



CRIMINAL AND JUVENILE JUSTICE INFORMATION POLICY GROUP

2009-2010 BIENNIAL REPORT TO THE
GOVERNOR, SUPREME COURT AND
LEGISLATURE ON CRIMINAL JUSTICE
INFORMATION INTEGRATION

JANUARY 2011

2010 BIENNIAL CRIMINAL JUSTICE INFORMATION INTEGRATION REPORT

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EXECUTIVE SUMMARY

Minnesota Statute 299C.65 Subdivision 3a requires the Criminal and Juvenile Justice Information Policy Group to file a biennial report providing 1) a status and review of current integration efforts and projects; 2) any recommendations concerning any legislative changes or appropriations that are needed to ensure that the criminal justice information systems operate accurately and efficiently; and 3) a summary of the activities of the Policy Group and Task Force. This report endeavors to fulfill that requirement.

BACKGROUND

More than 1,100 agencies and branches of local, state, and federal government oversee the justice and public safety services delivered in Minnesota, at a cost of nearly \$2.5 billion per year to the public, according to census estimates and auditor's reports. Each of these agencies needs timely and accurate information at key decision points throughout the criminal justice process. To assure that information is accessible and managed from a statewide perspective, the legislature created the Criminal and Juvenile Justice Information Policy Group and Task Force (Policy Group and Task Force), in Minn. Stat. 299C.65.

The Policy Group gathers a wide-range of criminal justice stakeholders and policymakers to address issues related to the statewide integration of criminal justice information from a broad-based perspective. The Task Force assists the Policy Group in these duties. Since 2001, these efforts have been coordinated by the CriMNet Program Office - now part of the Minnesota Justice Information Services (MNJIS) section at the Minnesota Bureau of Criminal Apprehension (BCA) after the reorganization of the CriMNet Program Office and Criminal Justice Information Systems (CJIS). Together, the Policy Group, Task Force, and MNJIS executive director provide key leadership in managing the direction of criminal justice integration activities statewide.

Early integration-related activities focused on filling significant gaps in statewide criminal and juvenile justice data such as

statewide predatory offender data, electronic booking photos, and complete criminal history information. Systems

(List of members as of December 2010)

David Johnson, MNJIS Executive Director

POLICY GROUP MEMBERS ([Statutory requirements regarding Policy Group membership](#))

Dept. of Public Safety Commissioner Michael Campion, Chair

Dept. of Corrections Commissioner Joan Fabian

Dept. of Finance Commissioner Tom Hanson

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Rice County Attorney Paul Beaumaster, Task Force Chair

Dept. of Corrections Information and Technology Director Deb Kerschner,
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Rice County Attorney Paul Beaumaster, Chair

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Minnesota Sentencing Guidelines Commission Executive Director Suzanne
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Ramsey County Community Corrections Deputy Director Andy Erickson

Senator Leo Foley

Minnesota Supreme Court Chief Information Officer Bob Hanson

1st Judicial District Chief Public Defender Steve Holmgren

MNJIS Deputy Director Bob Johnson

Washington County Attorney Doug Johnson

Minnesota Coalition for Battered Women Program Manager Shellene Johnson

Representative Joe Mullery

Citizen representative Richard Neumeister

Carver County Sheriff Bud Olson

Waseca County Court Services Director Steve Peterson

Dept. of Administration Legislative Director Jim Rhodes

Isanti Police Dept. Chief Ron Sager

Minneapolis City Councilmember Gary Schiff

Lake Elmo City Attorney Amy K.L. Schmidt

Citizen representative Ray Schmitz

8th Judicial District Judge Randall Slieter

St. Charles Mayor Bill Spitzer

Renville County Court Administrator Susan Stahl

Minnesota Board of Public Defense Chief Information Officer Robert Sykora

Maplewood Police Chief David Thomalla

Mankato City Attorney Eileen Wells

Minnesota Attorney General's Office representative Al Zdrzil

to collect that information from agencies statewide are now in place, but that was really just the beginning. Integration work will always be needed to improve criminal justice information systems. This work must rise to the challenges of changing criminal activities, business processes, technologies, and integration capabilities of systems which age or become obsolete.

CORE PRIORITIES

The Policy Group, Task Force, and BCA worked with constituents including the Courts and the Department of Corrections to prioritize information integration needs and related initiatives. The Inventory of Integration Priorities (see Appendix A) identifies core integration priorities, other projects being worked on as resources permit, ongoing activities such as data quality and technical and business standards, and those projects completed. The Inventory of Integration Priorities provides a description of each project or activity, a status update, and recommendations for moving forward.

The Policy Group, Task Force and MNJIS in 2007 identified three Core Priorities which receive the bulk of integration funding and staff resources. A fourth Core Priority, Integrated Search Service, was added in 2010.

- The Electronic Charging service, or **eCharging**, is a secure, electronic method for creating charging documents. The service replaces the paper process, eliminates redundant data entry, reduces incidents of human error, and saves a significant amount of staff time, particularly for law enforcement. A recent study by Carver County found a projected savings in excess of a half million dollars over the next five years through the use of eCharging. The addition of eCitation (which allows electronic citation submissions) and DWI Forms Manager (which allows officers to process and submit documents to DVS from the field), makes potential savings even greater. Statewide rollout is underway and is expected to be completed by 2014.
- The **Comprehensive Incident-Based Reporting System (CIBRS)** is a database containing incident information from Minnesota law enforcement agencies. It is intended to augment existing investigative practices by facilitating the sharing of incident information between agencies statewide. The system is being deployed to law enforcement agencies throughout the state. As of January 2011, 115 agencies are submitting information and 124 are accessing information. Work to bring St. Paul and Minneapolis police departments on board is moving forward. Minneapolis will submit ten years of historical data, or approximately one million records, with an additional 300,000 new incidents submitted each year.
- The **Name-Event Index Service (NEIS)** is a search engine that locates information in separate criminal justice systems, much like a card catalog. Most data will be linked to a biometric identifier (such as a fingerprint). This service is in the final stages of development and will be available to law enforcement agencies in 2011.
- If information integration is a car, the Name Event Index Service is the engine, and **Integrated Search Service (ISS)** is the key. Integrated Search Service provides a single point of access to most of the information systems the Bureau of Criminal Apprehension/MNJIS provides (including the Corrections' and Courts data) and a Court statewide repository (Court Web Services)); and that access is provided only to those allowed to see it. This simplifies and reduces the time involved in doing a thorough search for information on an individual or incident. A new version, ISSv6, will provide access to the Name-Event Index Service. ISSv6 will be available to law enforcement agencies in 2011.

IMPACT OF BUDGET REDUCTIONS

The Legislature passed a \$495,000 reduction for MNJIS in 2009 beginning in fiscal year 2010. This reduction delayed the NEIS project by a full year and will impact other projects long-term as the \$495,000 cut is an ongoing base budget reduction. An additional one-time reduction of \$156,000 was allocated and was covered by using savings from vacant positions. For fiscal year 2011, MNJIS' budget was reduced by an additional \$490,000 as part of the overall Department of Public Safety budget reduction. The \$490,000 is equal to nearly 3% of MNJIS' general budget. To reconcile that loss, the MNJIS Governance Team cut \$400,000 from MNJIS' operations (systems) budget and \$90,000 from its integration budget through the elimination of the Minnesota Offense Codes (MOC)

project. As with the reduction from fiscal year 2010, the \$400,000 reduction for fiscal year 2011 is an ongoing cut to the MNJIS base budget which will significantly impact MNJIS operations and integration projects every year.

CONCLUSION

We are pleased to report significant progress in the efforts to integrate information within Minnesota criminal justice agency systems, as well as progress in efforts to make providing and obtaining that information more efficient. eCharging is now complete and is being rolled out statewide. The Comprehensive Incident-Based Reporting System (CIBRS) now includes data provided by more than 100 agencies, including some of the state's largest, and the number of new files going into suspense has now fallen below 10% statewide. Several non-Core Priority projects were also completed during this biennium: Probation Client Event Notification, MNJIS Reports on Demand (MROD), Domestic Abuse No Contact Orders (DANCO), Integration Cookbook and Statewide Citation Standard (see Appendix A). But achieving greater information sharing in the future will still be dependent on resources and funding. The Policy Group, Task Force, and BCA leadership continue to share the same priorities and unified vision for integration of criminal justice information. The focus on priorities also establishes a renewed commitment to making integration efforts real to constituencies and to being responsive to their needs.

LEGISLATIVE RECOMMENDATIONS

Pursuant to Minn. Stat. 299C.65, Subdivision 2, the Policy Group must provide a report to the Legislature by January 15 every other year detailing the statutory changes and/or appropriations necessary to ensure the efficient and effective operation of criminal justice information systems.

The Policy Group adopted the following recommendations for the Legislature's consideration during the 2009 and 2010 legislative sessions.

2009 Recommendations

1. CriMNet Program Office

Clarify CriMNet as an ongoing effort, and change references in statute from "CriMNet Program Office" to "executive director." This recommendation came as the result of the Bureau of Criminal Apprehension (BCA) reorganization that created the Minnesota Justice Information Services (MNJIS) section (a merging of the CriMNet Program Office and CJIS sections at the BCA). This bill was enacted in 2009.

2. Additional Funding for eCharging and NEIS

Provide \$2 million in additional funding during the 2010-2011 fiscal biennium to provide access to eCharging and the Name-Event Index Service beyond the pilot counties. This funding was not included in the Governor's budget.

3. Task Force Delivery Team Compensation

Allow public Task Force members who participate in delivery teams to receive per diem for up to 10 meetings per year. The legislature did not act on this bill.

2010 Recommendations

1. Juvenile Data Retention

Increase the retention of juvenile arrest data from six to 12 months (HF3381). Bill was recalled from consideration by the House Finance Committee and did not receive a Senate committee hearing.

2. Comprehensive Incident Based Reporting System (CIBRS)

Expand permissible uses for the Comprehensive Incident-Based Reporting System (CIBRS) to include service of process, officer safety, enforcement of No Contact Orders and location of missing persons (SF2725). This bill was originally introduced in 2009 and enacted in 2010.

In addition to its recommendations, the Policy Group in 2009 drafted a letter to the legislature asking that the legislature clarify its intent in Minn. Stat. 299C.095. The statute contains provisions which compete with those in other statutes. The Policy Group chose to submit a letter rather than a formal legislative recommendation because of concerns among Task Force members about whether retained records would be accessible to outside parties both within Minnesota and from other states, and whether a firearms change would not only restrict handgun permits, but hunting licenses as well. The provisions brought to the legislature's attention in the Policy Group's letter are as follows:

1. If juvenile adjudication history is destroyed at age 28 (as is required by M.S. 299C.095), there is no way to determine if the subject is not eligible to possess a firearm beyond age 28 (as required by M.S. 624.713).
2. If juvenile adjudication history is destroyed at age 28 (as is required by M.S. 299C.095), there is no way to mandate predatory offender registration beyond age 28 (as required by M.S. 243.166).

The legislature did not act on the juvenile data issues raised by the Policy Group.

2011 Recommendations

The Task Force and Policy Group discussed the need for future legislative funding for two critical criminal justice information systems that are at high risk due to being dangerously antiquated and in serious need of replacement. Funding initiatives to replace both systems were submitted through the governor's budget process in 2006, 2008, and 2010; however, these initiatives were not included in the governor's biennial budget recommendations. Both the Task Force and Policy Group expressed growing concerns that targeted state or federal funding will be needed in the near future in order to sustain the dependence on criminal history and crime statistic information in Minnesota.

The **Computerized Criminal History (CCH) System** is over 20 years old. A new CCH system will be needed in the near future to provide more accurate and complete information with the ability to integrate with other data sources such as the Automated Fingerprint Identification System (AFIS) and the Name-Event Index Service (NEIS). The current technology limits and restricts options for providing services and complying with changing requirements. If the BCA becomes unable to comply with required changes, it risks liability in the form of lawsuits due to inappropriate release or withholding of data, public safety concerns due to information not making it on to a record or into the hands of decision makers, or being out of compliance with state or federal laws. Criminal justice agencies may not have access to information needed to assist in investigations, prosecutions, adjudications and corrections. Background checks could come to a standstill, making it impossible to fill positions in the health care field, schools, and other areas where individuals in positions of trust are working.

Replacement of this system with a New Computerized Criminal History System (nCCH) is estimated to cost \$10 million dollars over four years.

The **Criminal Justice Reporting System (CJRS)**, which is used by criminal justice agencies statewide to report their statistics to the state and the FBI, is nearly 40 years old. It is no longer supported by the vendor and cannot be repaired. When it fails, there will be no official state crime data available and Minnesota will not be eligible for certain federal funding totaling \$4.5 to \$6 million dollars a year. A new Minnesota National Incident-Based Reporting System (NIBRS) would eliminate manual data entry and contain more detailed criminal justice information for analysis. Replacing CJRS is estimated to cost the state \$4 million over four years and local agencies a significant but unknown amount as well.

No technical or policy initiatives are being forwarded for the 2011 legislative session.

ACTIVITIES OF THE CRIMINAL AND JUVENILE JUSTICE INFORMATION POLICY GROUP AND TASK FORCE

CRIMINAL AND JUVENILE JUSTICE INFORMATION POLICY GROUP

In 2009-2010, the Policy Group worked diligently to keep criminal justice information integration efforts moving forward. It reviewed and acted on recommendations made by the Task Force, monitored progress of the Core Priorities, reviewed other projects in the Inventory, conducted annual evaluations of the MNJIS executive director, and reviewed budget and policy issues/implications. In addition, the Policy Group spent considerable effort on the following activities.

Juvenile Decision Points Study

Lawmakers passed Juvenile Decision Points Study legislation during the 2009 session to enable Minnesota to meet its federally-mandated juvenile data submission requirements and provide themselves and criminal justice policy-makers with a better understanding of how information on juveniles is collected. The Office of Justice Programs' (OJP) Statistical Analysis Center assisted the Policy Group in facilitating a study of the data currently available at juvenile justice system "decision points." The study identified gaps in the current data, how the information is collected and by whom, and what level of data analysis is currently possible. The study was presented to a legislative committee on February 16, 2010 and will be used to make recommendations on appropriate opportunities to gather required information, and on procedures for doing so. It identified three general data issues: 1) a lack of public dissemination of data currently in existence, 2) a lack of consistent grouping or coding of low-level offenses, and 3) inconsistent offense counting methodology across juvenile justice systems. The report included short, medium and long range recommendations, based on cost and feasibility, and focused on improved data collection, analysis and reporting. To read the full report, go to <http://www.ojp.state.mn.us/cj/publications/Reports/2010JuvenileJusticePolicyReport.pdf>

Non-Core Priority Projects Added/Completed

The Minnesota Justice Information Services (MNJIS) in 2009-2010 completed three non-Core Priority projects under the direction of the Policy Group. The Policy Group approved work on MNJIS Reports on Demand, the Statewide Citation Standard and the Notification Project, following Task Force recommendations.

The Notification Project enables new Livescan entries to be compared to names in the Statewide Supervision System (S3). If a match occurs, the supervising corrections or probation officer would be notified by email message. The Policy Group on the Task Force's recommendation in September 2009 voted to give this project priority among non-core projects. The project was completed in March 2010. In a recent survey of Notification users in Ramsey County, 60% said they received Notification emails about bookings they weren't informed of by their clients. In more than one-third of those instances, the notification led to an enforcement or other specific action regarding the offender.

MNJIS Reports on Demand (MROD) is a report-generating tool that provides Minnesota's criminal justice practitioners with a consistent and user friendly method for obtaining Court information on a specific individual. It also significantly reduces report preparation time and improves user efficiency. MROD was launched in June 2009;

additional data was made available through Court Integration Services web services in March 2010.

Work on a **Statewide Citation Standard** began in 2009. It is an effort to simplify and standardize citations used by Minnesota law enforcement agencies. Currently more than 128 citation variations are in use in Minnesota. A standard form will allow for better statewide information integration, support the new Court Central Payable processing, eliminate the variations in citations from different jurisdictions, and provide the public with a consistent citation form and processing throughout the state. Mandatory use of the Statewide Standard Citation begins on January 1, 2012.

Policy Group Adds 4th Core Priority

The Policy Group voted in December 2010 to add Integrated Search Service (ISS) Version 6 as a fourth Core Priority. ISS is a single point of access for BCA/MNJIS systems, including ISS' search engine, the Name-Event Index Service. Adding Integrated Search Service as a fourth Core Priority will not pull funding or resources from the other Core Priority projects, as ISS resources will come from funding currently devoted to non-Core Priorities. The enhanced version of Integrated Search Service is expected to be ready for statewide rollout by the end of 2011.

Monitored MNJIS Reorganization

The Policy Group in 2008 oversaw the reorganization of the CriMNet Program Office and the Bureau of Criminal Apprehension's Criminal Justice Information System into the Minnesota Justice Information Services (MNJIS). This restructuring effort was designed to improve customer service and better utilize financial and staffing resources. The Policy Group in 2009 conducted a post-reorganization analysis, gathering feedback from stakeholders and staff (to read the full report, go to <http://www.crimnet.state.mn.us/docs/MNJIS1-YearReorganizationReviewFinal12072009.pdf>), and received input from MNJIS' executive director. The Policy Group was satisfied with the improved efficiency and customer service that resulted from this effort.

Reviewed Juvenile Data Retention Issues

At the direction of the legislature, the Policy Group in 2009 in consultation with the Office of Justice Programs and relevant criminal justice agencies studied the feasibility of collecting and reporting summary data relating to the decisions that affect a child's status in the criminal justice system. The study identified gaps in the current data, how the information is collected and by whom, and what level of data analysis is currently possible. The study was presented to a legislative committee on February 16, 2010 and will be used to make recommendations on appropriate opportunities to gather required information, and on appropriate procedure for doing so. To read the study in its entirety, go to <http://www.ojp.state.mn.us/cj/publications/Reports/2010JuvenileJusticePolicyReport.pdf>.

Policy Group Transition Document

In preparation for new state government leadership, legislative members, legislative committee leadership, as well as new Policy Group membership as a result of the recent elections, the Policy Group created a transition document containing both current and historical information pertinent to its mission, responsibilities and accomplishments. The document provides detail on how the state first came to recognize criminal justice information integration as a priority, its creation of CriMNet, the Policy Group and Task Force, and the legislative changes that have shaped the work done by these entities over the past two decades. The report also details the accomplishments achieved thus far and

how they've impacted public safety in Minnesota as well as a look at criminal justice information integration needs both now and in the future. To read the full report, go to www.bca.state.mn.us .

CRIMINAL AND JUVENILE JUSTICE INFORMATION TASK FORCE

In its role as an entity created to assist the Policy Group with its duties, the Task Force in 2009-2010 provided expertise, assistance and recommendations to the Policy Group. The Task Force reviewed the status of integration projects, conducted stakeholder roundtables to hear about integration activities in all criminal justice disciplines, heard issues submitted by stakeholders (MNCIS Notification to S3, Notification Project, Protective Order Information Gap, DVS Data in Integrated Search Service) and made recommendations to the Policy Group when appropriate. The Task Force also spent considerable effort on the following activities.

Issues Submitted to Policy Group

The Task Force completed a considerable amount of work and made recommendations to the Policy Group on the following issues.

Protective Order Information Gap - A significant discrepancy exists between the number of Domestic Abuse No Contact Orders (DANCOS) issued by the Court and the number entered into the BCA Hot Files. That gap could impact the safety of victims and the ability of law enforcement to provide services on Orders for Protection and Domestic Abuse No Contact Orders. In 2010 The Task Force voted to ask the Policy Group to study the issue and provide recommendations on what can be done to remedy this problem. The Policy Group approved this request at its June 2010 meeting. The Minnesota Coalition for Battered Women provided a grant totaling \$28,000 to the Courts and the BCA toward studying and correcting the issue.

Initiative Expanding Integrated Search Service Offerings - In 2010 the Task Force asked the Policy Group to consider a new initiative adding access to DVS data through Integrated Search Service. The move would not require legislative action but is a procedural decision requiring consideration of implementation, training costs and data access.

Juvenile Data Retention Issues – In 2009 the Task Force analyzed issues related to the retention of juvenile criminal justice data on individuals. Minnesota Statutes 299C.095 contains provisions on juvenile data retention which compete with those in other statutes. The Task Force reviewed privacy issues and how changing the statutes would impact the parties involved. In a close vote, the Task Force recommended the Policy Group move forward with recommending changes to the statute. Based on the lack of consensus among Task Force members, the Policy Group decided instead of a formal recommendation, it would write a letter asking the legislature to clarify its intent in the statute. The legislature did not act on this request. (See Legislative Recommendations section)

New Leadership: New Task Force Executive Board Elected

The Task Force elected its new Executive Board in September 2010. Paul Beaumaster, Rice County Attorney (Chair), Deb Kerschner, Department of Corrections Information and Technology Director (1st Vice Chair) and Peter Cahill, 4th Judicial District Judge (2nd Vice Chair), will serve two-year terms. As Chair and 1st Vice Chair, Beaumaster and Kerschner will also represent the Task Force on the Criminal & Juvenile Justice Policy Group.

Prioritization of Non-Core Priorities

Priority for integration funding and staff resources is given to the Core Priorities; remaining resources goes to non-Core Priorities. In an effort to help MNJIS obtain stakeholder input on project priorities, the Task Force in November 2010 cast votes creating an order of priority to the non-Core Priority projects. The Task Force recommended to the Policy Group that MNJIS consider dedicating non-Core Priority resources to projects in the following order:

1. *Identity Access Management (LAM)* - a single sign-on for all BCA statewide systems, a security service to identify user roles and privileges, and other protocols
2. *Warrants* – a new statewide warrant design which allows users to determine everyone who has a warrant for their arrest, improved warrant-related training, simplified validation & identification processes, develop compliance & efficiency resources for local agencies
3. *Minnesota Offense Codes (MOC)* – business analysis of use and purpose of offense codes to determine whether the MOC should be revised or replaced
4. *Standard User Interface (SUI)* – once you access systems through Integrated Search Service, SUI would allow access to complete functionality of those systems
5. *Predatory Offender Registry (POR) Booking Check* – automated check of POR during the booking/fingerprinting process through Livescan devices
6. *Local Agency Assistance* – staff dedicated to providing direct integration planning assistance to medium and smaller-sized jurisdictions
7. *State Provided Systems* – providing state funding to smaller agencies to assist with implementation of statewide integration systems
8. *Minnesota Repository of Arrest Photos (MRAP)* – providing counties with technology necessary to capture and submit arrest/booking photos

N-DEx Delivery Team

The Task Force in September 2010 created a delivery team to study issues surrounding the access and contribution of Minnesota criminal justice information to the FBI's national repository known as N-DEx. The delivery team expects to make recommendations to the full Task Force in early 2011.

Move to Quarterly Meetings

The Task Force voted in 2009 to move from a monthly to a quarterly meeting schedule. This move ensures the most efficient use of Task Force time and resources, and better allows for significant project progress between meetings and decisions.

ADDITIONAL LEGISLATIVE REPORTING REQUIREMENTS

In addition to the biennial report required in Minn. Stat. 299C.65, Subd. 3a, the Criminal and Juvenile Justice Information Policy Group is also charged with studying and making recommendations to the governor, the Supreme Court and the legislature on the following 15 items (Minn. Stat. 299C.65, Subd. 1(d)).

299C.65, Subdivision 1d.	Status/Comments
(1) A framework for integrated criminal justice information systems, including the development and maintenance of a community data model for state, county, and local criminal justice information	<p>In 2010, the Policy Group, in conjunction with the Task Force and executive director, re-affirmed three key priorities for criminal justice information integration: the completion of the eCharging Service and the Name-Event Index Service, and the connection of agencies to the Comprehensive Incident-Based Reporting Service.</p> <p>These priorities were initially established by the Policy Group in 2006, when the group undertook an extensive process to create a strategic framework for criminal justice information integration in Minnesota. In re-affirming these priorities, the Policy Group also has directed the BCA to continue to devote the bulk of integration funds to these projects.</p> <p>Recommendation: In 2010, the Policy Group recommended the addition of the Integrated Search Service (ISS) to the list of Core Priorities. The ISS application provides access to multiple statewide databases of information. Databases continue to be added to the application, and system functionality is enhanced periodically.</p>
(2) The responsibilities of each entity within the criminal and juvenile justice systems concerning the collection, maintenance, dissemination, and sharing of criminal justice information with one another	<p>As each prioritized strategic initiative has commenced, project documentation expands upon policies, definitions, standards and strategies for use by state and local agencies in their effort to participate in each initiative. Local agencies are key partners in the implementation of each initiative. Project plans including business cases, scope statement milestones, and work breakdown structures are added detailing when steps will be completed and when the goals for each initiative will be finished.</p> <p>Over the past year, a workgroup developed and stakeholders signed off on a statewide citation standard. The standard citation will lead to better statewide information integration, support the new Courts Central Payable processing, eliminate variations in citations from different jurisdictions, and provide the public with a consistent citation form and processing throughout the state. A final draft, along with information related to the mandatory use effective date, is expected to be provided to stakeholders in early 2011.</p> <p>Recommendation: Continue to partner with state and local agencies to implement information sharing strategies. Future reporting as needed.</p>
(3) Actions necessary to ensure that information maintained in the criminal justice information systems is accurate and up-to-	<p>Suspense: Fewer than 10% of new records now fall into suspense – a milestone required by the Legislature. Staff dedicated solely to suspense reduction efforts have been reassigned as a consequence of budget</p>

date	<p>reductions, statutory changes and technology investments.</p> <p>Minnesota Court Information System (MNCIS) to Computerized Criminal History System (CCH) Conversion: An evaluation of the remaining scope and schedule for the conversion of court data into the Computerized Criminal History system is underway.</p> <p>Data Quality is an ongoing standard in all integration projects.</p> <p>Recommendation: Continue suspense reduction efforts as staff time and resources allow. Continue the MNCIS to CCH project as technical resources allow.</p>
(4) The development of an information system containing criminal justice information on gross misdemeanor-level and felony-level juvenile offenders that is part of the integrated criminal justice information system framework	<p>Development of this system was completed in early 1998. The BCA continues to work on prevention efforts for juvenile records going into suspense.</p> <p>Recommendation: Future reporting as needed.</p>
(5) The development of an information system containing criminal justice information on misdemeanor arrests, prosecutions, and convictions that is part of the integrated criminal justice information system framework	<p>The Minnesota Court Information System (MNCIS) integration to the Computerized Criminal History file (CCH) includes targeted misdemeanors; as counties were converted to MNCIS, the data is now available in CCH. In 2005, the courts passed <i>all</i> targeted misdemeanors from April 2002 to present to CCH and initiated a process to pass to CCH the archived Court targeted misdemeanor data (1997- April 2002) on a county-by-county basis as counties were converted to MNCIS. The MNCIS rollout was completed in April 2008.</p> <p>Recommendation: Future reporting as needed.</p>
(6) Comprehensive training programs and requirements for all individuals in criminal justice agencies to ensure the quality and accuracy of information in those systems	<p>There are a number of training programs available to criminal justice agencies related to the accuracy and quality of data. The BCA MNJIS Training and Auditing Unit provides classroom training on: Criminal Justice Data Network, Criminal Justice Reporting System, Terminal Agency Coordinator Workshops, Livescan, and eCharging. In addition to the classroom training, the MNJIS Training and Auditing unit has developed on-line training covering fifteen BCA applications including Criminal History, Comprehensive Incident-Based Reporting System (CIBRS) and Integrated Search Services (ISS). The on-line material is continually updated to address changes to FBI and MNJIS policies and procedures.</p> <p>In addition, the BCA has assisted local agencies in developing plans to improve their data quality and accuracy through business process improvements.</p> <p>Recommendation: Future reporting as needed.</p>
(7) Continuing education	<p>Training/certification programs are available through the BCA in such</p>

<p>requirements for individuals in criminal justice agencies who are responsible for the collection, maintenance, dissemination, and sharing of criminal justice data</p>	<p>areas as CCH, Livescan, National Crime Information System (NCIC), Predatory Offender Tracking, MN Repository of Arrest Photos, and suspense file improvement. Other integration-related projects also offer specialized training (Statewide Supervision System, Court Web Access, etc). Data Practices training is provided by the BCA and is incorporated into other training.</p> <p>Recommendation: Training will continue in the future as needed.</p>
<p>(8) A periodic audit process to ensure the quality and accuracy of information contained in the criminal justice information systems</p>	<p>The BCA MNJIS Training and Auditing Unit audits criminal justice agencies for appropriate use of the Criminal Justice Data Network (CJDN) which provides data for all BCA systems. The Compliance Audit verifies appropriate use of the CJDN Network as defined in agency agreements as well as state and federal law, policies and procedures. The Unit also conducts audits on the Comprehensive Incident-Based Reporting System (CIBRS) which are mandated by MN Statute 299C.40 to assure compliance. The Unit will begin to audit non-criminal justice agencies in 2011.</p> <p>Recommendation: The BCA developed a Privacy Impact Assessment (PIA) template which is being used on all projects that deliver any kind of technology solution. The BCA is recommending use of this tool to other solution providers, as well.</p>
<p>(9) The equipment, training, and funding needs of the state and local agencies that participate in the criminal justice information systems</p>	<p>The BCA conducted an original technology inventory of criminal justice agencies statewide in 2004-2005 to identify the status of hardware/software platforms, information technology resources, and planned technology initiatives, e.g., future upgrades or replacements of systems. This information helped to determine the degree of effort involved in rolling out particular services to specific agencies and the agencies' ability to participate in information sharing and integration efforts. This information needs to be updated periodically to remain useful, but resources are not currently available to support ongoing assessment.</p> <p>Recommendation: Report as needed on technology resource status of criminal justice agencies and needs related to specific enterprise information sharing and integration initiatives</p>
<p>(10) The impact of integrated criminal justice information systems on individual privacy rights</p>	<p>The Policy Group in January 2009 wrote a letter to the legislature regarding data privacy issues related to commercial data mining (the collection and dissemination of public government data on individuals). The Policy Group gained background on the issue from a Task Force delivery team report, Commercial Data Mining of Criminal Justice System Records, which compiled approaches used by other states to address the issue. The Policy Group did not adopt any specific approaches, but instead recommended that the legislature be guided by several principals when making decisions regarding the commercial mining of government data (see Appendix B).</p> <p>Recommendation: Future reporting as needed.</p>

<p>(11) The impact of proposed legislation on the criminal justice system, including any fiscal impact, need for training, changes in information systems, and changes in processes</p>	<p>Recommendation: Policy Group and Task Force will monitor proposed legislation and fiscal impacts and report as needed.</p>
<p>(12) The collection of data on race and ethnicity in criminal justice information systems</p>	<p>Lawmakers passed the Juvenile Decisions Points Study legislation during 2009 to enable Minnesota to meet its federally-mandated juvenile data submission requirements and provide themselves and criminal justice policymakers with a better understanding of how information on juveniles is collected. The Office of Justice Programs (OJP) Statistical Analysis Center facilitated the study of data currently available at juvenile justice system “decision points.” The study identified gaps in the current data, how the information is collected and by whom, and what level of data analysis is currently possible. The study was presented to a legislative committee on February 16, 2010 and will be used to make recommendations on appropriate opportunities to gather required information, and on appropriate procedure for doing so. It identified three general data issues: 1) a lack of public dissemination of data currently in existence, 2) a lack of consistent grouping or coding of low-level offenses, and 3) inconsistent offense counting methodology across criminal justice systems. The report included short, medium and long range recommendations, based on cost and feasibility, and focused on improved data collection, analysis and reporting.</p> <p>Recommendation: Future reporting as requested.</p>
<p>(13) The development of a tracking system for domestic abuse orders for protection</p>	<p>The system is in place. Upgrades to the Domestic Abuse No Contact Order (DANCO) system completed in 2009 enabled the addition of court-verified offender photographs to DANCO Hot File records, and Sheriff’s offices were given the ability to add supplemental information including aliases, scars, marks tattoos and additional photos to Protection Order Hot File records.</p> <p>Recommendation: Future reporting as needed.</p>
<p>(14) Processes for expungement, correction of inaccurate records, destruction of records, and other matters relating to the privacy interests of individuals</p>	<p>See #10</p> <p>Recommendation: Make recommendations for process standardization and legislative/policy changes as needed.</p>
<p>(15) The development of a database for extended jurisdiction juvenile records and whether the records should be public or private and how long they should be retained</p>	<p>A database for Extended Jurisdiction Juvenile (EJJ) records is governed by Minn. Stat. 299C.65 prior to the imposition of the adult sentence. Once the adult sentence is imposed, the records would be handled in the same manner as adult records.</p> <p>In 2010, the Policy Group recommended that the legislature change the law to keep juvenile arrest and fingerprint data for 12 months instead of six months. The Policy Group also wrote a letter to the legislature (see Appendix C) recommending the legislature clarify its intent in Minnesota</p>

Statutes 299C.095 because the statute contains provisions which compete with those in other statutes. The letter cited two conflicts: if juvenile adjudication history is destroyed at age 28 (as is required by M.S. 299C.095), there is no way to determine if the subject is not eligible to possess a firearm beyond age 28 (as required by M.S. 624.713); and, if juvenile adjudication history is destroyed at age 28 (as is required by M.S. 299C.095), there is no way to mandate predatory offender registration beyond age 28 (as required by M.S. 243.166).

Recommendation: Make recommendations as needed.

APPENDICES

	Description:	Status:	Current or Future Funding:	BCA/MN Justice Information Services (MNJIS) Recommendation:
Core Priorities: <i>Note: MNJIS has consolidated method of submission to one schema for core priorities.</i>				
Name Event Index Service (NEIS)	NEIS is a statewide, centralized index to link names and events from separate criminal justice information systems – much like a card catalog in the library relates to books. The access point to the NEIS data will be Integrated Search Service (ISS). The goal is to eventually have all records linked by a biometric identifier.	Design and “proof of concept” completed July 2009. Bulk loading of historical data and availability of live data will be completed by Dec 2010. Data sources include: Criminal History, Statewide Supervision System, Predatory Offender Registry, MN Repository of Arrest Photos, and Automated Fingerprint Identification System. Bulk loading of data from MN Court Information System is pending execution of agreement.	BCA MNJIS funding allocated through FY11.	Continue as a core priority.
Electronic Charging Service (eCharging)	eCharging is a centralized service available to law enforcement and prosecution to electronically prepare and transmit charging documents with the Courts. Two additional modules in the service include submitting DWI administrative forms and electronic citations (eCitation). This project will also integrate new breath testing instruments statewide.	Pilot service completed in four counties Sept 2009. Deployed in 12 counties as of August 2010 (DWI in 8 counties). Enhancements to system continue through FY11. Deployment schedule for one-two counties per month in FY11. Court Rules adopted as permanent in June 2010.	BCA MNJIS funding allocated through FY11 (state and federal funds including \$1 million stimulus grant).	Continue as a core priority.

Description:	Status:	Current or Future Funding:	BCA/MN Justice Information Services (MNJIS) Recommendation:
<p>Comprehensive Incident-Based Reporting System (CIBRS)</p>	<p>CIBRS is a statewide database containing MN law enforcement incident data to be used for investigative purposes by law enforcement (access to CIBRS restricted to MN law enforcement by statute).</p> <p><i>Note: Legislature passed bill in 2010 that expanded purposes CIBRS may be accessed for by law enforcement.</i></p>	<p>CIBRS system is developed and is currently being deployed to law enforcement agencies throughout the state. As of Sept 2010, there are 114 submitting agencies and 11 access-only agencies (agencies do not need to submit data in order to access data). Minneapolis and St, Paul police depts. are in contract process and should be submitting data by June 2011 (including 10 yrs of historical records submitted by Minneapolis).</p>	<p>BCA MNJIS funding allocated through FY11.</p> <p>Continue as a core priority.</p>
<p>Integrated Search Service (ISS)</p>	<p>ISS is an application that allows criminal justice professionals to query BCA, Courts and DOC criminal justice data repositories in one place and determine what records are available on individuals.</p>	<p>Migration to the new underlying technology for ISS completed Dec 2009. The next phase of ISS (version 6) estimated to be completed Dec. 2011. Version 6 will add Identity Access Management components and major enhancements to search capabilities.</p>	<p>BCA MNJIS base budget funding allocated through FY11.</p> <p>Upgrade ISS version 6 to a core priority. Approved by Policy Group December 2010.</p>

Other Active Projects:

Suspense Prevention and Reduction Projects

“Suspense” records are created in an individual’s criminal history when a fingerprint is not linked to an arrest disposition. The lack of linking is due to various factors but the main three factors are: 1) data quality; 2) local business practices; and 3) conversion of MNCIS data to the BCA’s criminal history system.

Work efforts have been underway in each of the three areas to reduce the “flow” of records into “suspense”. Records falling into suspense have been reduced to less than 10% as required by the Legislature. While work efforts in these areas continue, staff dedicated solely to suspense reduction efforts have been removed or reassigned as a consequence of budget reductions, statutory changes and technology investments.

Minimal BCA MNJIS base budget funding in FY11.

Continue suspense reduction efforts as staff time and resources allow. Continue the MNCIS to CCH project as technical resources are available.

Statute Service Enhancement

The underlying technology of the Statute Service needs to be updated. The enhanced service will include local ordinances that can be entered and used by local agencies as well as the Courts’ Central Payables system.

Phase 1 is to update the underlying technology. Initial planning has begun on Phase 1 (estimated completion dependent on planning). There is no work planned at this time for Phase 2 (including local ordinances).

BCA MNJIS base budget funding allocated for FY11.

Continue with Phase 1 dependent on available funding.

Future Integration Priorities (in priority order as recommended to Policy Group by the Task Force):

<p>New Computerized Criminal History System (nCCH)</p> <p><i>*High Priority</i></p>	<p>Current Computerized Criminal History (CCH) System is over 20 years old. A new CCH will be needed in the near future to provide more accurate and complete information with the ability to integrate with other data sources such as AFIS and NEIS.</p>	<p>High-level requirements have been completed.</p>	<p>No funding allocated at this time.</p>	<p>Future recommendation dependent on available funding.</p> <p><i>Both Policy Group and Task Force recommend to make replacement of CCH and CJRS a high priority with targeted legislative funding to benefit the criminal justice system.</i></p>
<p>New Criminal Justice Reporting System (CJRS)</p> <p><i>*High Priority</i></p>	<p>A new criminal justice reporting system is needed to replace the antiquated, 30-yr old Criminal Justice Reporting System (CJRS) used by criminal justice agencies to report their statistics to the FBI. The new system will eliminate manual data entry and contain more detailed information for analysis.</p>	<p>Analysis currently being done to assess state and local costs to replace</p>	<p>No funding allocated at this time.</p>	<p>Future recommendation dependent on available funding.</p> <p><i>Both Policy Group and Task Force recommend to make replacement of CCH and CJRS a high priority with targeted legislative funding to benefit the criminal justice system.</i></p>
<p>Identity Access Management (IAM)</p>	<p>A coordinated identity and access management system that will provide a “single sign-on” for all BCA statewide systems, a security service to identify user roles and privileges, and other security protocols.</p>	<p>Detailed design and acquisition of an off-the-shelf product completed. IAM project on hold beginning in FY09 due to budget reductions. Identity access management components will be added to the next version of Integrated Search Service and MNJIS Reports on Demand.</p>	<p>BCA MNJIS base budget funding allocated as part of ISS and MROD in FY11.</p>	<p>Continue comprehensive IAM project as funds become available. Until then, IAM components added to ISS and MROD.</p>

Warrants Process Improvements	The BCA completed an analysis of current warrant processes in MN in 2007. A Warrants Delivery Team was created to review the report and make recommendations on business process improvements that could be accomplished in the short-term without allocated funding.	Report review completed in August 2008. Policy Group approved implementing low-cost recommendations as resources permit. As of Sept. 2010, minimal work has been completed on the recommendations; however, the warrants system is being updated based on federal requirements to provide better filtering of warrant data.	No MNJIS funding available to support the recommendations in FY11.	Implement recommendations as resources permit.
Standard User Interface (SUI)	SUI is a single point of entry (a portal or single screen) where users can access a number of individual criminal justice information systems (not to just query the information but to access the full functionality of each system).	Preliminary analysis completed to identify available technology. Components of a Standard User Interface will be implemented in the next version of Integrated Search Service.	No future funding allocated beginning in FY09 due to budget reductions.	Continue comprehensive project if funds become available. Implement components of an SUI in ISS.
MN Offense Codes (MOC)	Analysis of MOC system including current practices and business needs for the statistical information MOCs are used for.	Study completed by the MOC Work Group in FY08. Recommendations presented to the Task Force and Policy Group in June 2008. Policy Group approved changes to be incorporated in Courts/MNCIS plan/queue. MNJIS directed to vet specific codes with users. Some analysis work completed in FY10 in preparation for further vetting; however work ceased due to FY11 budget reductions.	No funding allocated at this time.	Continue project as resources permit.

Predatory Offender Registry (POR) Booking Check	An Automated check of the Predatory Offender Registry (POR) during the booking/fingerprinting process through livescan devices.	No activity at this time.	No funding allocated at this time.	Future recommendation dependent on available funding.
Local Agency Assistance Team	BCA staff dedicated to providing direct integration planning assistance to medium and smaller-sized jurisdictions.	No activity at this time.	No funding allocated at this time.	Future recommendation dependent on available funding.
State-Provided Systems for Local Agencies	The state providing smaller agencies statewide systems (such as a standard records management system) by providing funding and technology assistance to implement.	No activity at this time.	No funding allocated at this time.	Future recommendation dependent on available funding.
MN Repository of Arrest Photos (MRAP)	Completion of submission to statewide booking photo database (MRAP) – a small number of counties do not have the technology to capture and submit arrest/booking photos (some have received capability through the updated livescan devices).	No activity at this time. As funding is made available, counties will be provided the necessary technology through Livescan devices.	No funding allocated at this time.	Future recommendation dependent on available funding.

Ongoing Activities:				
Data Practices	Activities include: acceptable use policies, Privacy Impact Assessments (PIAs) on systems, business rules analysis, data practices user guide, training etc.	Ongoing	BCA MNJIS base budget funding.	Continue activities as necessary with available base budget funding.
Data Quality	Activities include: service agreements, auditing, business rules analysis, standardized data validation etc.	Ongoing	BCA MNJIS base budget funding.	Continue activities as necessary with available base budget funding.
Technical Standards	Development, vetting, publication, training of technical standards.	Ongoing	BCA MNJIS base budget funding.	Continue activities as necessary with available base budget funding.
Business Standards	Development, vetting, publication, training of business standards. Also includes business process improvement studies and analysis.	Ongoing	BCA MNJIS base budget funding.	Continue activities as necessary with available base budget funding.
Communication and Liaison Program	Stakeholder, user and vendor communication through liaison meetings, conferences (state and national), written materials, website, publications, presentations, partnerships etc.	Ongoing	BCA MNJIS base budget funding.	Continue activities as necessary with available base budget funding.
Infrastructure and Architecture – Enterprise Service Bus (ESB) and Service Oriented Architecture (SOA).	Underlying infrastructure and architecture at BCA to deliver core, statewide integration services.	Base infrastructure deployed. Continue to expand deployment of services through the state “hub”. Continue ongoing work with Dakota County SOA Project.	BCA MNJIS base budget funding.	Continue as necessary with available base budget funding.

Ongoing Maintenance and Enhancements to Current BCA Applications	Ongoing maintenance and enhancements to Predatory Offender Registry (POR), MN Repository of Arrest Photos (MRAP), MN Statute Service, Law Enforcement Message Switch (LEMS), MN Computerized Criminal History (CCH), CIBRS etc.	Ongoing	BCA MNJIS base budget funding.	Continue to implement integration priorities as determined by Policy Group, BCA clients, and statutory mandates with base budget funding.
Ongoing Maintenance and Enhancements to Current DOC Applications	Ongoing maintenance and enhancements to Statewide Supervision System.	Ongoing	DOC base budget funding (dependent on available funding).	
Ongoing Maintenance and Enhancements to Current Courts Applications	Ongoing maintenance and enhancements to MNCIS and Court Web Services.	Ongoing	Courts base budget funding.	
Other Activities:				
Local Funding/Grants	The state has funded specific statewide integration initiatives for locals through grants to agency vendors and to agencies directly.	Grant funding currently targeted for interfaces and adaptors for core priority projects (such as eCharging and CIBRS) through agreements with individual agencies.	State and federal BCA MNJIS funding allocated through FY11 for core priority projects.	Future recommendation dependent on available funding.

Completed Projects:				
Probation Client Event Notification	This service is an automated notification from the BCA to probation officers when an offender under their supervision is fingerprinted.	The notification service went live in February 2010.	BCA MNJIS base budget funding allocated for FY10.	Completed
MNJIS Reports on Demand (MROD) Formerly known as Court Information Summary Report (CISR)	MROD is an electronic reporting tool that produces a succinct and accurate report of criminal history information from the Courts' information system (MNCIS). The data are used in making critical release and sentencing decisions.	MROD completed in June 2009 and tool is currently available for authorized criminal justice users. Minor enhancements completed in FY10.	No further funding allocated at this time.	Completed
Domestic Abuse No Contact Orders (DANCO)	The Legislature mandated that domestic abuse no contact orders be made available to law enforcement through the BCA (this includes a photograph of the subject if available).	The integration project to pass domestic abuse no contact orders from MNCIS to BCA was completed in Dec 08. Phase 2 (including photo of subject) was completed Dec 09.	No further funding allocated at this time.	Completed
Integration Cookbook	The "Cookbook" was designed as a how-to guide to assist medium and smaller-sized agencies with integration planning and activities.	Version 1 of the Cookbook was released in January 2008. Version 2 is on hold due to resource limitations.	No funding allocated at this time.	Completed
Statewide Citation Standard	There are currently over 128 versions of electronic and paper citations in MN (with over 1 million citations issued annually). A statewide citation standard is needed for successful integration between the Courts' MNCIS application, eCharging and the Courts' Central Payables system.	A workgroup of stakeholders created recommendations for a statewide standard in early 2010. Those recs were vetted for comment through two solicitations. Final recs were submitted to the Commissioner of Public Safety and Chief Justice of the MN Supreme Court for consideration. Adoption of statewide citation is pending with a possible implementation date of July 2011.	BCA MNJIS base budget funding allocated for analysis. Funding for implementation is still to be determined.	Completed



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January 30, 2009

The Honorable Tim Pawlenty
Governor of Minnesota

The Honorable Linda Higgins, Chair
The Honorable Bill Ingebrigtsen
Minnesota Senate
Public Safety Budget Division

The Honorable Leo Foley, Chair
The Honorable Warren Limmer
Minnesota Senate
Judiciary Budget Division
Committee

The Honorable Michael Paymar, Chair
The Honorable Paul Kohls
Minnesota House of Representatives
Public Safety Finance Committee

The Honorable John Lesch, Chair
Minnesota House of Representatives
Crime Victims/Criminal Records Division

The Honorable Eric Magnuson
Chief Justice Minnesota Supreme Court

The Honorable Mee Moua, Chair
The Honorable Warren Limmer
Minnesota Senate
Judiciary Committee

The Honorable Debra Hilstrom, Chair
The Honorable Bruce Anderson
Minnesota House of Representatives
Public Safety Policy and Oversight

The Honorable Joe Mullery, Chair
The Honorable Steve Drazkowski
Minnesota House of Representatives
Civil Justice Committee

Dear Colleagues:

Please accept the following report, *Commercial Data Mining of Criminal Justice System Records*, forwarded for the Legislature's consideration by the Criminal and Juvenile Justice Information Policy Group (Policy Group) regarding "commercial data mining". Commercial data mining is when private entities acquire and disseminate public government data on individuals (typically for a fee) for purposes such as criminal history and background checks on individuals.

In 2007, the Policy Group submitted a report to the Legislature on issues related to background check and expungement policy in Minnesota. A delivery team of criminal justice stakeholders, as well as other interested parties, had studied these issues and had submitted recommended changes to the Policy Group for its consideration. As part of the delivery team's work, the issue of "commercial data mining" was noted as a policy issue with significant impact on individuals and the criminal justice system; however, given the complexity of this issue, the delivery team recommended future study and analysis of commercial data mining.

The Policy Group agreed that the issue of commercial data mining was an important component to the overall policy discussion and thus directed the Criminal and Juvenile Justice Information Task Force (Task Force) to study commercial data mining and the implications and possible unintended consequences on individuals and the criminal justice system. In January 2008, the Data Mining Delivery Team was appointed by the Task Force and concluded its work in August 2008 by submitting the attached report to the Task Force.

EQUAL OPPORTUNITY EMPLOYER

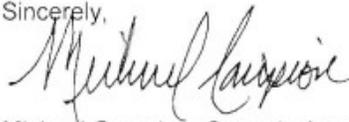
The delivery team could not reach consensus on any specific recommendations; therefore, the report is a compilation of possible approaches that other states have taken to address this issue. The Task Force forwarded the report to the Policy Group for its consideration in September 2008.

The Policy Group reviewed the report and discussed the policy implications at its September, October and December 2008 meetings. **While the Policy Group has not adopted any of the specific approaches, the Policy Group recommends that the Legislature be guided by the following principles when making decisions regarding the commercial mining of government data:**

- Data on individuals received and disseminated by commercial data miners should be accurate and complete;
- Data on individuals disseminated by commercial data miners should be current;
- Individuals who are subject to a check of their "criminal history" through a commercial data mining process (at a minimum for employment and housing purposes) should be notified;
- Individuals should be able to get a copy of a "criminal history" or background check made on them through a commercial data mining process and have a remedy to challenge the accuracy of the information provided;
- There is a perceived problem that people with a criminal record may be denied employment or housing because the information contained in a criminal history or background check provided by a commercial entity may be inaccurate or incomplete;
- Some entities, which are providing criminal history or background information over the Internet and are not governed by the Fair Credit Reporting Act (FCRA), may be providing incomplete and inaccurate information to potential employers and landlords.

On behalf of the Policy Group, I hope that you find the report, as well as the guiding principles, helpful and informative as the Legislature considers these important policy decisions. Please feel free to contact me if you have any questions.

Sincerely,



Michael Campion, Commissioner
Chair, Criminal and Juvenile Justice Information Policy Group

cc: Legislative Reference Library

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January 8, 2010

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Governor Tim Pawlenty
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The Honorable Debra Hilstrom
The Honorable Karla Bigham
The Honorable Bruce Anderson
House Public Safety Policy and
Oversight Committee

The Honorable Mee Moua
The Honorable Mary Olson
The Honorable Warren Limmer
Senate Judiciary Committee

The Honorable Michael Paymar
The Honorable Dave Olin
The Honorable Paul Kohls
House Public Safety Finance Committee

The Honorable Linda Higgins
The Honorable Ron Latz
The Honorable Bill Ingebrigtsen
Senate Public Safety Budget Division

Dear Colleagues:

On behalf of the Criminal and Juvenile Justice Information Policy Group (Policy Group), I am writing to forward a set of policy issues related to juvenile data retention. I respectfully request the legislature review these issues, determine what policy decisions need to be made, and take action as deemed appropriate or necessary.

These issues were brought to the Criminal and Juvenile Justice Information Task Force (Task Force) by the Minnesota Bureau of Criminal Apprehension (BCA) in 2008. The BCA, as part of its statutory record-keeping obligations related to criminal history records, identified two primary statutory provisions with competing policy objectives. Following is a brief description of the competing policies detailed in statute:

1. Minnesota Statutes (M.S.) §299C.095 requires the destruction of juvenile adjudications when the subject reaches age 28 (unless the subject has been convicted of a felony as an adult). However, M.S. §624.713 prohibits any subject adjudicated delinquent of a crime of violence from possessing a firearm for life. The conflict is that if the juvenile adjudication history is destroyed at age 28, there is no way to determine if the subject is not eligible to possess a firearm beyond age 28.

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2. M.S. §299C.095 also requires the destruction of juvenile adjudications when the subject reaches age 28 (unless the subject has been convicted of a felony as an adult). However, M.S. §243.166 requires that a subject adjudicated delinquent for specific crimes register as a predatory offender. M.S. 243.166 also requires that a subject register for life if the subject is subsequently convicted of or adjudicated delinquent for an offense requiring registration. The conflict is that if the juvenile adjudication history is destroyed at age 28, there is no way to mandate predatory offender registration beyond age 28.

The Task Force debated these policy issues over a ten-month period and forwarded the following recommendations to the Policy Group in September 2009:

The proposal recommended by the Task Force is to allow for the retention of these juvenile records when they include firearms disqualifiers or are offenses that require registration as a predatory offender. The proposal also limits the use of this additional information to: determining firearm possession eligibility; predatory registration requirements; and criminal justice employment background checks. Use of this information for other types of background checks is not permitted.

In addition to firearms eligibility and registration offenses, the Task Force also recommended that the juvenile adjudication data be available for criminal justice employment background checks and that any approved statutory changes be applied to both executive and judicial branch records. As indicated in the quoted recommendation, the Task Force believed that limiting the use of the juvenile records that would be maintained was an important component in providing some protection to the subject with a juvenile record.

As the Policy Group considered the recommendations at its September 2009 meeting, it was noted that the recommendations were discussed extensively by the Task Force and were fairly controversial. Task Force members were almost evenly divided in their support of the recommendations. Some members were against retaining the juvenile adjudication data beyond age 28 for any purpose because of the other possible purposes that the data could be used for in the future. Those members cited that it was the legislature's intent to provide an avenue for juveniles to move beyond their juvenile adjudication history at a certain point in time. Other members supported the retention of the data for the purposes specified because of perceived enhanced public safety benefits.

There were also other tangential issues discussed that made these policy issues even more complex. For example, some members were uncomfortable with extending firearms prohibition for purposes such as hunting and handgun permits for juvenile offenses.

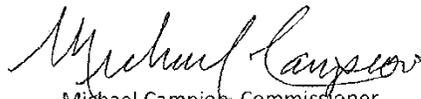
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Another example is that some members disagreed with certain offenses being defined in statute as registration offenses such as certain drug and property damage offenses. After reviewing the Task Force recommendations and considering both sides of the policy debate, the Policy Group determined that it would be more appropriate not to make a specific recommendation to the legislature but to forward the issues to the legislature for its consideration and to recommend that the legislature clarify its intent regarding the statutory provisions identified and take any necessary legislative action related to these statutes.

The Policy Group position is that these issues need to be addressed. It should be noted that lack of legislative action leaves these statutes in conflict with one another. Both BCA and Courts' staff have researched these issues extensively and have worked on possible draft language to resolve the conflicts depending on the policy direction decided. The Policy Group would be more than willing to make that information available and to offer staff time to work with legislative staff if that is helpful.

Again, on behalf of the Policy Group, I appreciate your consideration of these difficult policy issues. Please feel free to contact me if you have any questions or would like to discuss further.

Sincerely,



Michael Campion, Commissioner
Chair, Criminal and Juvenile Justice Information Policy Group

c: Criminal and Juvenile Justice Information Policy Group