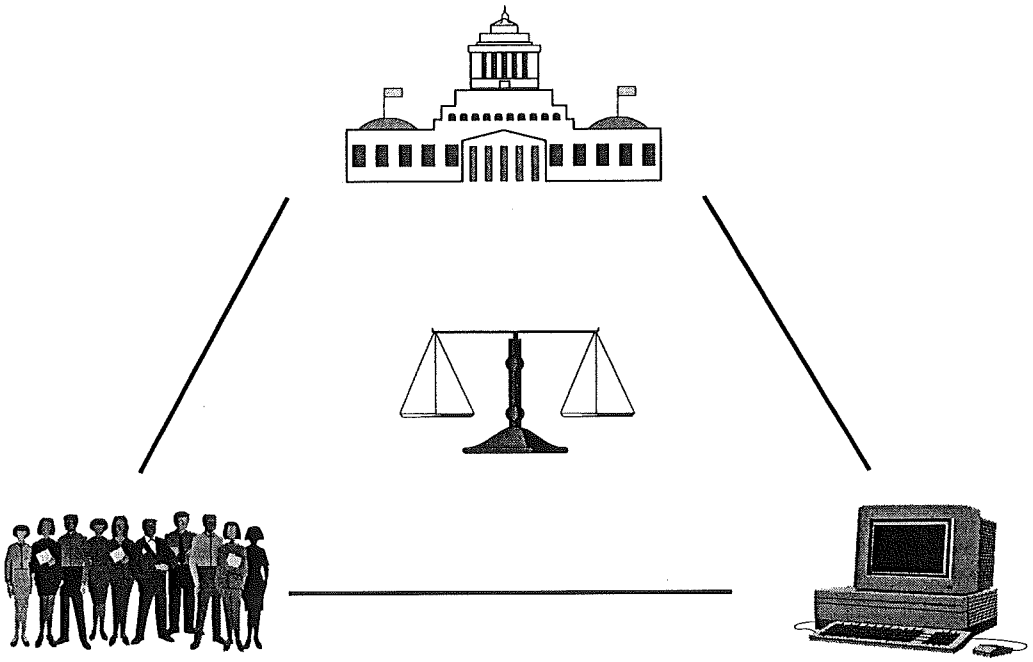
Criminal and Juvenile Justice Information Policy Group



Full Report to the Legislature

M.S. 299 C.67, subd. 2

Current Accomplishments and Future Directions to Improve Criminal Justice Information Systems

January, 1997

BACKGROUND

The criminal justice community is comprised of many organizations and individuals that cross jurisdictional boundaries. There are over 1000 agencies and over 15,000 individuals involved in Minnesota=s Criminal Justice System. All of these agencies and all of these individuals need to know much of the same criminal justice information even though it may be used for different purposes. In the past, each agency organized criminal justice information systems around its own limited area of interest and for its own specific purposes for the information. Information sharing in this environment is extremely difficult and agencies are often working against each other, or at the very least, engaging in redundant efforts.

Minnesota now takes a different approach. The Legislature realized that in order to improve information systems, the criminal justice community must work together and recognize their common interests in criminal justice data. In 1993, the Legislature formalized the Criminal and Juvenile Justice Information Policy Group. Its membership consists of the Commissioner of Public Safety, the Commissioner of Corrections, the State Court Administrator, and the chair of the Sentencing Guidelines Commission. These members represent the state organizations that are responsible for maintaining the major statewide criminal justice information systems. A task force of criminal justice practitioners and public members assists the Policy Group.

The purpose of the Policy Group is to provide leadership and support for improving criminal justice information systems. Minnesota Statute ' 299C.67 calls for the group to study and make recommendations to the Governor, the Supreme Court, and the Legislature on :

1) a framework for integrated criminal justice information systems, including a community data model for the state, county, and local information;

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;

3) actions necessary to ensure that information maintained in the criminal justice information systems is accurate and up to date;

4) the development of an information system containing criminal justice information on gross misdemeanor level and felony level juvenile offenses that is part of the integrated criminal justice information system framework;

5) the development of an information system containing criminal justice information on misdemeanor arrest, prosecutions, and convictions that is part of the integrated criminal justice information system framework;

6) comprehensive training programs and requirements for all individuals in criminal justice agencies to ensure the quality and accuracy of information in those systems;

7) continuing education requirements for individuals in criminal justice agencies who are responsible for the collection, maintenance, dissemination, and sharing of criminal justice data;

8) a periodic audit process to ensure the quality and accuracy of information contained in the criminal justice information systems;

9) the equipment, training, and funding needs of the state and local agencies that participate in the criminal justice information systems;

10) the impact of integrated criminal justice information systems on individual privacy rights;

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;

12) the collection of data on race and ethnicity in criminal justice information systems;

13) the development of a tracking system for domestic abuse orders for protection;

14) processes for expungement, correction of inaccurate records, destruction of records, and other matters relating to the privacy interests of individuals; and

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.

The above duties represent an enormous challenge to the criminal justice community but a great deal of success has already been achieved under this new approach for improving criminal justice information. This report outlines the recent achievements, the current projects, and the remaining gaps in the system that need attention, including funding priorities.

VISION STATEMENT

The Criminal and Juvenile Justice Information Policy Group and Task Force agreed upon a vision for criminal and juvenile justice information:

> *The Minnesota Criminal and Juvenile Justice Information System facilitates the accumulation, storage, updating, retrieval, and dissemination, in a timely manner, of data to all customers of the Criminal and Juvenile Justice System.*
>
> *The information system is a coordinated, comprehensive network of integrated and compatible systems that share community data with national, state, and local criminal justice stakeholders.*
>
> *This information system supports operational and management decision-making and public policy evaluation and development.*

RECENT ACCOMPLISHMENTS

Criminal History Data Entry Backlog Eliminated

Dramatic increases in arrests, court filings and corrections activities occurred throughout the second half of the 1980s and early 1990s. There were no corresponding increases in state agency staff to process the work which contributed to over a year of backlogged conviction/sentencing data not entered into the BCA=s Computerized Criminal History. In 1993, the state funded new permanent staff to address the increased workload and Federal grant money was used to hire temporary data entry staff. By January, 1994, the criminal history data entry backlog was eliminated. Ongoing efforts are in place to ensure that the Criminal History System will remain current.

A large number of dispositions are still not applied to criminal history, however, because of missing fingerprints and inaccurate reporting. Livescan/cardscan funding, which was requested but not appropriated two years ago, is critical to addressing this problem and is again before the Legislature in the funding request described in this report.

Automated Disposition Pass

The Minnesota Supreme Court now electronically passes disposition data to the BCA. Previously, paper copies of court dispositions were forwarded the BCA and were physically entered into the criminal history record. An enormous amount of redundant data entry has been eliminated with this electronic pass.

Statewide Training Efforts

As noted in the Background section, thousands of people spread across many agencies and jurisdictions make up the criminal justice system. Many of these people are required to supply data to statewide information systems and most use these information systems. Prior to 1993, training and auditing functions were extremely inadequate and in some agencies nonexistent. Lack of training and auditing is one of the major causes of incorrect, incomplete, and missing data resulting in an enormous amount of effort to correct and verify data before it is entered into statewide systems.

The 1993 Legislature funded eight criminal justice trainers who, while employed at different state agencies, work together to improve the quality of criminal justice information. Each trainer brings their own unique expertise to the full group. They are a critical resource for the Criminal Justice Community and the interdisciplinary training opportunities they have provided to practitioners have proved widely successful across the state. They developed an overview of the criminal justice information process to promote understanding of the complexity and interdependence of data exchanged throughout the criminal justice community. The overview stresses the valuable role that each agency and staff person plays in contributing to the quality of information available to the

whole community. An additional bonus has been the development of continuing education credits for criminal justice professionals who participate in these training programs.

Criminal Justice Data Model

The 1993 Legislature funded the development of a statewide Logical Criminal Justice Data Model. With the help of consultants and nearly 150 criminal justice practitioners from state, county, and local jurisdictions around the state, Minnesota now has a comprehensive and detailed Logical Data Model. This Data Model serves as a standard for all government entities involved in the creation, procurement, or maintenance of existing criminal justice information systems. While more work needs to be done with the Data Model before it can be fully implemented, it is certainly an accomplishment to have logically identified and modeled all community criminal justice data in the state of Minnesota.

Minnesota Offense Codes Up to Date

Minnesota Offense Codes are used throughout the criminal justice system at both the state and local level and capture both statutory information and offender/offense characteristics not identifiable from the statute. This information (when accurate) greatly facilitates policy analysis as well as the operation and management of criminal justice agencies. However, the codes are confusing, complex, and add to the workload of many criminal justice practitioners. Short and long term solutions are sought to meet the need for this information in a more efficient manner.

A short term solution has now been enacted that simplifies the process of updating the codes. This simplification makes the codes more useable and accurate and to some degree reduces the workload of the Dept. Of Public Safety and local agencies. These changes have provided some relief and have allowed the codes to remained more up to date. Efforts continue to find solutions for the long term.

CURRENT PROJECTS

Juvenile Criminal History

The 1994 and 1995 Legislatures funded the design and development of a statewide juvenile criminal history system. The existing Computerized Criminal History Database for adults will be used to house the Juvenile Criminal History for all juveniles who commit felonies and gross misdemeanors, including those prosecuted as an Extended Jurisdiction Juvenile. In order to create a criminal history record, fingerprinting of juveniles will be required at either time of arrest or at the time of conviction. Entry of new juvenile records into Criminal History will begin by the end of 1997 depending on the funding request and data policy issues discussed later in this report.

The collection and retention of juvenile data presents new data policy issues. These issues are summarized later in this report with recommendations for specific legislative changes.

Misdemeanor Criminal History (for Targeted Crimes)

Another critical gap that will be filled shortly is a criminal history system that will include certain targeted misdemeanors. It is recommended that the targeted misdemeanors include:

Assault in the Fifth Degree
Domestic Assault
DWI
Harassment: Violation of Restraining Order
Interference with Privacy (Stalking)
Indecent Exposure
OFP Violations

The Adult Criminal History System will be ready to begin accepting records on targeted misdemeanors by the end of 1997 depending on the funding request and data policy issues discussed later in this report.

Domestic Abuse Orders for Protection

Important statewide information on Domestic Abuse Orders for Protection will soon be captured at the Court through an interface to existing Court Information Systems. The court for the first time will be able to see the full order for protection history on an individual respondent and this system will allow the Court to print documents of the information as well. That portion of the Order for Protection needed by Law Enforcement will be transmitted electronically to the Criminal Justice Information System AHot Files.@ Law Enforcement will be able to access OFP data in the same manner they access warrants. This new OFP system will also facilitate reports and analysis for

policy and management purposes. A pilot will begin in February, 1997, with implementation continuing through 1997. Implementation of the full scope of the project is dependant on the funding request outlined later in this report.

Fingerprint Technology - for BCA Electronic Fingerprint Updating

The BCA is preparing for electronic receipt of fingerprints and arrest data. A system for receiving the data and linking Computerized Criminal History (CCH) and the Automated Fingerprint Identification System (AFIS) is under procurement. This will give the BCA the capability of keeping all data in the electronic state and searching and updating CCH and AFIS without rekeying data. Results of fingerprint searches through the AFIS system will be transmitted back to the law enforcement agency, potentially within the hour. This interface is key to handling the increases expected when data on Juveniles and ATargeted@ Misdemeanors is collected later this year. This system will also provide the interface to the FBI systems by 1999, resulting in nationwide searches of arrest fingerprint images and results back to local law enforcement within hours.

The costs of the system are being paid for with Federal Grant dollars. The BCA, however, must consider providing identification staff 24 hour/7 days a week. The Policy Group supports the retention of non-criminal fees (for background checks) collected by the Department of Public Safety to address these systems and service improvements. Since thousands of dollars are spent making it possible to transmit, receive and process arrest fingerprint information, it does not make sense to have law enforcement wait until the next day for the identification results.

Gang File

The need for law enforcement agencies to share identification data on persons involved in violent gang activity has been increasing steadily. Police require a database that is readily accessible to act as a pointer system so that law enforcement can share information. This system would be accessed through the Criminal Justice Datacommunications Network that is in place in 390 criminal justice agencies statewide. The system would not hold Aintelligence@ data on individuals but contain identification data and a pointer to an agency that holds further information regarding the illegal activity of the individual. This capability could eventually be tied in with other state and national systems in place and being developed. The BCA has begun a conceptual phase of development by hiring a gang file coordinator and have been meeting with gang investigators statewide to determine the needs of such an electronic pointer system.

Data Model

Work continues on the Data Model to develop it to the physical level. This involves defining the attributes of each individual data element. Ongoing work with the Data Model will involve applying it to the development of new or modified systems.

Statewide Training Efforts

The Criminal Justice Training Team (TRACE) will continue its efforts to educate and train criminal justice professionals around the state on the importance of recognizing the responsibility everyone shares in ensuring that criminal justice information is accurate, complete, and available. Over the next year they will be concentrating on problem solving and auditing.

WHERE ARE THE GAPS?

Staff for Community Projects & Policy Group / Task Force

Additional staff is required to complete and maintain the many projects that are planned to fill the information gaps in the criminal justice community. In order to have timely, accurate statewide criminal justice information, there must be permanent staff positions added in the Department of Public Safety and the Supreme Court Research and Information Technology Office. This additional staff will be dedicated to developing new systems needed to fill the existing gaps, to maintain and enhance those systems, and respond to new information needs in the future. Traditionally, criminal justice systems have been underfunded; there have not been sufficient staff resources in the state criminal justice agencies to adequately address the ever-changing information needs.

Some criminal justice systems projects have been augmented with contract staff. While that can help with some of the development process, it has become apparent that agency staff must be available to participate in the system development work, and to provide expertise and insight on the business processes and issues of the criminal justice community. This is particularly true as technology is changing so quickly. Agency staff must be trained on the technologies and structures of the new systems in order to be able to maintain the systems adequately, and add new functionality as needed for legislative and court rules changes, and to support new information needs.

If this request is funded:

> *Criminal Justice Community Information Systems will be adequately supported with staff to maintain the existing systems, to develop and maintain the enhancements and improvements to these systems as noted in this report, and to manage the sharing of criminal justice information across agency boundaries.*

Statewide Architecture

This project is to design a justice information architecture. In the past each criminal justice agency at the state county and municipal level built computer systems to meet their operational needs. These systems often defined and recorded the same piece of data differently, overlapped (or missed) common business processes, and utilized incompatible technical underpinnings. In this environment it is difficult (or impossible) to share common data or to support end-to-end business processes. Additionally, most systems overlooked the need for ready access to policy analysis and evaluation data.

Systems built or re-engineered on a common information architecture would have the following attributes:

* Accurate, timely data for operations

* Accessible data for policy analysis
* Increase access to timely, accurate and complete statewide data

* No redundant data entry (data entered and verified at the source)

* Increased data integrity at all levels

The design would identify core business processes crossing individual agency organizational boundaries; establish common or shared data elements with uniform definition and equatable physical rendering; and, establish standards for technical interfaces (such as SQL/ODBC/OLE DB for database connectivity; TCP/IP for communication; and, HTTP/FTP for data sharing).

This project is an investment in the future, a "blueprint" for the governmental agencies building or rebuilding criminal justice information systems now and in the future.

If this request is funded:

Statewide Architecture will ensure that State and Local Criminal Justice Information Systems can share important and critical information in a timely and efficient manner.

Fingerprint Technology - Local Law Enforcement & Courts

The addition of Juvenile and ATargeted@ Misdemeanors to the fingerprinting responsibilities of local law enforcement will greatly increase workloads. Electronic Livescan and Cardscan technologies provide the tools to more efficiently and clearly capture fingerprint images and related arrest/identification data. Rather than inking and rolling prints and typing additional information on three sets of fingerprint cards, this technology allows for capture of the images once. As it collects the image digitally, it can then be transmitted to the BCA within minutes of booking, rather than the current process of sending through the mail. With the implementation of the system at the BCA to process these transmissions (see above), data will be entered once at the source and local law enforcement will have positive identification of the subject while still in custody.

If this request is funded:

Local law enforcement will have timely identification of arrested subject; law enforcement will have tools to address workload increases caused by the new requirement to submit prints on juveniles and targeted misdemeanors; and Criminal History Records will be more accurate and complete because fingerprints will be submitted in a timely, accurate, and complete manner.

Improved Access to Statewide CJ Information

Our vision for the future is that any criminal justice professional - investigator , judge, prosecutor, probation officer, public defender, with lawful permissions, should be able to access any state-level criminal justice information system from their desktop or the bench. Currently because of different technologies and networks a line professional may have several different workstations (PCs and/or terminals) at their desk, have to travel or telephone other workers to get access to information they need to do their job, or not be able to get the information at all.

This project is to test the concept of an integrated "CJIS Workstation" where information on warrant status, OFP status, criminal history, and court schedule, for example, would be accessible at one workstation (PC). In addition the photo image or fingerprint image may be accessible in a window on the same device. Any of the data, or images on one persons desktop would be instantaneously electronically sharable with other professionals.

If this request is funded:

> *A few relatively simple changes to the way criminal justice data is accessed could greatly improve the availability of critical information to practitioners in the criminal justice system.*

Probation / Supervision and Jail Information

Law enforcement officers, judges and probation officers need to know if an individual is currently on probation to any court, statewide. A law enforcement officer stopping someone on the street should be able to know an individual's probation status, the driving record, and arrest warrant status. Probation officers making disposition recommendations and judges imposing sentences on new offenses should know if the current offense also represents a probation violation from a previous disposition. We also need to know how many individuals are in jail or on probation (and where) at any point in time.

Future evaluation (from the data warehouse project described below) of sanction outcomes is dependant on having more complete data in operational systems on the outcome of any specific sanction. For example, current court data placed in a data warehouse would support analysis of how often fines are imposed and how often they are paid in full. However, no statewide data exists on what types of treatment programs DWI offenders are sentenced to and how frequently they complete treatment. Judges want to know outcomes on a specific offender so as to make an appropriate placement. The legislature wants to know in the aggregate what works so as to better craft more effective public policy.

This gap in operational data translates into a lack of policy support data. This gap must be closed for the state to have a more effective criminal justice system.

If this request is funded:

Statewide information will be available to inform practitioners as to who is on probation and who is in jail as well as information on the sanctioning of probationers and the outcomes of such sanctions.

Decision / Policy Support System (historical / analytical)

Data in current operational information systems is for the most part inaccessible for policy analysis and evaluation. For example the legislature is interested in data on the frequency of imposition of various criminal sanctions and the outcomes (such as fine imposition and payment). Systems designed for operational purposes retain data only long enough to complete a particular business transaction (e.g., process and dispose a case) often loosing the historical or analytical view in an effort to provide quick transaction response to the line worker in the field.

This is a problem common to government and the commercial sector. A new technology, the "data warehouse" or "data mart" has been designed to take current operational data and retain it in a format and technology that facilitates easy access for policy analysis and evaluation purposes. The January 1997 issue of the Department of Administration, Information Policy Office (IPO) "Update" newsletter explains the need for data warehouses in government and business. This project is consistent with the IPO recommendation, and is a critical need of all agencies and the legislature to evaluate business operations and practices, and evaluate offender behavior.

If this request is funded:

Policy-making and management information that is critical for understanding and improving the criminal justice system will be readily available to the criminal justice community.

Diversion / Prosecution Information

Key information in the Criminal History System is collected from prosecution. This data includes whether a complaint was denied or subject was placed on diversion. This data is currently reported on paper and sent through the mail. The capability to allow prosecution to electronically transmit that data to BCA needs to be created to improve the reporting, provide for timely update of CCH and to assure accuracy. In addition, this would eliminate the need for rekeying of the data.

If this request is funded:

Access to diversion and certain prosecution information will be available in the Criminal History Record.

Backup CJIS Message Switching System

The Criminal Justice Datacommunications Network currently resides on Unisys equipment leased by the Department of Public Safety. This is a mission critical system for criminal justice agencies statewide. The message switch acts as a Atraffic cop@ for all messages sent by criminal justice agencies and is their conduit for information locally, statewide, nationally and internationally. When this system goes down, law enforcement is put at risk because they are unable to access data regarding warrants, stolen cars, missing persons, etc.. Although the system in place has redundant components within its chassis, there is no facility to back this system up in the case of a catastrophic event. There is also no facility for testing new files, upgrades and protocols without using the Aproduction@ system. When testing is done on a production system you run the risk of causing difficulties to your mission critical system. A second hardware and software platform should be put in place that will provide a Ahot backup@ and a testing environment.

If this request is funded:

> *Information on wanted persons, stolen cars, missing persons, and other critical information will be immediately available to law enforcement even if the primary system were to shut down.*

Accurate and Complete Sentencing Information

While there is no funding being requested specifically for this purpose, there is a continuing effort to improve the collection of accurate, complete and timely sentencing information. The availability of accurate sentencing data is critical at many decision points in the criminal justice process, such as enforcement of sanctions, and charging, bail decisions, and sentencing decisions on subsequent offenses for the same defendant.

Since 1995, criminal justice training is being provided on an ongoing basis for people who supply sentencing and other important data at local levels. Before this joint training effort, local government personnel who originate the data have not necessarily understood the value of the information that they supplied, or the impact of the inaccurate or incomplete data. This training has already had a major impact on the quality of criminal justice information, and will continue to be an integral factor is assuring the availability of accurate information throughout the criminal justice community.

Another project that is underway is to standardize and automate sentencing information with a Sentencing Judgment/Warrant of Commitment document that would be used statewide.

Data Policy

Data policy issues are a part of any information system and new issues emerge on an ongoing basis, especially when enhancements and other improvements are designed and implemented. To resolve some of the current data policy issues surrounding criminal justice information, the 1996 Legislature created a workgroup. Chapter 408, Article 1, Section 4, Subdivision 3 (1996 Omnibus Crime Bill) contains the following language:

> *The superintendent of the bureau of criminal apprehension shall convene a workgroup to study and make recommendations on criminal justice information access and retention issues including processes on expungement, correction of inaccurate records, destruction of records, and other matters relating to the privacy interests of individuals. The workgroup shall also address noncriminal justice agency access to records.*
>
> *The workgroup shall include representatives of the criminal and juvenile justice information policy group and task force, the supreme court and racial fairness, the department of administration, law enforcement, prosecuting authorities, public defenders, one member of each caucus in each house, and interest and advocacy groups.*
>
> *The workgroup shall report to the committee on crime prevention in the senate and the committees on judiciary and judiciary finance in the house of representatives by January 15, 1997.*

A workgroup was convened and addressed most of the issues contained in the legislative directive. The group decided to delay discussion and resolution of issues related to non-criminal background checks. These issues are very complex and would require additional membership in the workgroup who would have expertise and interest in this specific area.

A special report was submitted to the legislature in January that details the discussions, recommendations, and membership of the workgroup. A summary of the recommendations is provided below.

Access Issues:

- Support Direct Access for Defense Attorneys to Public Criminal History Information
- Share Juvenile Criminal History Information with Criminal Justice Communities in Other States
- Provide Access to Indexed Information on Adult Court Disposition Records Not Matched by Fingerprint
- Non-adjudicated Juvenile Records (arrest and court disposition) Should Not Be Shared Outside the Criminal Justice Community

Retention Issues:

- Retain Adult Criminal History Record Until Age 99

Specific Retention Schedule for Juvenile Records

- Arrest only - Purge after 180 days

- Any Type of Diversion - Purge at Age 21
- Dismissals (including acquittals) - Purge Immediately

- Continuance for Dismissal - Purge at Age 21

- Continuance without Adjudication - Purge at Age 28

- Adjudicated Delinquent - Purge at Age 28

- The Most Serious Event in a Juvenile Record Determines the Retention Schedule of the Entire Record

- If Adult Felony Conviction Occurs - Entire Juvenile Record is Retained as Long as Adult Felony Records

Other Issues:

- Provide Provisions is Law to Specifically Address the Sealing and Expungement of Juvenile Records

- The Court Should Declare on the Record the Level of Conviction

Funding Needed to Address Criminal Justice Information System Gaps

(In Thousands)

	FY98	FY99	Biennium	FY2XXX
Policy Group Staff[1]				
Sp.Ct.	180.0	180.0	360.0	180.0
BCA/DPS	120.0	120.0	240.0	120.0
Subtotal	300.0	300.0	600.0	300.0
Statewide Architecture				
Sp. Ct.	1,500.0	1,000.0	2,500.0	350.0[2]
Fingerprint Technology				
BCA	2,200.0	-	2,200.0	-
Sp. Ct.	300.0	-	300.0	-
Subtotal	2,500.0		2,500.0	
Access				
BCA/DPS	150.0	150.0	300.0	150.0
Probation/Supervision/ Jail System				
BCA/DPS	300.0	70.0	370.0	70.0
Sp. Ct.	230.0	70.0	300.0	70.0
DOC	70.0	70.0	140.0	70.0
Subtotal	600.0	210.0	810.0	210.0[3]
Decision/Policy Support System				
Sp.Ct.	740.0	740.0	1,480.0	740.0[4]
Diversion/Prosecution Data				
BCA/DPS	60.0	-	60.0	-
Backup CJIS Switch				
BCA/DPS	800.0	800.0	1,600.0	800.0
Technical Staff				

Sp. Ct.	210.0	210.0	420.0	210.0[5]
BCA/DPS	518.0	518.0	1,036.0	518.0[6]
Subtotal	728.0	728.0	1,456.0	728.0
Grand Total				
Sp. Ct.	3,160.0	2,200.0	5,360.0	1,550.0
BCA/DPS	4,148.0	1,658.0	5,806.0	1,658.0
DOC	70.0	70.0	140.0	70.0
Total	**7,378.0**	**3,928.0**	**11,306.0**	**3,278.0**

1. Administrator, data policy, technical project manager, clerical support.

2. 1 LAN/WAN specialist, 1 application development analyst, 1 database technical specialist, 2 modeling analysts.

3. 1 program/analyst for each agency.

4. Hardware/software at $500.0/year lease, 1 management analyst, 1 research/systems analyst, 2 technical/systems analysts.

5. 3 program/analysts - one each for OFP, juvenile criminal history and misdemeanor/DWI.

6. 8 technical support staff for BCA/DPS criminal justice systems.