



CRIMINAL AND JUVENILE JUSTICE ADVISORY GROUP

2021–2022 BIENNIAL REPORT TO THE GOVERNOR, SUPREME COURT, AND LEGISLATURE ON CRIMINAL
JUSTICE INFORMATION INTEGRATION

JANUARY 2023

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INTRODUCTION

Minnesota Statutes, section 299C.65, subdivision 3(a) requires the Criminal and Juvenile Justice Information Advisory Group to file a biennial report providing: 1) a status and review of current integration efforts and projects; 2) any recommendations made to the legislature concerning legislative changes or appropriations that are needed to ensure that criminal justice information systems operate accurately and efficiently; and 3) a summary of the activities of the Advisory Group. This report endeavors to fulfill that requirement.

The Advisory Group is the state advisory group on statewide criminal justice information policy and funding issues. The Advisory Group studies and makes recommendations to the governor, the state supreme court, and the legislature on criminal justice information funding and policy issues such as data practices, individual privacy rights, and data on race and ethnicity; information sharing at the local, state, and federal levels; technology education and innovation; the impact of proposed legislation on criminal justice information systems and business processes; and data and identification standards.

BACKGROUND

More than 1,600 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 past 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 ensure the information is accessible and managed from a statewide perspective, the legislature created the Criminal Justice Policy Group and Task Force in Minnesota Statutes, section 299C.65 in 1993.

The Policy Group gathered a wide range of state and local 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 assisted the Policy Group in these duties. Starting in 2001, these efforts were coordinated by the CriMNet Program Office, which was part of the Minnesota Justice Information Services (MNJIS) section at the Minnesota Bureau of Criminal Apprehension (BCA). Together, the Policy Group, Task Force, and MNJIS executive director provided 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 to collect that information from agencies statewide are now in place.

The Policy Group and Task Force in 2014 began a strategic planning effort to examine their current function and future role in the development of criminal justice information integration policy, direction, and laws. In 2016, the Policy Group acted on a Task Force recommendation and proposed an amendment to the enabling statute, 299C.65, which would formally combine the Policy Group and Task Force into the Criminal and Juvenile Justice Information Advisory Group (Advisory Group). The legislature amended the statute and established the Advisory Group on August 1, 2016. The statutory language identified general areas of focus including criminal justice related data practices, individual privacy rights, and data on race and ethnicity; information sharing at the local, state, and federal levels; technology education and innovation; the impact of proposed legislation on the criminal justice system related to information systems and business processes; and data and identification standards.

ADVISORY GROUP MEMBERSHIP

- The Commissioner of Corrections or designee.
- The Commissioner of Public Safety or designee.
- The state Chief Information Officer or designee.
- Three members of the Judicial Branch appointed by the Chief Justice of the Supreme Court.
- The Commissioner of Administration or designee.
- The State Court Administrator or designee.
- Two members appointed by the Minnesota Sheriffs Association, at least one of whom must be a sheriff.
- Two members appointed by the Minnesota Chiefs of Police Association, at least one of whom must be a chief of police.
- Two members appointed by the Minnesota County Attorneys Association, at least one of whom must be a county attorney.
- Two members appointed by the League of Minnesota Cities representing the interests of city attorneys, at least one of whom must be a city attorney.
- Two members appointed by the Board of Public Defense, at least one of whom must be a public defender.
- Two corrections administrators appointed by the Association of Minnesota Counties representing the interests of local corrections, at least one of whom represents a Community Corrections Act county.
- Two probation officers appointed by the Commissioner of Corrections in consultation with the president of the Minnesota Association of Community Corrections Act Counties and the president of the Minnesota Association of County Probation Officers.
- Four public members appointed by the governor representing both metropolitan and greater Minnesota for a term of four years using the process described in section 15.059, one of whom represents the interests of victims, and one of whom represents the private business community who has expertise in integrated information systems and who, for the purposes of meetings of the advisory group, may be compensated pursuant to section 15.059.
- Two members appointed by the Minnesota Association for Court Management, at least one of whom must be a court administrator.
- One member of the house of representatives appointed by the Speaker of the House, or an alternate who is also a member of the House of Representatives, appointed by the Speaker of the House.
- One member of the Senate appointed by the Majority Leader, or an alternate who is also a member of the Senate, appointed by the Majority Leader of the Senate.
- One member appointed by the Attorney General.
- Two members appointed by the League of Minnesota Cities, one of whom works or resides in greater Minnesota and one of whom works or resides in the seven-county metropolitan area, and at least one of whom is an elected official.
- Two members appointed by the Association of Minnesota Counties, one of whom works or resides in greater Minnesota and one of whom works or resides in the seven-county metropolitan area, and at least one of whom is an elected official.
- The director of the Sentencing Guidelines Commission or a designee.

LEGISLATIVE RECOMMENDATIONS

Pursuant to Minnesota Statutes, section 299C.65, subdivision 2, the Advisory 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 Advisory Group adopted the following recommendations for the legislature's consideration during the 2019 and 2020 legislative sessions.

2021 RECOMMENDATIONS

The Advisory Group made one recommendation in November 2021 for legislative action during the 2022 legislative session. The Advisory Group proposed that its enabling statute ([Minnesota Statutes 299C.65](#)) be changed to expand its role to include advising the Minnesota Bureau of Criminal Apprehension (BCA) in several areas in order to help the agency be more responsive to criminal justice partners and the public and ensure that it receives input on its activities from diverse stakeholders. The proposal included advising the BCA in the following areas:

- Audits, accreditation reports, and internal reviews of BCA operations.
- Emerging technologies in the law enforcement and forensic science fields.
- Policies and practices that impact individual privacy interests.
- Other programmatic and operational initiatives of the BCA at the request of the agency's Superintendent.

Language on the proposal was heard by the House and included in its omnibus Public Safety bill; however the language was not heard in the Senate and was not passed during the 2021-2022 session.

2022 RECOMMENDATIONS

The Advisory Group made one recommendation for legislative action in 2022. The Advisory Group proposed that its enabling statute be changed to remove the phrase "and Juvenile" from the Advisory Group's full name. The phrase was added to the original Criminal Justice Police Group and Task Force names after their inception because juvenile incidents aren't considered criminal. However, current members felt the lengthened title, carried forward to the Advisory Group, was confusing and too long. The legislature did not act on this request.

ACTIVITIES OF THE CRIMINAL AND JUVENILE JUSTICE INFORMATION ADVISORY GROUP

The Advisory Group in 2021–2022 made significant progress in its efforts to examine issues and solutions critical to criminal justice information integration and the safety of its practitioners and subjects in Minnesota. The Advisory Group reviewed recommendations made by its subcommittees and criminal justice stakeholders, and considered policy issues and implications of the topics that were covered.

The Advisory Group also welcomed new members to its leadership team and general membership, and continued quarterly virtual meetings for the entire reporting period due to the pandemic. Two Advisory Group subcommittees met and corresponded periodically during 2021-2022. Because the Advisory Group is composed of subject-matter experts from across the criminal justice spectrum, the legislature, and the public, it is in a unique position to provide advice on real world solutions for criminal justice information integration. Each member, including appointees from the legislature and the public, informs the discussions and ultimate decisions made by the group.

The Advisory Group continued its efforts to fully seat and diversify its membership. As of the publication of this report there are 12 open seats on the Advisory Group – one-third of the total seats. While a quorum is based on filled positions, unfilled seats are a gap in the breadth of voices and diversity of the group. Advisory Group members have and will continue to reach out to the entities that have not appointed members to encourage them to do so.

MINNESOTA CRIME DATA EXPLORER

Minnesota transitioned from summary crime reporting to much more detailed incident-based reporting in 2021 (National Incident Reporting System (NIBRS)). Subsequent to this effort, the Minnesota Crime Data Explorer (MN CDE) was created as a searchable and easy-to-use public database of incident-based crime data and other data provided by local law enforcement agencies to meet state and federal reporting requirements. Users are able to directly access and drill down on crime data in ways that weren't possible before. The BCA launched the database in 2021 and it was fully implemented in 2022.

The MN CDE is a significant improvement over past Uniform Crime Reports in terms of both the quantity and timeliness of the data. In addition, Minnesota's transition to National Incident-Based Reporting System (NIBRS) reporting allows for significantly more detailed information to be reported than was possible under the prior summary-format reporting. New data is published in MN CDE on a monthly basis and updates to existing data are published in real time. As more data are added in the coming years, MN CDE will make it much easier for the public to visualize data trends. Annual Uniform Crime Reports will continue to be published to provide an overview of criminal activity for the year and identify emerging issues.

COMPLEX PROCESS FOR FIREARMS DETERMINATIONS

Local law enforcement agencies and the Minnesota Bureau of Criminal Apprehension (BCA) continue to look for ways to refine and improve firearms permit determination processes. An important part of that work is the ongoing training and communication with stakeholders so that they understand the systems and processes in play.

In a presentation to the Advisory Group, the BCA outlined the complex process and state and federal systems, rules and laws that must be considered when making a determination about a permit. Records exist at the local level; in state systems including the Criminal History System, the Hot Files and the Minnesota Judicial Branch; and in federal systems

including the National Instant Criminal Background Check System’s NICS Indices, Interstate Identification Index and National Crime Information Center (NCIC) person files.

STATEWIDE EXPUNGEMENTS PROGRAM

The Advisory Group heard a presentation by the Office of the Attorney General on a new statewide expungements program, [HelpSealMyRecord.org](https://www.helpsealmyrecord.org), which guides Minnesotans with certain convictions to apply online to expunge those records. The program offers a streamlined and accessible process that requires no petition, no filing fee and no court appearance. Expungement seals records in dismissals, acquittals, diversion, misdemeanors, gross misdemeanors, and about 70 enumerated felonies. An expungement can only happen with an applicable record after a waiting period which varies based on the offense.

The Attorney General’s Office is seeking to expand the publicity of the program among minority groups and are giving presentations to relevant organizations and doing community outreach. Advisory Group members discussed sharing information about the expungement program with relevant stakeholders.

“CHEAT SHEET” FOR PROBATION DATA

The Advisory Group’s Data Practices Subcommittee developed a “cheat sheet” to assist probation and parole entities as they determine what data can legally be released to the public. Data practices experts with the Department of Administration reviewed the information. The Advisory Group distributed the information to probation and parole professional associations along with a caution to review all data scheduled for release with their legal authority.

DIVERSITY AND INCLUSION SUBCOMMITTEE ESTABLISHED

The Advisory Group established a new subcommittee on diversity and inclusion focused on identifying ways to improve access of diverse voices to the group. To increase Advisory Group diversity, the subcommittee proposed inviting speakers or guests from justice-related organizations that focus on historically oppressed groups and developing a list of presentation topics related to diversity and inclusion. The subcommittee also recommended that the Advisory Group propose changes to the Advisory Group’s bylaws to increase diversity on the group.

The subcommittee requested a presentation about the Minnesota Judicial Branch’s Committee for Equality and Justice as part of the Advisory Group’s effort to learn about diversity initiatives in the organizations of its members. The Committee for Equality and Justice’s mission is “to advance efforts to eliminate bias from court operations, promote equal access to the court, and inspire a high level of trust and public confidence in the Minnesota Judicial Branch.”

MASS SHOOTING PREVENTION

The Advisory Group heard a presentation about a member’s newly-developed database of mass shooters. [The Violence Project](#) was created by researchers at Hamline University and Metro State University to help criminal justice stakeholders and the public better understand the causes of mass shootings and to provide resources and strategies for preventing such attacks. The database compiles 170 life history variables of shooters involved in non-gang-related incidents from 1966 to present that which resulted in the deaths of four or more people in a public place. Advisory Group members were encouraged to share information with their organizations and other stakeholders.

SCHOOL AND RELIGIOUS FACILITY THREAT REPORTING APP

The BCA provided an overview for the Advisory Group on a new statewide tip app where users can share tips anonymously on possible threats of violence against Minnesota schools and religious facilities. Nearly 400,000 Minnesotans have downloaded the See It, Say It, Send It app since its launch in Minnesota in 2021. The Minnesota Fusion Center, located within the BCA, processes the tips and then shares them as appropriate with local law enforcement, religious or school facilities or other resources. The Advisory Group discussed the importance of the Fusion Center having 24/7 onsite staffing to maximize the effectiveness of fielding tips on weekends and late at night, when violent situations are more likely.

RAP BACK

Advisory Group members heard a BCA presentation about the FBI's Rap Back program which, while not in place in Minnesota, has been implemented in other states. Rap Back is an optional FBI service that allows authorized entities to be notified about future criminal activity by individuals who hold positions of trust (e.g., school teachers, daycare workers, nurses, security guards), thus eliminating the need for repeated background checks over the course of their employment.

Implementing Rap Back in Minnesota would require changes to state statutes. With the background checks currently in place in Minnesota, an employer or licensor makes a hiring decision based on a current background check but may not become aware of a later arrest or conviction. Implementing Rap Back requires legislative authority to participate, security/privacy risks mitigated, and systems set up to facilitate the program.

The BCA and FBI hosted stakeholder meetings in 2019 and 2020 with representatives from the Minnesota Association of School Administrators, Minnesota Department of Human Services, various license boards, the ACLU, tribal organizations, and the Association of Minnesota Counties and others. Stakeholders expressed concerns about extra costs and privacy issues, which along with the pandemic may stall implementation efforts in Minnesota.

JUSTICE COUNTS DATA COLLECTION AND REPORTING MODEL

The Advisory Group continued its work to learn about and identify criminal justice information integration opportunities. As part of this effort, the Council of State Governments Justice Center (part of the U.S. Dept. of Justice's Office of Justice Programs' Bureau of Justice Assistance) provided an overview of its Justice Counts reporting model.

Justice Counts is a coalition of state and local leaders working to make criminal justice data more accessible by developing common reporting metrics in the areas of law enforcement, prosecution, defense, pre-trial/courts, jails, prisons and community supervision – that could be implemented across all states. The idea is to identify the data that exists in disparate systems, and gaps in communicating that data, and then provide tools to states to fill those gaps and populate a national dashboard. The coalition currently is working to promote an understanding of Justice Counts and to promote its ultimate voluntary adoption.

DEPARTMENT OF CORRECTIONS INFORMATION SHARING INITIATIVE

The Advisory Group heard a presentation by Department of Corrections (DOC) about a DOC concept for improving sharing of and access to criminal justice data. In the 2021-2022 legislative session, DOC requested funding to create a statewide public safety information sharing infrastructure that they proposed be built and maintained by an external

vendor in collaboration with Minnesota criminal justice entities. The DOC would use the additional information to inform programs and services for incarcerated individuals.

Advisory Group members discussed the value of including the Advisory Group and its represented organizations, which have long worked toward improving criminal justice data and its movement between systems and stakeholders, if the effort moves forward.

CONCLUSION

The Criminal and Juvenile Justice Information Advisory Group is the only group of its kind with representation from all disciplines across Minnesota's criminal justice community, as well as legislative, public and municipal representation.

As it moves into 2023-2024, the Advisory Group is planning a strategic reset to ensure it is best serving the needs of the legislature, criminal justice stakeholders and the public. As it has for a quarter century, this unique collection of experts, practitioners and others will continue to provide valuable knowledge and real-world experience that can help shape the future of Minnesota criminal justice information integration.