

Issue Brief



SUSPENSE FILE PROGRESS

When a record is in "suspense," it means that a court disposition cannot be linked to criminal history records via fingerprints. The BCA-CJIS Suspense Team was charged by the legislature with reducing the number of criminal history records in suspense.

Background

When records are in suspense, a number of significant consequences may result:

- Individuals with multiple convictions may appear as first-time offenders.
- Handguns may be sold to people not eligible to purchase them.
- People subject to predatory offender registration may avoid monitoring.
- Weapons may be sold to people convicted of domestic assault.
- Applicants may erroneously be allowed or denied employment or housing.
- Charging, plea agreement, sentencing, placement, and treatment decisions are made on incomplete information

In 2001, the legislature allocated money for the CriMNet program, which included funds to dedicate staff at the BCA to reducing suspense files.

- In June 2001, there were 450,000 criminal history records in suspense.
- In 2001, suspense files became searchable by all criminal justice professionals.
- Electronic exchange of dispositions between courts and the BCA has alleviated suspense files.
- Records submitted to the BCA continue to go into suspense for a number of reasons.

Progress

The Suspense Team has made significant progress toward meeting the goals from the 2001 law.

Milestone	<u>Progress</u>
Reduce historical suspense to 45,000 by July 2003	Historical suspense files reduced to 77,000.
 Reduce flow of new dispositions into suspense to 20 percent by July 2003 and 10 percent in future years 	Currently, 15 percent of incoming records go into suspense.
 Assist local agencies with improving their data collection business practices. 	Suspense team staff conducted 97 business practice audits in 2004.
Provide Criminal and Juvenile Justice Information	Suspense staff maintain a Web site
Policy Group with summary data.	providing agency suspense statistics.
 Provide the Policy Group with information about records not entered into the state's Automated Fingerprint Identification System (AFIS). 	AFIS-based backlog eliminated in 2002.
 Notify entities when a record goes into suspense. 	650 law enforcement entities receive automated suspense notification.

Next Steps

- CriMNet Program to assist with managing business practices contributing to flow of dispositions into suspense status
- CriMNet-managed education effort regarding local agency fingerprint procedures
- Enhanced quality assurance efforts by BCA-CJIS
- CriMNet identification service project will strengthen agency identification procedures
- Updated BCA-CJIS automated fingerprint capture system will eliminate need to produce fingerprint cards for every arrest



Issue Brief



TARGETED MISDEMEANORS

Criminal justice professionals make decisions about charging, releasing, sentencing, recommending treatment and programming, as well as perform critical background checks based on the information in the computerized criminal history files – making the completeness of those criminal history files critical. BCA-CJIS and CriMNet are working to automate the inclusion of targeted misdemeanors for professionals to have the necessary information to make informed decisions.

Background

In 1997, the legislature deemed seven misdemeanor-level crimes as targeted misdemeanors and required agencies to collect fingerprints from offenders and include targeted misdemeanor dispositions on the computerized criminal history.

These offenses are significant because they affect the following criminal justice decisions:

- They include enhanceable offenses.
- They affect a person's eligibility for procuring a weapon or handgun permit.

Targeted Misdemeanors

- fifth-degree assault
- domestic assault
- interference with privacy
- restraining order violation
- order for protection violation
- driving while intoxicated, and
- indecent exposure

Progress

- Dispositions are now passed electronically to the BCA so they may be more efficiently linked to fingerprints in the criminal history system
- Records in suspense are searchable, which means the information is available for background checks, weapons eligibility checks, and checks for employment and housing.
- Court dispositions for Orders for Protection include a flag to note a prohibition from possessing or receiving a firearm. Those records are forwarded to the BCA and FBI for state and national firearm sale checks.

Next Steps

- The CriMNet Policy Group has recommended changes to state law governing when and how fingerprints should be taken.
- CriMNet Program staff will develop training materials to assure records are properly flagged and agencies understand criminal history records.
- CriMNet will enhance the Minnesota Statute Table to flag targeted misdemeanors and convictions requiring predatory offender registration.
- CriMNet and the BCA will solicit federal grant funds to further improve the automation of targeted misdemeanor information to criminal history records.

State of Minnesota

Bureau of Criminal Apprehension CJIS/CriMNet

Suspense Project And Targeted Misdemeanors

Presentation Outline Suspense

- Description of the General Problem of "Suspense"
- Consequences of Suspense
- Who Can See Suspense Records and for What Purpose?
- Suspense Project Goals and Accomplishments
- Next Steps

The Problem

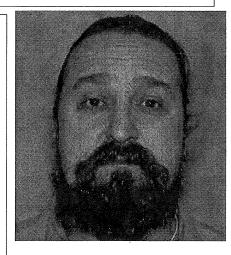
- What is Suspense? It is a court disposition that cannot be linked back to a fingerprint record taken at arrest/booking or at charging.
- Why is it important to link these records? Offenders often lie about their name and date of birth creating many alias' to avoid responsibility for their behavior.
- Which types of offenses are involved? By statute all adult felony, gross misdemeanor, and targeted misdemeanor, as well as serious juvenile offenses should have a complete criminal history record backed by fingerprints.

BCA

Kerry Dean Stevenson Date of Birth: 04/29/58

AKA
Kerry Dean Geller
Keith Allen Brummer
Bob Stevenson
Robert Mark Geller
James Heidelberg
Richard Lee Olson
Bob Geller
Robert James Stevenson
Eric Allen Johnson

Alias Dates of Birth: 03/29/55, 05/11/58, 01/24/61, 05/05/55, 04/29/55, 03/27/48, 04/24/54



What are the Possible Consequences?

- Treat career criminals as first-time offenders
- Release people who should not be released
- Sell handguns to people who are barred from purchasing handguns
- Inappropriate charging, plea agreement, disposition, sentencing, classification, treatment, placement, and other decisions

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More Examples of Possible Consequences

- Criminals avoiding Predatory Offender registration and monitoring.
- Children, vulnerable adults, and other members of the public exposed to violent or sexual predators.
- Weapons sold to persons convicted of domestic assault.
- Individuals being arrested for other person's crimes.
- Applicants being erroneously allowed or denied employment or housing.

Are these court disposition records in suspense visible?

- To criminal justice agencies? Yes, since 2001 these records are query-able.
- To the public at the BCA or over the Internet. No
- For employment related background checks?
 - Yes for the BCA when doing a statutorily mandated background check.
 - No. For Department of Human Service checks of foster care, day care licenses, etc.
- For license and gun purchases? Yes. The BCA resolves records in suspense and reports convictions that disqualify the applicant.

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Suspense Project Goals

Minn. Laws 2001*, and M.S. 299c.10, 299c.111

- Reduce the 450,000 adult felony and gross misdemeanor records then in the "tub" to 45,000
- Reduce the "flow" from 50% going into suspense to 10% into the future
- Provide summary data on suspense to justice agencies and the Policy Group
- Provide Policy Group with number of identification records not entered on the AFIS and Criminal History System
- Immediately notify appropriate entity when record goes into suspense

Minn. Laws2001, 1st special session, Ch8, art. 4, sec.10, sub. 3

Suspense Project Accomplishments

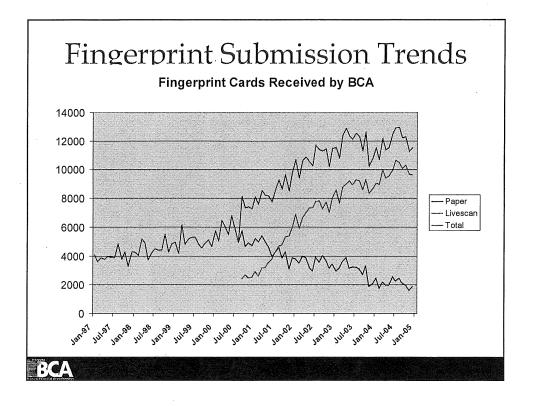
- "Tub" reduced to 77,020
- "Flow" to just over 10% then added traffic DUI. Currently 14% with traffic
- Web site provides updated monthly statistics to agencies and Policy Group
- All identification records immediately added to AFIS and Criminal History System – no backlog since June 2002
- 650 law enforcement agencies notified immediately when record goes into suspense (Apr 2004)

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AFIS Statistics

- Over 11,000 fingerprints are received each month (paper and electronic).
- Over 9,500 fingerprints are received electronically each month from over 150 Livescans.
- In 2004, over 82% of fingerprints were received electronically, compared to 74% in 2003.
- In 2004, over 143,000 fingerprints were received.
- The current MAFIN AFIS contains over 1.3 million sets of fingerprints in (90% of current capacity).

RCA



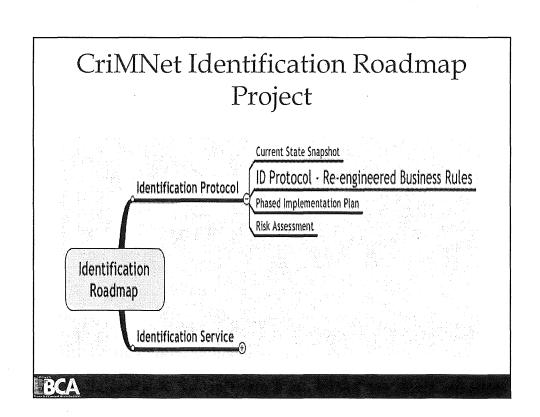
Remaining Challenges

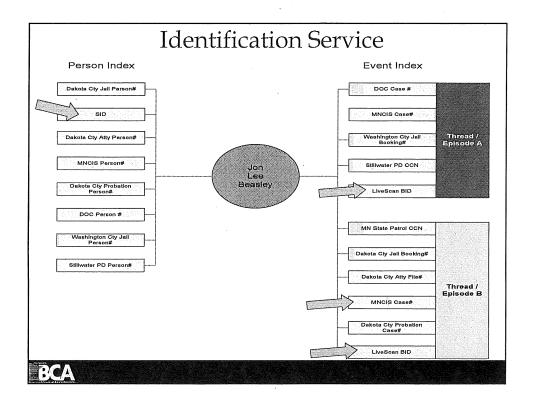
- Remaining "flow" of 10 to 14% adds to "tub". 37,534 **new** suspense records need to be resolved.
- Juvenile offenses that would be felonies if committed by an adult 43,361 cases in suspense
- Targeted Misdemeanors records in and going into suspense – approximately 47,000 today (more on this later in the presentation)

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Suspense Project Next Steps

- Business Practice Issues to be managed by CriMNet Program ("flow")
- Educating justice agencies on importance of capturing fingerprints and linking numbers to be managed by CriMNet Program
- Quality Assurance ("tub") managed by CJIS
- CJIS will do background checks for DHS where there are suspense records and resolve suspense
 or recommend a policy change
- CriMNet Projects That Will Help Reduce Suspense
 - Identification Roadmap and Service
 - New AFIS





AFIS Upgrade Features

- Re-engineer identification process
 - Currently rolled 10 prints required on every arrest/charge
 - Only one set of rolled 10 prints (plus palm prints) needed for latent processing
 - Add an identification capability
 - Expensive capture devices (Livescan) hence limited use for identification purposes
 - More identification points in the justice process

AFIS Upgrade Plan

- Re-engineer criminal record capture process
 - Rolled 10-prints once (for latent match)
 - Quickly check identity using 2-print technology
 - Only if no-match found collect the rolled 10-print

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AFIS Upgrade Features

- Several new features will be added:
 - Palm print capture for latent searching to solve more crimes (40% of latent prints left at crime scenes are palm prints)
 - "Lights Out" processing of most fingerprints (minimal human intervention)
 - Identification process for local agencies will take minutes instead of hours determine the identity and criminal record before leaving the booking facility.
 - More officer-time on the streets.

State of Minnesota

Bureau of Criminal Apprehension CJIS/CriMNet

Filling the Cracks: Convicted Domestic Abusers Access to Firearms A Status Report

Presentation Outline

- The Problem of Convicted Domestic Abuser Access to Firearms
- Targeted Misdemeanor Issue
- Actions Taken on Targeted Misdemeanors
- Additional Protections
 - Through Background Check process
 - Through the Domestic Abuse Order for Protection Database ("OFP")
- Future Actions

The Problem

• Recent report entitled "Slipping Through the Cracks: How Incomplete Data Collection Allows Domestic Abusers Access to Firearms", December 2004 concluded that 70% of persons convicted of misdemeanor assault could potentially purchase a handgun or obtain a permit to carry a weapon in MN.

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Basis for the Conclusion: Targeted Misdemeanor Issue

- A study of one year's data indicated that 70% of Targeted Misdemeanors were not on file with the BCA Criminal History System.
- Targeted Misdemeanors classification created in 1997 and includes:
 - Domestic Assault
 - Violation of Harassment or Restraining Order
 - 5th Degree Assault
 - Order for Protection Violation
 - Driving While Impaired
 - Indecent Exposure

The Problem Continued

- Missing convictions could affect:
 - enhancement from misdemeanor to gross misdemeanor or felony M.S.609.224 and , and
 - affect ability to limit access to weapons M.S.609.2242

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Actions Taken on Targeted Misdemeanors

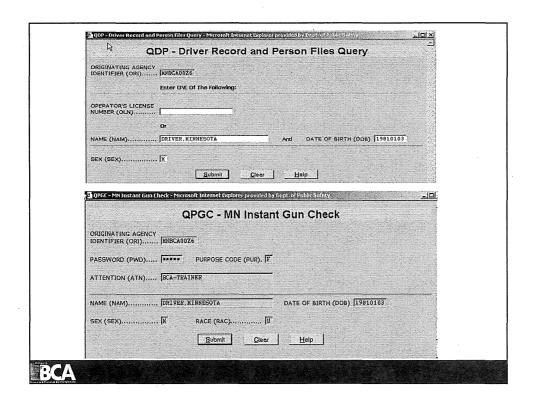
- Collaboration of CriMNet, BCA-CJIS and Courts to electronically pass Targeted Misdemeanor dispositions to the BCA Criminal History System
- As of 2/4/2005 all Targeted Misdemeanors dispositions after April 2002 have been passed to BCA
- As of 2/7/2005 forward all new dispositions are being passed to BCA
- Pre 2002 dispositions will be passed as courts are converted to MNCIS
- By BCA estimates 58% going into suspense or other errors

Additional Protections to Prevent Sale of Guns to Convicted Abusers

- Background Check process (Local) When a background check for gun purchase is requested, Local Law Enforcement would have access to suspense records that could be a disqualifier for gun purchase.
- Order for Protection Process "Brady flag" (prohibition from possessing or receiving a firearm or ammunition) is set, depending on circumstances, on the OFP database and forwarded to BCA and FBI for NICS (national instant check for firearm sale) checks

	Respondent shall not enter Petitioner's residence located at	Select Lis
	Janel Elizabeth Cane	Minors
Address	Location: Home 299 80th Street	Address
	St. Paul MN 55155-	Select
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	Selected Findings/Conditions Addl Data pondent shall not commit acts of domestic abuse against the Pelitioner pondent shall have no contact with Pelitioner and the children, pondent shall have no contact with the children pondent shall have no contact with the children pondent shall not enter Palitioner's residence located at pondent shall not enter or call Palitioner's place of employment at:	St Paul
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(Message Returned to Mobile Digital Terminal or to Law Enforcement Dispatcher Upon Driver Look Up)

Driver Data:

TXT

NAM/DOE, JOHN.*RECORD DISSEMINATION RESTRICTED* SNM/123 MAINESOTA ST. CTY/BRAHAML. STA/MN. ZIP/55006. SEX/M. DOB/19810103. HGT/600. WGT/175. EYE/RBY. DISABILITY CERTIFICATES:N OLN/D616603014010. CLS/X. CSC/***N/A***. EDR/ P. DONOR:Y DESIGNATED CAREGIVER:N STATUS:LIMITED

DNR TRAINING=FIREARM:N,SNOWMOBILE:N

#10/22/04 TESTING TESTING TESTING 2LL

#03/12/03 SCHOOL BUS ENDORSEMENT CANCELLED*

10/22/04 LIMITED UNTIL 12/23/04

*06/17/04 SUSP - FAIL TO PROVIDE INS ON ACC

05/07/04 NOTICE RE REQUIREMENTS SENT

*04/08/04 REV - FAIL TO PROVIDE INS INFO CONV 00030 05/07/04 04/07/04 **END VIOLATIONS**

"Hot File" Data - Warrants and OFP's:

DSF-00000619 20050211 10:09:03 190100026B FROM: MNHOT2-02768520 20050211 10:09:03 190100037A NO HIT WANTED PERSON FILE

QP ORI/MNBCA00Z6.NAM/DOE, JOHN.DOB/19810103.OLN/D616603014010.

MKE/MN ORDER FOR PROTECTION.PERMANENT PROTECTION ORDER-SERVED - CAUTION

DO NOT ARREST BASED SOLELY ON THIS RECORD - CONFIRM ALL HITS WITH THE ENTERING AGENCY.

THE SUBJECT IS PROHIBITED FROM RECEIVING OR POSSESSING A FIREARM OR AMMUNITION UNDER FED LAW(TITLE 18, SEC 922)

PNO/0500TEST.ORI/MNBCA00Z6.OCA/0501TEST.ISD/20050209.EXP/20100209.CTI/ MNBCA0000.DLE/20050211.BRD/Y.

*********THE SUBJECT OF THIS RECORD IS PROHIBITED FROM RECEIVING OR POSSESSINGA FIREARM UNDER FEDERAL LAW (TITLE 18, U.S.C., SECTION 922)****

MKE/PROTECTION ORDER - CAUTION

ARMED AND DANGEROUS

ORI/MNBCA00Z6 NAM/DOE, JOHN SEX/M RAC/U POB/TX DOB/19810103 HGT/600 WGT/175 EYE/MAR SMT/SC ABD0MOLN/D616603014010 OLS/MN OLY/2004

PNO/0500TEST BRD/Y ISD/20050209 EXP/20100209 CTI/MNBCA0000

PPN/DOE, SUE PSX/F PPB/19811218

PCO/THE SUBJECT IS RESTRAINED FROM ASSAULTING, THREATENING, ABUSING, HARASSING.

PCO/FOLLOWING, INTERFERING, OR STALKING THE PROTECTED PERSON AND/OR THE CHILD

PCO/OF THE PROTECTED PERSON.

OCA/0501TESTMIS/ARMED AND DANGEROUSDNA/NORI IS MINN BUR CRIM APP ST PAUL 651 793-7000

PCO/THE SUBJECT IS RESTRAINED FROM MAKING ANY COMMUNICATION WITH THE PROTECTED

PCO/PERSON INCLUDING BUT NOT LIMITED TO, PERSONAL, WRITTEN, OR TELEPHONE PCO/CONTACT, OR THEIR EMPLOYERS, EMPLOYEES OR FELLOW WORKERS, OR OTHERS WITH

PCO/WHOM THE COMMUNICATION WOULD BE LIKELY TO CAUSE ANNOYANCE OR ALARM THE

PCO/VICTIM.NIC/H845984931 DTE/20050211 1104 EST

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CriMNet Program Future Actions

- Obtain fingerprints
 - The language recommended by the Policy Group will facilitate getting fingerprints
 - Program staff will educate courts and prosecution on the new provision
 - Program staff will educate law enforcement of the importance of getting the fingerprints on all offenses
- Program staff will investigate policy and business practices on Orders for Protection to insure setting the "Brady" flag
- Program staff will educate justice agencies of the availability of Targeted Misdemeanors records on CCH
- The MN Statute Table will be enhanced to flag Targeted Misdemeanors (and registerable predatory offender) statutes
- Program will seek FY 2006 NCHIP grant funds available for specifically targeting improving the automation of data relevant to restraining/protection orders and /or domestic violence misdemeanor convictions

Question and Answer

- Today can abusers easily buy weapons? No
- Today can prosecutors see offenses that can be enhanced yes

RCA

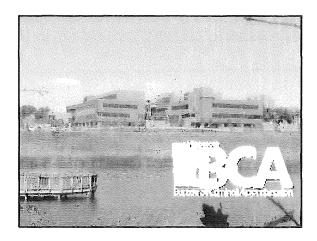
Bureau of Criminal Apprehension - Program Overview



MINNESOTA DEPARTMENT OF PUBLIC SAFETY	
Minnesota Bureau of Criminal Apprehension (BCA): A Division of the Department of Public Safety	

BCA Mission Statement

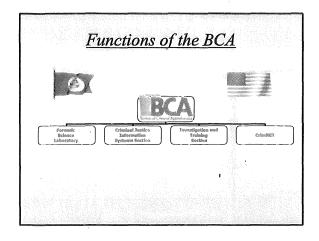
The Bureau of Criminal Apprehension is committed to protecting Minnesotans by providing high quality services to the criminal justice community. This is accomplished through timely, personal service in partnership with law enforcement and other criminal justice agencies.

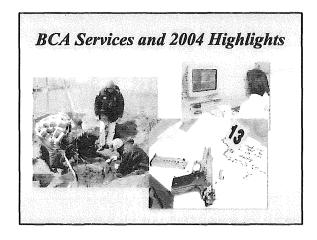


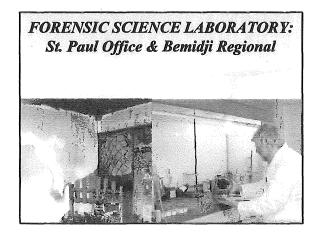
BCA Profile

- The BCA's main office is located at 1430 Maryland Avenue East in St. Paul. This is home for its main Forensic Science Laboratory, Special Investigative Unit, Saint Paul Regional Investigative Field Office, the Training and Investigative Services Unit, Criminal Justice Information Systems (CJIS), and CriMNet. It has been at this location since November, 2003
- The Bureau employs more than 300 employees.
- Staff travel around the state to provide its law enforcement and criminal justice clients with a variety of investigative, forensic science processing, training, and criminal justice information services.

Roseau		d Regional Office Locations
Moorhead	³ Bemidji Regional Office & Luboratary Duluth Brainerd	- All mesons
Wil Marshall	St. Cloud mar Center City St. Fuel West Office Lubwruory Mankato Rochester	■ There are 11 investigative field offices (two of which include CJIS staff) that are located throughout the state.
	Aut nesser	■ The Bemidji Regional Office (including CJIS staff) and Laboratory coordinates services in the Northern part of the state.







Forensic Science Laboratory Collects, examines, identifies and compares physical evidence for Minnesota law enforcement agencies, and provides expert testimony.

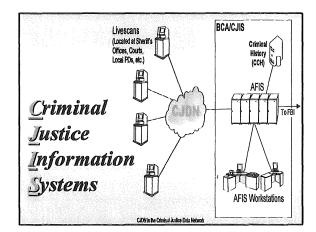
- Alcohol
- Arson
- DNA Drug
- Chemistry
- Toxicology
- Training:
 Evidence
 Collection,
 Crime Scene
 Processing,
 Intoxilyzer
- Firearms and Tool marks
- Latent Fingerprints
- Questioned Documents
- Trace Evidence
- Crime Scene
 Team



Forensic Science Laboratory St. Paul Office & Bemidji Regional

Activity Highlights

- 543 law enforcement agencies served
- (includes federal agencies)
- 12,521 cases examined
- 345 court appearances
- 107 crime scene responses
- 11,175 DNA offender samples taken
- 50,000 items of evidence submitted



Criminal Justice Information Systems (CJIS)

Develops and maintains a series of statewide computerized information systems concerning crimes and criminals in Minnesota.

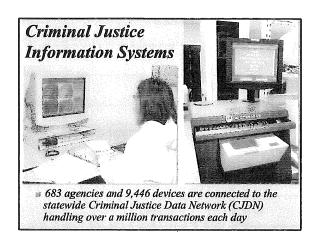
- Statewide and nationwide Criminal Justice Data Communications Network (CJDN)
- Criminal Justice "Hot Files" (OFP's, warrants, etc.)
- Criminal Justice Reporting System
- Commination States Reporting System
 Midwest Automated Fingerprint Identification Network
 Computerized Criminal History Program
 Training/Auditing

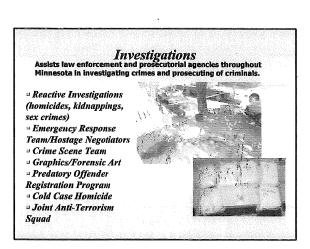
- Training/Auduing
 Licensing and employment background checks
 Law Enforcement Message Switching (LEMS)
 Technical Support and Security for CJDN
 Reconciling arrest & disposition data (suspense)
 IBIS (in-field 2 finger identification)

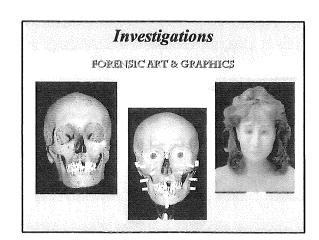
Criminal Justice Information Systems Activity Highlights

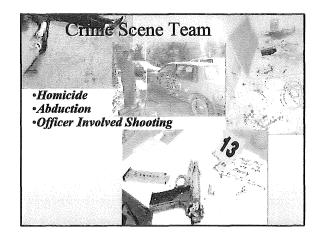
- 143,000 fingerprint cards received. Four out of five are received electronically from 165 LiveScan devices located at 152 criminal justice agencies (Hennepin, 2/05; St. Louis County 3/05)
- 113,300 background checks are conducted at the BCA plus 177,000 more are electronically conducted by Dept. of Human Services and Dept. of Education.
- Public internet access to criminal history data (8/1/04); to date 8,600+internet CCH checks

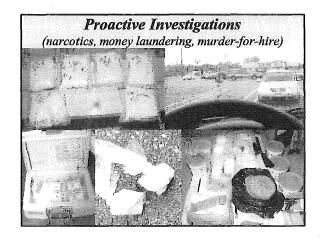


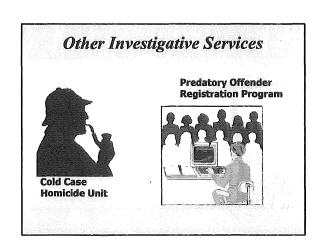












Investigations



- 16, 000 + Offenders registered with a compliance rate close to 87%
- 287 investigative case numbers were assigned*

(*note: due to their complexity many cases span several years; large percentage involve multi-jurisdictional coordination).

Investigations

Case Examples:

- ■Morrison County Homicide (unidentified female thrown in a gravel pit)
- Faribault County (woman raped & murdered at local hotel)

Training

Provides specialized and advanced training to police officers and others in the Minnesota criminal justice system.

- Investigative techniques
- Crime Watch, Prevention, & COP
- Police Management Program
- Missing Persons
 Clearinghouse
- Minnesota Crime Alert Network/Amber Alert
- Child maltreatment and Vulnerable Adults
- Computer Crimes
- D.A.R.E.
- Narcotics
- Evidence Collection
- Agent In-service
- Forensic Science
 Partnership





Training

Training Highlights



- □ 75 courses offered (includes 2 major conferences; special emphasis has been placed on "Meth" Awareness investigative/ Certification training)
- ☐ Training provided for 4,600 police officers, Fire fighters, and other criminal justice professionals.
- 150,000 crime prevention and narcotics awareness booklets, pamphlets distributed to local law enforcement & criminal justice agencies



Get the right information to the right people at the right time

How CriMNet will improve public safety in Minnesota

Collaboration	Information sharing among agencies helps protect citizens and communities. Homeland security in Minnesota and throughout the United States also depends on effective and reliable communication.
Speed	Provides instantaneous checks of statewide criminal data.
Access	Gives authorized personnel access to critical public safety data whenever they need it.
Accuracy	Improves data quality, including more complete criminal history information, helps ensure appropriate sentencing that keeps repeat offenders off the street.
Results	Helps criminal justice personnel do their jobs more effectively.

BCA BUDGET OVERVIEW:

Current Budget, Governor's Recommendation, & Change Items

- FORENSIC SCIENCE LABORATORY
- CRIMINAL INVESTIGATIONS & TRAINING
- * CriMNet & CJIS overview occurred before this committee on January 30th and February 1st, 2005.

Budget Summary

Current Funding

FY 2004 \$36,275

FY2005 \$35,990

Governor's Recommendations

FY 2006

FY2007

\$39,647

\$39,653

Governor's Recommendations

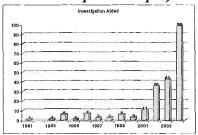
Change Items for the 2006/07 Biennium

- DNA Felony Data Base (continuation of collection of Convicted Felon DNA; funding to allow the BCA to process these samples)
- Meth Investigations (10 agents working in Greater Mn.)

 Assumption of DEM duty officer function

- (Discussed at earlier committee hearings)
 Reduction in Suspense (\$500,000 each FY); and
 Reduction in CriMNet (1.5 each FY)*
- LiveScan (upgrades) CJIS Audit Trail AFIS (upgrade)

DNA Convicted Felon Data Base (continuation of the law & funding that allows BCA to process samples)



1989 – sex offenders 2000- violent felonies 2002 – all felonies

Investigations: "Meth" Investigations & POR

- 10 Agents stationed in Greater Minnesota to assist in "Meth" related investigations and associated violent crime.
- 3 agents assigned to POR to monitor, trank, and conduct proactive surveillance on high risk offenders, assist local agencies with serial rapes, and other violent sex offenses, provide greater assistance to agencies in rural Minnesota.
- analyst and administrative support personnel to assist with the registration of offenders from other states/ insure all appropriate paperwork is obtained, identify high risk offenders, who are deemed most likely to re-offend, reduce processing time.

Assumption of Duty Officer Function

The BCA's 24/7 Communications Center will become the main point of contact for emergency management related contacts and dispatch





Planning is currently underway; transition beginning in 7/05

