

Minutes
EVALUATION SUBCOMMITTEE
Legislative Audit Commission
February 20, 2013

Members Present:

Representative Rick Hansen, Chair
Representative Andrew Falk
Representative Mary Liz Holberg

Senator Mary Kiffmeyer
Senator Warren Limmer

Members Absent:

Senator James Metzen

Other Members Present:

Representative Sondra Erickson

Senator Michelle Benson
Senator Ann H. Rest
Senator D. Scott Dibble

Representative Hansen, Chair, called the Legislative Audit Commission Evaluation Subcommittee meeting to order at 2:00 p.m. The purpose of the meeting was to release the evaluation, *Law Enforcement's Use of State Databases*.

Representative Hansen introduced Jim Nobles, Legislative Auditor, to give a brief summary of the evaluation. Mr. Nobles said that the Office of the Legislative Auditor (OLA) was directed to evaluate law enforcement's use of state databases, focusing on driver's license data and the Comprehensive Incident-Based Reporting System (CIBRS). He said the concern about misuse of private data is shifting from outside "hackers" to public employees. Mr. Nobles introduced Carrie Meyerhoff, evaluation manager, to give more details. Ms. Meyerhoff said the overall conclusion of the evaluation is that the state has a reasonable approach to balancing needs and interests related to law enforcement's use of state databases; however, misuse of CIBRS and the driver's license database indicates a need for better training, access controls, and monitoring. The report found that during fiscal year 2012 investigations into possible misuse of the Driver and Vehicle Services Division (DVS) Web site, 88 law enforcement personnel misused the data. It also found that some former employees still had access to the DVS Web site, and over half the users had questionable queries that were undetermined whether the access was work-related or misuse. In response to a question, Mr. Nobles said that it was the system's audit trail that had provided the information needed to terminate the DNR employee and bring charges against him. He added that people must stop misusing their authority. He also said that the report's recommendations do not ask for law changes, but for agencies to change their practices.

Representative Hansen invited the representative from the Minnesota Department of Public Safety (DPS) to address the subcommittee. Ramona Dohman, Commissioner, said that DPS respects and appreciates the work OLA did on the evaluation. She said that sensitive information must be available to law enforcement agencies in order for them to do their job to keep public safety. She said that no amount of oversight or training is a substitute for a law enforcement officer to uphold his or her professional and ethical obligation. She said that DPS is working with Sherriffs and Chiefs of Police throughout the state to develop policies for proper use of the system and to ensure officers are properly trained. She added that DPS is encouraging all law offices to let them know when an officer is terminated so DPS can make sure they no longer have access. Ms. Dohman said that DPS is working with all law enforcement agencies to ensure only those who need access to historical photos in order to complete their jobs actually do. She said that DPS is working on implementing several of the recommendations, but that each of them will take time to develop. She added that DPS does not identify misuse; it only identifies the use of the data and asks the appropriate agency to look into whether it is misuse.

With no further business, Representative Hansen adjourned the meeting at 3:24 p.m.

Representative Rick Hansen, Chair

Shelly Watterud, Recording Secretary