attorney should sign the contract, and have the defendant sign as well. Once signed, the defense attorney can upload the signed document back into the system using the "upload" button.

After a signed document has been uploaded, it can be still be downloaded as needed using the Signed download button.

Once the signed contract is uploaded, the contract is underway. At some point when the defendant has completed the contract terms, the prosecutor can verify completion and then mark the checkmark (depicted above but only displayed to the prosecutor) to signify the PTI is successfully completed. The prosecutor should then dismiss the case. (coming soon, checking completion will auto-generate the dismissal for the court)