



CRIMINAL AND JUVENILE JUSTICE INFORMATION ADVISORY GROUP

2017-2018 BIENNIAL REPORT TO THE GOVERNOR, SUPREME COURT AND LEGISLATURE ON CRIMINAL
JUSTICE INFORMATION INTEGRATION

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EXECUTIVE SUMMARY

Minnesota Statutes § 299C.65, subd. 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 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 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 Supreme Court, and the legislature on criminal justice information funding and policy issues such as 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.

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 assure that information is accessible and managed from a statewide perspective, the Legislature created the 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, that 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.

CORE PRIORITIES

Following that direction, the Advisory Group has focused its efforts on identifying ways to improve identification standards for people in the criminal justice process and on understanding the need/appetite for changing Minnesota data practices laws or processes.

In addition, the Advisory Group as continued to monitor the progress of several systems whose planning and development began during the Policy Group era continued, most significantly the state's new Criminal History System.

CONCLUSION

The Advisory Group is pleased to report continued 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. The Advisory Group now builds on these efforts as it continues its new era for oversight of criminal justice information integration.

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 § 299C.65, subd. 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 Policy Group adopted the following recommendations for the Legislature's consideration during the 2015 and 2016 legislative sessions.

2017 RECOMMENDATIONS

The Advisory Group approved the following three funding recommendations in 2017.

1. \$4.1 million for the BCA to redesign and develop a new predatory offender registration system. The system will integrate with the new Criminal History System and allow a fully electronic submission process. The Legislature fully funded this project.
2. \$200,000 for software to help manage an offender's release from prison into community supervision. The new technology would save the state an estimated \$225,000 per year in staff time managing the release to supervision process. The Department of Corrections pulled this proposal before it was heard by the Legislature due to concerns about competing priorities within the Department of Corrections.
3. \$1,250,000 to build an electronic document path from courts to county attorneys and public defenders. This would help reduce court delays and continuances and costs for agencies. A legislative sponsor introduced the proposal in 2017; however, it was not heard in committee and the proposal was continued to 2018.

2018 RECOMMENDATIONS

While the Advisory Group made no formal recommendations for legislative action, it is advising the legislature about an issue regarding **identification standards** and what the group has learned about it.

An individual's identity can come into question when they have the same name and date of birth as another person, or when another person — either knowingly or unknowingly — uses that individual's name and date of birth in an encounter with the criminal justice system. This can lead to problems for that individual with employment, housing, finance, and the criminal justice system.

For example, Jim has a clean criminal history when he is pulled over for speeding. Law enforcement queries his name and date of birth and finds a record indicating that he is wanted on a felony warrant. What would have been a speeding ticket now becomes a felony stop and Jim is handcuffed and placed in the back of a squad. But the warrant doesn't belong to Jim. It belongs to a criminal who provided Jim's name and date of birth during a past criminal justice encounter.

Jim can contact the Bureau of Criminal Apprehension (BCA) and once the BCA verifies that the record is not his, Jim will be issued a letter that he can provide to law enforcement, potential landlords and employers as needed to indicate such. The BCA then adds information to Jim's criminal history indicating that it contains a questioned identity record. There are approximately 5,000 people with this kind of information in their criminal history. There is no way to know how many others are as yet undiscovered.

In this example, presenting the letter would not prevent the felony stop, but it would prevent the law enforcement action from continuing further.

While this approach might address the symptom, it does not address the underlying issue that without stronger identification standards Minnesotans are susceptible to criminal history misidentification and possible criminal, housing, employment, and financial implications.

An Advisory Group multi-disciplinary subcommittee was created to study the issue. The subcommittee held two meetings with stakeholder organizations and advocacy groups facilitated by the Minnesota Management and Budget's Management Analysis and Development (MAD) to collect data and discuss possible solutions. The subcommittee made the following observations:

- A lack of trust for law enforcement-led initiatives would hinder any effort to reduce misidentification.
- Stakeholders hold differing views about which method (photos or Rapid ID) would be perceived as more invasive.
- Stakeholders view public engagement as the most viable method for vetting identification standards.
- There is conflicting and sometimes inaccurate information about how law enforcement collects and uses data.

Based on its work with the stakeholder organizations and advocacy groups, the subcommittee identified two options for improving identification standards for low-level offenses -- a photograph taken at the time of arrest that could be compared with images in law enforcement systems, and extending the use of two-finger fingerprinting (called Rapid ID) to all offenses. Among the two, the subcommittee determined that Rapid ID would be the more viable option.

In November 2018, the Advisory Group urged the subcommittee to continue identifying and vetting options to avoid misidentification. The subcommittee is in the process of determining next steps. The Advisory Group seeks the opportunity to share the data with the legislature to provide a better understanding of concerns and opinions about data practices laws and to provide a broader spectrum of voices on the issue.

ACTIVITIES OF THE CRIMINAL AND JUVENILE JUSTICE INFORMATION ADVISORY GROUP

The Advisory Group in 2017-2018 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 and acted on recommendations made by its subcommittees; completed work remaining from the Policy Group and Task Force; and reviewed budget and policy issues/implications of the recommendations listed above.

The recently established Advisory Group also approved language for its first bylaws, elected a leadership team, and set a schedule of meeting quarterly or as needed. Its three subcommittees also meet periodically. With its composition of subject matter experts from across the criminal justice spectrum, the Legislature and the public, the Advisory Group is in a unique position to provide advice on real world solutions for criminal justice information integration needs. Each member, including appointees from the legislature and the public, informs the discussions and ultimate decisions made by the group.

One of the most important information efforts to be completed in 2018 was the design, build, and deployment of a new Criminal History System (a four-year effort). System development and implementation was funded by the Minnesota Legislature and began with a successful funding proposal supported by the Policy Group and Task Force in 2012. The new system improves security controls for data access, is easier to integrate with other systems, and reduces manual processes and the risk of data entry errors. It replaces the state's first electronic system for criminal history records.

STAKEHOLDER AND PUBLIC DATA PRACTICES SURVEYS

Members of the Advisory Group's Data Practices Subcommittee worked with MAD and the University of Minnesota on a survey to learn what Minnesotans think about how data on individuals is shared between criminal justice agencies and the public. Overall, public respondents were not concerned about the government keeping or sharing information but said data should not be shared with the public. Criminal justice stakeholder respondents said data is generally shared and protected properly but found the administration of data practices to be expensive and burdensome. As noted above, the Advisory Group seeks the opportunity to share this information with the legislature in 2019.

CIVIL COMMITMENT FEASIBILITY STUDY

The Advisory Group recommended that patrol personnel receive public civil commitment information as part of a standard query already run whenever law enforcement encounters individuals in the field. The goal is to enhance public safety and officer safety when dealing with mentally ill individuals, and divert individuals when appropriate from jail to mental health professionals. Criminal justice and mental health stakeholders participating in a feasibility study conducted by the BCA and State Court Administration voiced support for the idea. The BCA and the Judicial Branch will determine resource, legal and policy implications.

IDENTIFICATION STANDARDS STAKEHOLDER MEETINGS

An Advisory Group subcommittee convened stakeholder meetings to hear reaction to and to explore the idea of fingerprinting or photographing subjects at the time of arrest for all offense levels as a way to reduce instances of misidentification in Minnesota. Stakeholders understood the need to prevent misidentification yet generally were not open to the idea and expressed strong concerns with both options for prevention. Their reasons for concern helped the Advisory Group better understand the broader challenges with public trust and acceptance of law enforcement and how

a lack of trust can hinder the public's acceptance of efforts to improve criminal justice processes. Stakeholders also recommended additional public engagement.

NEW PREDATORY OFFENDER DATABASE

The Advisory Group supported funding for the design and development of a new predatory offender registration system. The BCA ultimately received \$4.1 million from the legislature for a three-year project to complete the work that includes the Predatory Offender Database, the law enforcement website and the public non-compliant website.

COURT DOCUMENT SYSTEM INTEGRATION

The Advisory Group supported a request by the Board of Public Defense and the Minnesota County Attorney's Association for \$1.25 million to build an electronic path for case document distribution to speed receipt of case documents and reduce court delays. The process to introduce this funding proposal still needs to be determined.

CONCLUSION

The Criminal and Juvenile Justice Information Advisory Group is the only group of its kind with representation from across Minnesota's criminal justice community. As it has for a quarter century, this unique collection of experts, practitioners and legislators will continue to provide valuable knowledge and real-world experience that can help shape the future of Minnesota criminal justice information integration.