# Report to the Legislature
# on the
# Criminal & Juvenile Information Study

(Minn. Laws 1992, Chapter 571, Art. 13, Sec. 5)

December, 1992

Pursuant to 1992 Laws, Chapter 571,
Article 13, Section 5
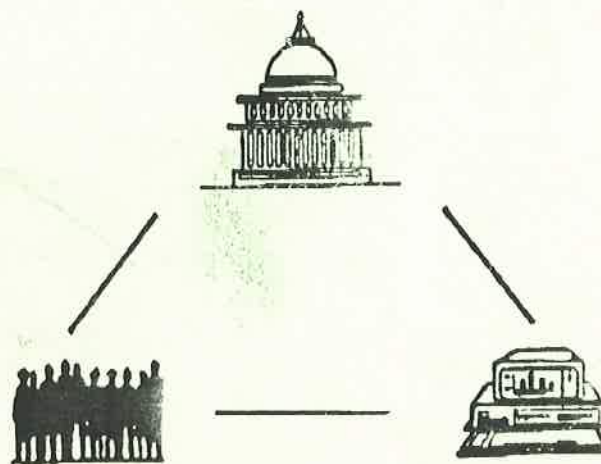
# CRIMINAL AND JUVENILE JUSTICE INFORMATION TASK FORCE

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# I.  INTRODUCTION

This is a report submitted pursuant to Minnesota Laws 1992, Chapter 571, Art. 13, Sec. 5, to the 1993 Minnesota Legislature and the Governor conducted by the commissioners and appointed executives of the state-level criminal justice departments and the judiciary. The state executives benefited from the advice of a Task Force comprised of county and local criminal and juvenile justice practitioners as well as representatives from Minnesota Planning and private citizens.

This report is comprised of three sections. The Introduction traces the origins of the study mandate and provides a conceptual framework for analyzing criminal justice information issues. The second section identifies the problems with current systems and processes and the third section establishes an action plan and prioritizes the recommended initiatives. Appendix A provides free-standing cost and detail.

## A.  LEGISLATIVE DIRECTIVE

Minn. Laws 1992, Chapter 571, Art. 13, Sec. 5 directed that the Commissioner of Corrections, the Commissioner of Public Safety, the State Court Administrator and the Chair of the Sentencing Guidelines Commission report to the Governor and Legislature on criminal and juvenile justice information. The Legislature directed that the report make recommendations in the following areas:

1.   on a framework for integrated criminal justice information systems;

2.   on 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.   on measures to ensure that information maintained in the criminal justice information systems is accurate and up-to-date;

4.   on an information system containing criminal justice information on felony-level juvenile offenders that is part of the integrated criminal justice information systems framework;

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

Page 1

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

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

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

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

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

The Legislature also directed that the report include recommendations on the impact of integrated criminal justice systems on individual privacy rights. The Policy Group and Task Force recognize that this is an important issue which will be an integral part of their continuing work.

## B.    FORMATION OF CRIMINAL JUSTICE EXECUTIVE POLICY GROUP AND TASK FORCE

The Commissioners of Corrections and Public Safety and the State Court Administrator and Chair of the Sentencing Guidelines Commission met in June to form the Criminal Justice Executive Policy Group. The Policy Group established the Task Force as required by law and met again with the Task Force six more times from July through November. The combined Policy Group and Task Force received presentations from each state agency in a custodial capacity over a criminal justice information system. Each presentation described the system, its users and data suppliers, its relationship to other criminal justice information systems; and, its current status with respect to data completeness, accuracy, timeliness, and utility. Appendix B provides the detail on these systems as reported by each agency. Figure 1 on Page 3 depicts, at a high level, the systems that were studied and the user/supplier relationships.

Task Force members provided invaluable critical comment on the systems from the user and supplier perspective. Of particular importance was the presentation of an independent audit of the Criminal History System at the Department of Public Safety. The Executive Summary of this report is included herein as Appendix C. Copies of the full report are available upon request from the Bureau of Criminal Apprehension. The results of this audit are particularly illustrative of the problem identified in Section II below, and served to objectively quantify the anecdotal evidence reported by the Task Force.

Following these presentations the Policy Group and Task Force, with the assistance of the Criminal Justice Data Group as staff, enumerated the problems and developed the action plan contained in this report. This represents the first comprehensive and cross system collaborative look at these issues and problems. The problems identified are significant and in urgent need of resolution.
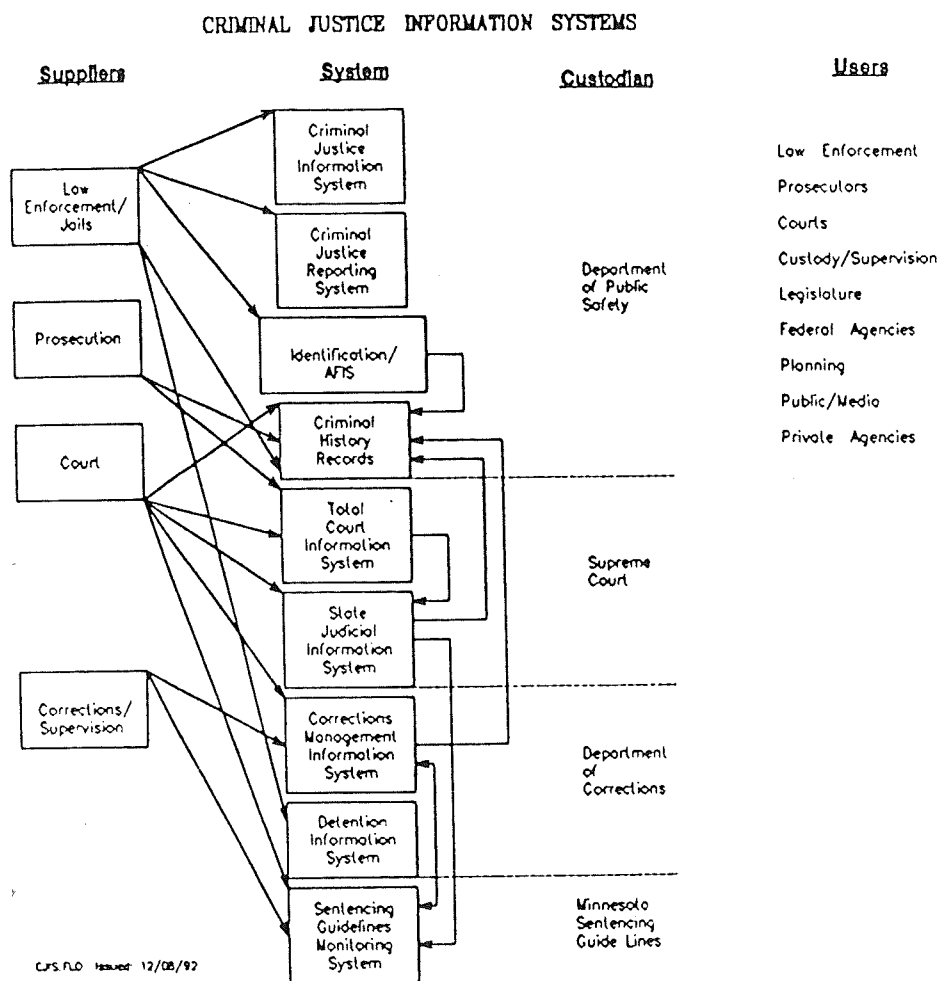
CRIMINAL JUSTICE INFORMATION SYSTEMS



Figure 1

## C. POLICY FRAMEWORK FOR CRIMINAL JUSTICE INFORMATION

The criminal justice system, like most areas of government, is comprised of many independent agencies with diverse enabling authority, mandate and fiscal support. Indeed the agencies are not really a system at all. For that reason, a clear framework for developing criminal justice information policies and plans which is understood and accepted by the criminal justice agencies is critical. Below is such a framework including purpose, mission, goals and action components.

# Definition of Criminal Justice Information:

Community level information of use to more than one entity for operational or policy development purposes.

# Purpose of Criminal Justice Information:

To Support Operational and Management Decision Making and Public Evaluation and Development within the Context of the Data Practices Act.

# Mission of the Criminal Justice Executive Policy Group:

To Accomplish the Purpose of Criminal Justice Information by Providing Leadership and Direction for Improving Current Processes and Systems.

# Goal of the Criminal Justice Executive Policy Group:

To Improve the Completeness, Accuracy, Timeliness, Accessibility and Utility of Criminal Justice Information.

This framework is intended to identify information that is the responsibility of the entire community and not just an individual agency, and to recognize that information must support policy development in addition to meeting the operational needs of agencies. It is often difficult for the person in the field supplying data to these systems to see their full scope and to understand that some data has little operational value yet is critical to other agencies and the legislature in evaluating the impact of new policy.

The Action Components of the Framework as set forth in Figure 2 on Page 5 explain the multiple dimensions of these problems. Improving the conviction data on the Criminal History System may require a rule or statutory change mandating a more structured format for sentence reporting than the transcript, it may require re-engineering the data collection process, and it

will require, in addition to operational training, that top management articulate to the deputy clerks collecting the data, the importance of their task for accurate and timely criminal justice systems. Without this framework, problems are seen in isolation, solvable by technical fix. For most problems, the technical component is the least difficult to solve, while the organization and process component is the most difficult. It is the organizational and process issues that require collaborative effort by top agency management and/or legislative assistance.

## Action Components

| Exercise Leadership | Determine Information Needs | Seek Legislative and Rule Changes | Obtain Funding |
|---|---|---|---|
| Education | Community Data Modeling | Simplification of some processes | Maintenance of Existing Systems |
| Training | Re-engineering | Coordinated response to Legislative Initiatives and Mandated Studies | System Changes (State and Local) |
| Prioritization | | | Sources (federal, state, local dedicated receipts, savings, other) |
| | | Criminal Justice Strategy and Initiatives | Cooperative Budget Request for Cross Agency Issues |

Figure 2

## II. PROBLEM IDENTIFICATION

### A. SCOPE OF CRIMINAL JUSTICE SYSTEM AND UNDERLYING CAUSE OF INFORMATION PROBLEMS:

The criminal justice community is comprised of many organizations and individuals that cross jurisdictional boundaries. As shown below, there are over 1000 agencies and over 15,000 individuals involved in Minnesota's Criminal Justice System.

| | STATEWIDE | | REGIONAL/ DISTRICT | | COUNTY | | LOCAL | |
|---|---|---|---|---|---|---|---|---|
| | No. of Agencies | No. of Staff | No. of Agencies | No. of Staff | No. of Agencies | No. of Staff | No. of Agencies | No. of Staff |
| LAW ENFORCEMENT | 1 | 751 | --- | --- | 87 | 3,230 | 300 | 4,994 |
| PROSECUTOR | 1 | 20 | --- | --- | 87 | 300 | 500 | 560 |
| JUDGES | --- | --- | 10 | 270 | --- | --- | --- | --- |
| COURT STAFF | --- | --- | 10 | 50 | 87 | 1,600 | --- | --- |
| PROBATION DEPT. | 56 | 90 | --- | --- | 31 | 750 | --- | --- |
| CORRECTIONS STAFF | 1 | 2,000 | --- | --- | 3 | 300 | --- | --- |
| PUBLIC DEFENDER | 1 | 195 | 10 | 175 | --- | --- | --- | --- |
| SUBTOTAL: | 60 | 3,036 | 30 | 495 | 295 | 6,153 | 800 | 5,554 |

TOTAL AGENCIES    1,185
TOTAL STAFF        15,238

Criminal justice information is shared by this community for purposes of operational support and policy development and evaluation. In the past, the criminal justice community has not focused on this broad perspective and these basic purposes of information when faced with informational issues; nor has it recognized the general conditions that contribute to information problems. In the past, each agency organized its own limited area of the criminal justice community and had its own purpose for information. If the criminal justice systems are to make progress, we must take a new approach.

Improvements recommended in this report focus on <u>community information.</u> Community information includes any data that involves more than one of these entities, either as custodians, suppliers, or users. Community information does not include data that are supplied, maintained, and used by only a single entity.

The specific description of what is community information in the criminal justice system requires the development of a community data model. A community data model will identify <u>common</u> data elements that are used, supplied, or maintained by criminal justice entities. It is recognized that individual entities need to carefully identify their own information needs.

## B. PURPOSES OF CRIMINAL JUSTICE INFORMATION HAVE EVOLVED:

*Operational and Policy Development/Evaluation*

Criminal justice community information now clearly serves two basic purposes. First, <u>information has traditionally supported the operations of an organization.</u> For example, criminal history information supports law enforcement by informing individual officers of the arrest and conviction record of individuals who are suspected of committing a crime. Another example is court processing information that supports the courts by informing court administration where individuals are in the court process to facilitate the scheduling of upcoming events.

Second, <u>information has increasingly been demanded to support policy development and evaluation.</u> For example, criminal history information and sentencing information supports legislative decision-making by informing legislators on how widespread a problem is and what it would cost to carry out various policy alternatives and options.

Both purposes of information are equally important. While common data elements may support both of these purposes, many of the existing information systems have been designed to support only one purpose or the other. The single purpose design is understandable given that the custodians of these information systems are typically mandated to develop the system for <u>either</u> operational or policy development purposes.

It is essential that future actions which focus on community information recognize the **dual purpose** of information. Recommendations for improvement should move toward systems that support both purposes.

## C. CURRENT CRIMINAL JUSTICE INFORMATION PROBLEMS/NEEDS:

The examination conducted by the Policy Group with the active participation of the county and city Task Force members concluded that Minnesota needs more complete, accurate, timely, accessible, and useful information for the criminal justice community. The following is illustrative of the problems identified in the existing criminal justice information systems:

* Complete and accurate criminal history records do not currently exist for purposes of:

    - sentencing
    - licensing
    - registration of sex offenders
    - identifying enhanced crimes

    A federally funded and independently conducted audit of the state's criminal history record demonstrated that court final dispositions were missing from the criminal history record in nearly half of the cases where a disposition was known to have occurred. In addition, the dispositions that were in the system were at least one year old. This is a result of many problems including: missing fingerprint cards, missing or inaccurate identification numbers, information backlog, and inaccurate sentencing information.

* Many felony and gross misdemeanor defendants may be avoiding jail or prison incarceration due to substantially incomplete criminal history conviction records.

* Individuals may be arrested on the basis of arrest warrant information incorrectly remaining on the statewide warrant file due to delays in cancellation notification.

* Enormous amounts of time and resources are expended by a variety of agencies to edit criminal justice information after they have received it from the reporting agency. The efforts are often redundant as each agency conducts its own quality control.

* Because of the number of different agencies involved, and the incomplete understanding of their inter-relationships, an accurate assessment of the impact of policy changes on the criminal justice system cannot be provided to the Legislature with any assurance that the effects of changes are understood system-wide.


## D. CONDITIONS THAT CONTRIBUTE TO THE PROBLEM:

### 1) Complexity

*Laws, Rules, and Other Mandates*

Page 8

The criminal justice community is governed by state laws, case law, sentencing guidelines, local ordinances, rules of criminal procedure, and numerous mandates. As these laws, rules, and policies change or become more specific and detailed, the information systems must support increasingly complex operations and policy. Examples include:

- the numerous mandatory sentences for murderers and sex offenders that are dependent on specific current and prior offense and offender characteristics;

- the numerous mandatory fines and surcharges that apply to specific offenders under certain circumstances;

- the sentencing guidelines requirement to weight prior felony sentences according to level of seriousness.

While more complex laws and policies are directed at achieving positive goals, they are more difficult to implement and evaluate. It is possible that the goals of the new policies and laws may not be reached primarily because of the difficulty in understanding and communicating the information that is necessary for implementation and evaluation within the equally complex and large criminal justice community.

Increased complexity is not simply managed by more sophisticated technology. Managing increased complexity minimally requires that more information be provided to systems, edits must become more complex and must be increased within information systems, and a dedicated training program must be implemented. It must be recognized that more complex laws and policies cost more and take more time to implement, maintain, and evaluate. Typically, these considerations are neglected, and the end result is information systems that are less able to support the operational and policy development/evaluation purposes.

Recommendations for improvement should consider the level of complexity, the advantages and disadvantages of complex laws and policies, and whether the complexity can be reduced without sacrificing the primary intent and purpose of the laws and policies in order to increase the likelihood of their actual execution.

2)     **Lack of Leadership and Policy Framework**

At the present time, there is no effective means for resolving conflicting information management requirements for the benefit of the criminal justice community at large; there is no formal change control method among the community's organizations; and there is no cost sharing arrangement to enable a community-wide information management approach.

Most of the information critical to the criminal justice community is supplied by autonomous organizations. These organizations are concerned with the procedural and operational goals and

Page 9

functions of their own organizations and may not recognize or understand the importance of providing the information to the rest of the criminal justice community. Examples are:

- Statewide arrest data are supplied by local/state law enforcement
- Criminal Complaint data are supplied by city/county attorneys
- Sentencing data are supplied by district courts

The lack of a common mission or vision and, in the past, communication, among these autonomous organizations results in incomplete, inaccurate and untimely data.

## 3) Other General Conditions

*Unstructured documents*

Often the natural state of important information is a narrative or free-form text (e.g., complaints, sentencing transcripts) that must be interpreted, summarized, and translated into the structured format of the various computerized information systems. Furthermore, this translation is typically performed by people other than those who originally provide the information. This results in delays and/or integrity problems.

*No common formats between systems*

Information sharing is usually in the form of copying the data from one system to another. Because formats often differ between systems, the receiving organizations must restructure the data before it is useful.

*No data integrity controls at beginning of process*

Errors, omissions and inconsistencies in the data tend to be detected and resolved by the users, not the suppliers. This results in excessive duplication of work by the different users because there is no mechanism in place to correct the process at its origin.

*No community data model*

There are no formal, community-wide definitions, structure, or standards for common information needs.

III.   ACTION PLAN

To remedy the problems identified, The Criminal Justice Executive Policy Group and Task Force recommend a three-part action plan of short term, intermediate term, and long term efforts.

A.   SHORT TERM (1-2 YEARS)

1.   Continue Criminal and Juvenile Executive Policy Group

Recommendations:
Current legislation established this policy level group and the task force for a one-year period. Legislation should be enacted to continue indefinitely the policy group and an advisory group that reflects local criminal justice interests.

Description:
Efforts of the criminal justice community to resolve issues impeding the sharing of accurate and timely data have suffered in the past because of a narrow scope, a lack of leadership, and a lack of community driven policy.

Almost none of the issues identified in the action plan can be resolved in less than one year. Further, it is now realized that the criminal justice community includes more than just state level agencies. Local jurisdictions supply much of the data used in the community and are themselves heavy users of this data. Local perspectives enrich discussions of community problems. Indeed, the policy level group could be thought of as a permanent forum for the articulation and resolution of criminal justice community problems that will certainly arise in the future.

Most impediments to the sharing of accurate and timely data are not technical in nature. Agency policy and philosophies must be shifted to reflect a less parochial perspective. These shifts can only result from agency head leadership being willing to make the larger criminal justice community level problems more of a priority.

Cost/Funding:
None necessary.

Benefits:
The benefits of continuing and expanding this group include greater criminal justice community cooperation which, by itself, will prevent some problems from arising. Further benefits include more local input and customer driven service on the part of data custodians at the state level, and a common voice at the legislature which will reduce piecemeal efforts to resolve issues.

Page 11

2. **Data Modeling - Phase 1** - Identify Funds/Initiate Contract/Complete Study

**Recommendations:**
Develop and encourage the usage of a community data model for state, county and local criminal justice information. It may be appropriate for the legislature to establish the data model as a standard for all governmental entities involved in the creation, procurement, or maintenance of existing criminal justice information systems.

**Description:**
An independent systems consulting firm would be engaged to develop a data model of state, county and local criminal justice information. Only "community" data elements would be included in the model, i.e., elements that are of use to more than one entity for operational or policy development purposes. State, county and local criminal justice operational agencies would participate in the study, as well as policy development and evaluation agencies such as the Minnesota Legislature and Minnesota Planning. Common identifiers, level of offense, race, name, statute are illustrative of some of the elements that would be studied. Common editing routines and rules would be identified. The project would also evaluate the proposed federal National Incident-Based Reporting System (NIBRS) data elements against the Minnesota data model, as well as proposed new data collection initiatives such as juvenile felonies, misdemeanors, and domestic abuse cases. Data elements that are not currently collected but should be, as well as elements that are now collected but are not utilized would be identified. Redundant data collection efforts such as the retention of gross misdemeanor traffic offenses on both the Driver and Vehicle Services and the BCA's Computerized Criminal History systems would be highlighted for further policy review. The study would also assess the impact of change by identifying where the elements are currently used. This impact assessment data could be used by state, county and local agencies to estimate the cost of adopting the data standards. The data model would be widely published as a blueprint for any agency making a change to an existing system and for agencies building or procuring new systems. It is expected that systems vendors would adopt the model when doing business in Minnesota. Other implementation strategies will also be considered. For example, the Criminal Justice Data Group may recommend empirical research versus systems development work when that strategy would be more cost effective and timely to support policy development and evaluation questions that are identified in the new-initiative evaluation.

Related tasks that are **not** part of this study are the efforts to enable a single work station to access all state, county and local criminal justice information system and to provide a common presentation and common navigation routines. It is expected that the Information Policy Office in the Minnesota Department of Administration will continue to develop a statewide information architecture that will establish standards for these system attributes.

**Costs/Funding:**
The total cost is expected to be $500,000, the bulk of which would be funded by the 5% Federal Drug money holdback, and the remainder by state match. Legislative appropriation of $125,000 matching

money (25%) is required.

**Benefits:**
The benefits to agencies implementing the data model are many-fold. Editing would no longer be redundant and could be completed only once, when the data is collected. Data sharing is facilitated and though many systems are involved it would look to the end user as if there is just one large system. Implementation of the data model would reduce the expense of supplying and using data while improving accuracy, timeliness and utility. Information is part of the infrastructure of the criminal justice system, and as such, information problems cannot be ignored if the system is to be effective. This **task is probably the single most important one in achieving long-term and significant improvement in criminal justice information.**

3. ## Upgrade of Criminal Justice Data Communications Network

**Recommendations:**
To upgrade the existing Criminal Justice Data Communications Network (CJDN), hardware and software to meet the government information systems standards known as Government Open Systems Interconnection Profile (GOSIP). This standard is required of new systems development in Federal agencies (such as the FBI's NCIC 2000 Project) as well as required by the Minnesota Information Policy Office (IPO). Compliance with these standards is necessary for successful integration of the various criminal justice systems.

**Description:**
The current CJDN has used a proprietary network protocol since the early 1970's that is not compatible with GOSIP. The current CJDN is not capable of meeting the requirements in capacity or features needed for accessing the FBI's National Crime Information Center systems that will be implemented in the next five years. The modifications needed are in the area of communications hardware and software needed to utilize the Minnesota Statewide Telecommunications Access and Routing System (STARS) as well as networks outside of Minnesota. The current network is also not effective in integrating dissimilar computer environments such as are needed in the criminal justice community.

**Cost/Funding:**
The cost of converting the CJDN involves purchase of new communications hardware and software for state level message switching. However, there will also be costs to local government agencies that have direct access to CJDN. In addition, other state agencies will have to have the ability to communicate with CJDN using GOSIP standards as defined in the new system. There are many methods of achieving interconnections; therefore it is difficult to pinpoint the precise costs at all levels.

**Benefits:**
Converting CJDN to meet GOSIP will permit various members of the Criminal Justice community at

the state level and at the local and federal level to achieve a level of integration not possible in the current environment. In addition to the integration possibilities the existing system is entirely proprietary to a single computer vendor, it is quite expensive to operate, and the transition to national standards will contribute to lower operating costs. This upgrade is one part of the needed infrastructure that is essential to any plans to integrate systems discussed elsewhere in this document.

4. **Legislative Impact Statements**

**Recommendations:**
We recommend that the Legislature seek a complete impact statement when considering new criminal justice policies, rather than just a fiscal note. The policy and advisory group could provide complete impact statements to the Legislature on proposed bills. Often, the most important impact to recognize is the need to provide enough time to prepare for implementation of the new laws. The Legislature needs to recognize how each new law will affect the entire criminal justice system. In order to implement new laws, there is a need for training, changes in information systems, and changes in processes. **When the criminal justice community is not provided the time or the resources to implement new laws, the purpose and goals of those new laws cannot be met.**

**Description:**
The Legislature creates new laws and provisions every year that affect the criminal justice community. While the Legislature usually considers certain fiscal impacts such as the need for prison space, there is little recognition of the overall impact a particular bill will have on other aspects of the criminal justice system.

New laws and provisions are often complex and difficult to implement. It is not uncommon that thousands of practitioners will need to know that the new laws exist and fully comprehend what is required to implement the policy. Implementing a new law can be extremely difficult and costly if the Legislature does not consider the impact of implementation and resolve the problems before the new law takes effect.

**Cost/Funding:**
Impact statement preparation costs would be absorbed within current staff budgets. There are potential costs revealed by each impact statement.

**Benefits:**
Cost savings could result from these complete impact statements because the Legislature would recognize the "true" cost of particular proposed bills and would have an opportunity to propose less expensive options before passing a new law. Under the current process considerable staff time is expended in problem resolution.

Page 14

5. <u>Community Training/Audits and Education</u> - Phase 1 - Identify Funds/Develop Plan/Begin Efforts

**Recommendations:**
<u>Training/Auditing</u>: Design training and auditing programs, obtain sufficient training staff resources to accomplish the training and auditing on an ongoing basis. As part of the audit process, publish variance and error reports which would indicate problem areas, and serve as incentive to bring supplier agencies into compliance with reporting requirements. Establish continuing education requirements for the various supplier groups, and relate them to the training programs.

<u>Education/Awareness in the Criminal Justice Community</u>: Develop a program to educate members of the criminal justice information community about their role in that community. This policy level group and task force would take an active role in educating criminal justice community members about their respective roles in the maintenance of criminal justice information.

**Description:**
The criminal justice systems at the state level rely on thousands of people spread across many agencies throughout the state to supply data (see matrix on page 6). Currently, none of the state custodial agencies have sufficient resources to provide training and auditing to all of the agencies on whom they depend for data. There is virtually no training or auditing function being performed in many agencies. Other areas have some limited training and auditing, but overall training and auditing efforts are egregiously inadequate.

Lack of training and auditing is one of the major causes of incorrect data. It also contributes to delays, since the state agencies have to spend a great deal of time correcting and verifying data from the various local agencies.

Many community members, especially at the local level, do not understand the critical nature of their role in supplying criminal justice data, or the way in which incomplete community data affects their own operational information needs. Managers throughout the community have often not made data and information issues a priority because they do not understand how it affects their own organizations or jurisdictions. An example of this is the fact that fingerprint cards are sometimes not submitted to the BCA, or are of substandard quality. This results in missing or greatly delayed information in the criminal history system, which affects all of the agencies who rely on criminal history records.

**Cost/Funding:**
Federal grant money has been obtained for 1993, and $50,000 of that grant will be used over the next year to hire consultants to develop a training and auditing program. The program will be designed to address training needs for the criminal justice system as a whole, rather than treating each agency and its constituency separately. This "big picture" training is essential to ensure the accuracy and consistency of community data. There will be an ongoing need for state funding to finance the training positions necessary to maintain the training and auditing function across the various agencies. The total need for training across all agencies would be met by the addition of eight positions: four new positions within the Department of Public Safety (two for CJIS and two for Information Systems

Page 15

Management); two positions for the Supreme Court Information Systems Office; one position for Sentencing Guidelines; and one for the Department of Corrections. While these positions would be housed within the specified agencies, they would be dedicated to criminal justice system-wide training and auditing efforts, under the direction of the criminal justice policy group. The annual cost of the new positions is estimated at $50,000 apiece, including salary, fringe benefits and travel expenses, for an annual total of $400,000.

**Benefit:** It is anticipated that adequate training and auditing will drastically improve the accuracy of state-level criminal justice data. It will also improve the timeliness and completeness of criminal records; current backlogs are largely due to the enormous amount of editing and error correction that must be done after the data is received by state agencies. Publishing error reports would focus attention on criminal information problems, and put some pressure on reporting agencies to correct those situations. If those reports were to be produced under the aegis of the policy group and task force, they would have a greater impact on the reporting agencies than if the reports were sent out by individual state agencies. Education of community members about the criminal justice system will also contribute to improved accuracy by increasing their understanding and commitment to the system as a whole.

6) **Re-Engineer Sentencing Information** - Pilot Test Criminal Judgment Form and Implement Statewide

**Recommendations:**
Continue the current pilot project to test and refine a Sentencing Judgment and implement its statewide use in the courts. It is intended that this Judgment will provide the structure for pronouncing the sentence in a standard manner, and would eventually have legal standing as an official recording of the sentence. The judgment form includes pertinent information about the conviction and sentence, and will replace most forms that are currently needed, such as the Warrant for Commitment and the Final Count Disposition Report.

**Description:**
Sentencing data, which is critical to the criminal justice system, contains many errors as it is reported by the local courts. There are a number of contributing factors: sentencing rules and statutes are very complex; the sentence is often pronounced in an unstructured narrative which may not specify the terms clearly; the only "official" record of the sentence is a verbatim transcript of the sentencing hearing, which may be delayed for months or never filed; sentence information which is recorded on local systems and forwarded to state criminal justice systems often requires interpretation and clarification by the variety of agencies through which the information flows within the criminal justice system.

**Cost/Funding:**
The cost of the pilot project is currently nominal, and is being absorbed within existing budgets. There will eventually be costs associated with modifying court systems, such as the Trial Court Information System (TCIS) and Hennepin County's Subject in Process, to automate the process as much as possible. It is possible that federal grant money can also be used for this purpose.

**Benefit:**
It is anticipated that a standard method of pronouncing a sentence, and an official, structured document for recording the sentence will greatly improve the accuracy of sentence information that is recorded on local systems and passed to state systems. This should reduce the amount of editing, thereby reducing backlogs and improving timeliness of data on state systems.

7) <u>Address Workload Increases and Eliminate Backlogs</u> - Identify Funds/Resources

**Recommendations:**
Hire temporary staff to eliminate the current backlog. Hire new permanent staff to manage increased workloads.

**Description:**
All of the state criminal justice systems experience backlogs to a greater or lesser degree. For example, BCA's Computerized Criminal History (CCH) has over a year's delay in entering conviction/sentencing data, according to an outside audit that was recently conducted on that system. These delays are caused by a number of factors, not the least of which is dramatic increases in caseload with no corresponding increase in state agency staff to process the work. **Arrests increased by 80% between 1979 and 1991. Prison populations increased by 87% between 1979 and 1992. Court felony filings increased by 41% between 1982 and 1991. Gross Misdemeanor filings increased by 200% for the same period.** Even where there have been legislatively authorized positions added in the past, continual budget cutting and elimination of salary supplement have precluded the filling of those positions. Data received by state agencies contains many errors which require substantial time to correct before the data can be entered, and agencies have to deal with constant legislative and technical changes, all of which increase the complexity of criminal justice information systems.

**Cost/Funding:**
Federal grant money in the amount of $52,570 will be used for temporary data entry to eliminate the current backlog. The eight training positions identified earlier will also be critical to the ongoing effort to stay current.

Additional positions which are necessary to keep current and respond to information needs are: five positions at BCA, with first-year costs of $174,600, and ongoing annual costs of $152,100; two positions at the Office of Information Systems Management with first-year costs of $129,20 and ongoing annual costs of $99,120; two positions at Sentencing Guidelines with first-year costs of $130,000 and ongoing annual cost of $109,000; one position in Supreme Court Information Systems with first-year costs of $50,000 and ongoing annual costs of $47,200. These positions vary from clerical staff needed .to process current workload, to technical positions such as programmers and analysts needed for system changes and responding to information requests.

Page 17

8. <u>Minnesota Offense Codes</u>

**Recommendations:**
A committee, representative of the criminal justice community, should be established to develop short term solutions to the current problems of the Minnesota Offense Codes. The membership of the committee should be determined by the Criminal Justice Executive Policy Group and work should begin immediately. The goal in the short run would be to find ways to ease the existing frustrations with the codes yet keep in mind the overall and varying purposes of the codes. The long term solutions will emerge from the Data Modeling effort.

**Description:**
Offense codes are a structured method for capturing a wide range of information regarding the circumstances of a crime. Common information included in offense codes are: type of crime, type of drug, amount of property loss, weapon involvement, victim characteristics such as age and relationship to offender, and other offense information. Codes are typically supplied by law enforcement, prosecution, and court administration.

The offense codes are used to support operational and management tasks at law enforcement and court levels. For example, these codes support criminal investigations by giving law enforcement information on the nature of prior criminal offenses committed by individual offenders. Also, the courts use the offense type information in the codes to help set up court calendars. Offense codes also support policy development and evaluation, research activities, and impact analysis. **The codes can aid in answering questions from the Legislature such as how often weapons are involved in crimes, how often the offender knows the victim, the number of drug crimes that involved crack cocaine, etc. The information provided in these codes helps to assess the impact on prisons or jails when the Legislature proposes new laws.**

Prior to 1984, Minnesota used the Uniform Offense Codes developed by the federal government. These were generic codes that did not always relate well to how crimes were defined in Minnesota. In the mid 1980s, a group of representatives from the criminal justice community in Minnesota developed its own system of offense codes that were intended to be more consistent with Minnesota laws and state and local concerns. The codes also were designed to be compatible with Uniform Offense Codes to allow us to continue to meet federal reporting requirements. In addition, the codes were designed to meet both operational and policy development purposes among federal, state, and local jurisdictions.

The Minnesota Offense Code project was honored by the State of Minnesota with an Interagency Cooperation Award. The project is an example of the criminal justice community working together to address the need for common information.

However, the criminal justice community, in the ensuing years, did not continue to work together to maintain and support the Minnesota Offense Codes. The implementation of the codes over the years raised difficult issues that were not resolved by the community, but rather by individual agencies.

Page 18

This lack of cooperation and the absence of shared responsibility for maintaining the codes, resulted in a great deal of frustration throughout the criminal justice community. In addition, updating the codes has become more and more unwieldy as new and more complex laws are passed each legislative session. These new laws continually need to be incorporated in the code structure and code verification process. Equally problematic is the lack of community wide training, particularly because the codes have become increasingly complex.

**Cost/Funding:**
None at this time.

**Benefits:**
The criminal justice community would be able to re-establish cooperation in this area. The results of the study would ease the implementation of new codes and contribute to the long term data modeling effort.

9.    **Study Warrant Interfaces**

**Recommendations:**
It is recommended that an ad hoc committee be appointed to examine the issues and develop strategies for the improvement of the warrant system process. This should be undertaken under the direction of the Criminal Justice Executive Policy Group.

**Description:**
The warrant file is one of the most important criminal justice data files in that it supports decisions resulting in deprivation of individual freedom. The liabilities attached to inaccurate or untimely data in this system are great. While state and federal warrant systems exist, some agencies do not enter warrant data in these files or maintain their own warrant files that are only accessible in their jurisdictions. For those warrants that are entered into state/federal systems, the process is not conducive to timeliness. Paper showing a warrant has been issued by the court must get to the Sheriff's Office where it is entered into the system. Likewise, when a warrant is cancelled, if the agency that entered the warrant into the system is not notified it remains on line and may cause a false arrest.

Anecdotal evidence exists that demonstrates the problem.

● An individual is arrested for speeding and a warrant check is run revealing a felony warrant in another county. The subject is arrested but it is later discovered that the warrant was satisfied and the individual should not have been arrested.

● An individual is arrested for speeding. A warrant check results in "all clear". A ticket is issued and the subject goes on his way. It is later discovered that a warrant was issued in another jurisdiction just hours before for bank robbery but the warrant was not entered into the system.

**Costs/Funding:**
Solutions to this issue can be investigated without cost. Implementation of solutions, however, would undoubtedly have costs associated with them. These costs are unknown at this time.

**Benefits:**
The benefit would be increased public safety and greater protection of individual rights by having a warrant file that is complete, timely, accurate and accessible.


10. **Study/Clarify Expungement/Seal Process**

**Recommendations:**
A group consisting of courts, local law enforcement, the custodians of records, and other affected users of the data, should be formed to consider standardization of the expungement/sealing process and the reporting of same.

**Description:**
There are a variety of statutes that allow for the sealing or expunging of criminal records when certain conditions are met. While there are hundreds of orders issued each month, many do not cite statute or meet the conditions of those statutes. There is also a lack of understanding of the impact of these orders and no clear consensus on the definitions of seal vs. expunge. For example, after much publicity concerning the Pardon Extraordinary process, the law was changed and records were no longer to be sealed but updated to show "conviction set aside". The BCA still receives orders to seal these records based on M.S. 638.02. While the order cannot be ignored, it results in some subjects receiving different results from the Pardon process. This adversely affects the criminal justice community, the public, and a large number of licensing and employment agencies.

The orders often contain insufficient data to assist in locating the specific individual's record, or the offense that is being sealed, making it difficult to assure that the order is being carried out. In addition, there is no standard for distribution of the orders, resulting in some records remaining open.

**Costs/Funding:**
No costs associated with this initiative.

**Benefits:**
Clarification and definition of the processes and statutes affecting expungement and sealing would lead to more consistency in application and avoid adverse effects on the criminal justice community and the public.

11. **Include Hennepin, Ramsey and the North East Regional Corrections Center on Department of Corrections Information System.**

**Recommendations:**
Include large local facilities not already included in the Department of Corrections Information System.

**Description:**
Policy analysis at the legislative level is increasingly important. The largest local correctional facilities in the state do not input data into the Department of Corrections Detention Information System. The data base maintained by the department cannot be used by itself for policy and research issues. Examples of this problem arise almost every legislative session when legislative committees request data for policy analysis or some specific informational issue. Legislative staff and/or State Planning must collect data from a variety of sources, with unknown differences in data field definitions to prepare information for the legislature.

**Cost/Funding:**
Because each of these facilities have CJDN hookups, no communication hardware or software costs will be incurred. Because each of these facilities also have in place some form of automated facility management package, no additional data entry costs will be incurred if these applications are adapted to transmit data electronically into the DOC detention information system. This is currently being done in other facilities in Minnesota. It is estimated that it could cost the facilities from $5,000 to $25,000 to make such an adaptation.

**Benefits:**
The benefit of bringing all facilities into the detention system would be more timely, accurate and accessible statewide information for policy analysis.


12.    **Study Separation of Gross DWIs from the BCA Computerized Criminal History (CCH)**

**Recommendations:**
It is recommended that a study be undertaken to determine the feasibility of collecting DWI information in the CCH system or identify other alternatives. This study must include the impact on the reporting agencies and the custodians, consider the information needs of policy makers and researchers, and coordinate with the current DWI Task Force.

**Description:**
The Computerized Criminal History Records (CCH) at the BCA are based on positive identification (fingerprints). The credibility of CCH rests on this ability to identify individuals who commit crimes. Until certain DWI offenses were elevated to gross misdemeanor status, these crimes were not in the CCH file as only gross misdemeanor and felony offenses are mandated. Many of the court disposition reports that cannot be linked to arrest information are for DWI offenses. Very often the nature of the arrest is not conducive to standard booking procedures (i.e. the subject is taken to detox centers). Attempts to obtain the fingerprint cards after notification of the conviction cause extra work and the results are minimal. In addition these offenses are on the Driving Record, resulting in redundant reporting and duplication of records. Because the driving record is complete and more timely, law

Page 21

enforcement and the courts depend on that data to make charging decisions concerning the level of offense.

On the other hand, researchers and policy makers often desire more information about the subject than may be available in the Driving Record (i.e. other crimes committed). It is not currently possible to link CCH records and driving records for the purpose of research. If more comprehensive data on drunk drivers is necessary, perhaps misdemeanor as well as gross misdemeanor offenses should be maintained in the CCH system or a method of easily linking driving records with CCH for research be created.

### Costs/Funding:
There would be no cost to study the issues. Depending on the outcome of the study, there may be costs to implement recommendations and support the program. It may also result in a fiscal impact on reporting agencies. There would be a cost to add Misdemeanor DWI offenses to the file, however.

### Benefits:
Sources of information for DWI offenses of all types could be located at a single source or linked together, either via the Driving Record or via inclusion in the BCA Computerized Criminal History. This would result in data entry savings and better support of policy research.

13.  **Implement 7-day Identification Services**

### Recommendations:
It is recommended that the Department of Public Safety implement 7-day Fingerprint Identification Services.

### Description:
The Identification Unit at the BCA operates Monday through Friday, 7:30 a.m. to 5:30 p.m. Law Enforcement agencies often arrest individuals who have no identification. If this occurs in the Metro area during normal business hours, the prints are hand carried to the BCA for search in the fingerprint files. Because they have a limited amount of time to hold the individual, if they cannot get positive fingerprint identification from the BCA, the subject may be released without discovering true identity.

In addition, many large law enforcement agencies are obtaining electronic livescan capabilities. With this equipment, they can transmit fingerprints to the BCA within minutes of booking over standard phone lines. While this technology is a major improvement, it is all for naught if there is no one at the BCA to process the fingerprints once they are received there. For example, the Anoka County Sheriff's office arrested a subject for shoplifting, obtained fingerprints on their electronic livescan device and transmitted the prints to the BCA where they were immediately searched. The prints were identified with a record in the CCH file under a different name. A subsequent check of the warrant file under that name revealed two felony warrants in another jurisdiction. Had that arrest occurred

on a Friday night, the subject would have been released before his true identity was determined.

Electronic livescan equipment is expensive and many smaller agencies may not be able to support that expense. An option for them would be regional or multi-jurisdictional booking centers. In addition, other equipment options exist for local agencies to avail themselves of the 7-day identification services. On the high end is the Remote AFIS work stations. This would also allow the agency to conduct their own fingerprint searches and make identifications. This, however, would require maintaining a staff with fingerprint skills. On the low end would be Grade 4 Facsimile devices giving agencies the ability to quickly transmit readable fingerprints to the BCA for identification.

Costs/Funding:
Three additional Fingerprint Technicians would be necessary to maintain 7-day services. The cost in the first year would be $110,000. Second and subsequent year costs would be $100,500.

Costs to local agencies to obtain equipment to transmit prints to the BCA would vary depending on the level of equipment desired:

        Remote AFIS work station  $250,000
               Annual Maintenance  $ 26,000
               There would also be costs to staff personnel with fingerprint skills

        Remote Latent work station  $ Unknown
               Annual Maintenance  $ Unknown

        Electronic Livescan Device  $40,000
               Annual Maintenance  $ 4,000

        Grade 4 Facsimile        $ 9,000
               Annual Maintenance  $ 1,000

Benefits:
This would benefit law enforcement and the public safety by identifying subjects in a timely manner...before they may be released to commit crimes again. Through the new technology of electronic livescan and improved facsimile, this also provides additional service to greater Minnesota by offering them the quick identification services currently available only to those agencies that can hand carry prints to the BCA. There will also be a savings realized by quick identification, resulting in less jail time.

## B. INTERMEDIATE TERM (3 - 5 YEARS)

1. <u>Data Modeling- Phase 2</u> - Begin to Re-engineer Systems and Procedures

Description:

Page 23

State level criminal justice agencies would begin to modify existing information systems and/or create or procure new systems to comply with the Data Model. Local agencies would be strongly encouraged to do the same.

**Cost/Funding:**
Cannot be determined until the completion of the data modeling study where the information on the impact of model would be available.

2. **Community Training/Audits - Phase 2** - Fully implement program

**Description:**
Establish training and auditing schedule, and continue implementation of program.

**Cost/Funding:**
Continued state funding for eight training positions.

3. **New Initiatives** - Plan, Obtain Funding and Implement

**Recommendations:**
Study the issues associated with new state and federal data collection initiatives evaluated in the Data Modeling effort, create an implementation plan, and implement the new initiatives.

**Description:**
These initiatives include but are not limited to juvenile felony criminal history, misdemeanor criminal history, domestic assault criminal history and order for protection tracking, and federal criminal justice reporting (NIBRS). The results of the data modeling for the new data collection initiatives would be utilized in the planning process and would be used to assess implementation costs. If funding is obtained in a timely fashion it is expected that implementation could be completed in the intermediate term.

**Cost/Funding:**
The study and implementation costs are unknown at this time.

4. **Recodification of Criminal Code**

**Recommendation:**
Devise a structured scheme for the criminal code, and recodify the existing code.

**Description:**
The criminal code is structured in such a way that it is extremely difficult, if not impossible, to rely

on statute alone to determine the offense. Analysis is very difficult, since subdivisions are not structured, and differ from statute to statute. Because of the unstructured nature of the statutes, it is necessary to rely on other information, such as the complex Minnesota Offense Codes, to provide critical information. The lack of structure also increases the likelihood that there will be errors in recording the statute at all levels of the criminal justice process.

**Cost/Funding:**
Unknown

**Benefit:**
If statutes were structured to always contain certain information, such as weapon, in a specific field, it would reliably represent charging and conviction data and obviate the need for additional data collection to define the elements of the crime.

## C.    LONG TERM (5+ YEARS)

1.    Data modeling - Phase 3 - Complete Re-engineering of Systems and Procedures.

**Description:**
The work commenced in Phase 2 would be completed. County and local agencies would continue be encouraged to implement the data model.

**Cost/Funding:**
See note on B1. above.

# COST/FUNDING SUMMARY

| Item | One-Time or First Year Costs | | | Recurring/2nd and Subsequent Year Costs |
| --- | --- | --- | --- | --- |
| | State Funds | Federal Funds | Other | State Funds |
| Continue Policy Group | -0- | -0- | -0- | -0- |
| Data Modeling | $ 125,000 | $ 375,000 | -0- | Unknown |
| Upgrade of Criminal Justice Data Network | -0- | -0- | -0- | Unknown |
| Impact Statements | -0- | -0- | -0- | -0- |
| Community Training & Audits & Education  Develop Program  8 Positions | -0-  400,000 | 50,000  -0- | -0-  -0- | 400,000 |
| Re-engineer Sentence Information | -0- | -0- | -0- | Unknown |
| Eliminate Backlog  Initial Elimination  10 Positions | -0-  483,620 | 52,570  -0- | -0-  -0- | 407,420 |
| Offense Codes | -0- | -0- | -0- | Unknown |
| Warrant Interface Study | -0- | -0- | -0- | Unknown |
| Study Expunge/Seal | -0- | -0- | -0- | -0- |
| DOC Information System Expansion | -0- | -0- | Range of  $ 25,000-125,000  for 5 facilities | Unknown |
| Separate Gross DWI Study | -0- | -0- | -0- | Unknown |
| Implement 7-day ID Services | 110,000 | -0- | -0- | 100,500 |
| Recodification | -0- | -0- | -0- | Unknown |
| TOTAL | $1,118,620 | $ 477,570 | Range of  $ 25,000-125,000 | $ 907,920 |

APPENDIX A

# EXCERPTS FROM

## Legislative Proposal
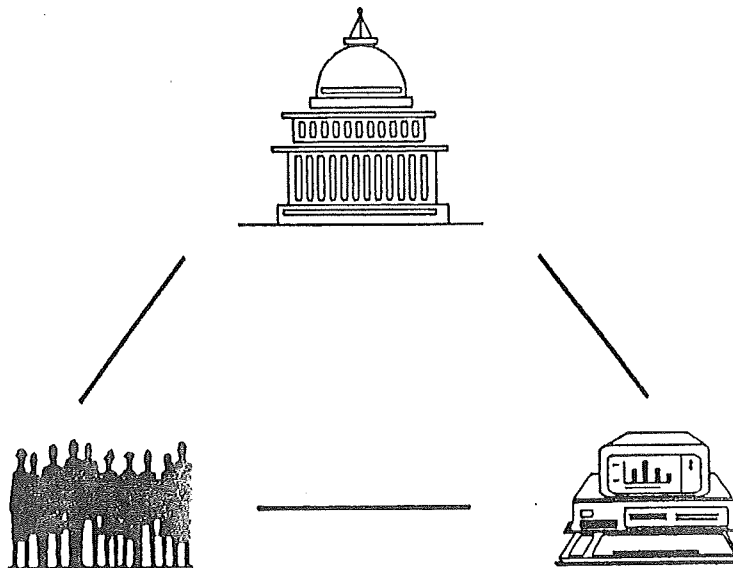
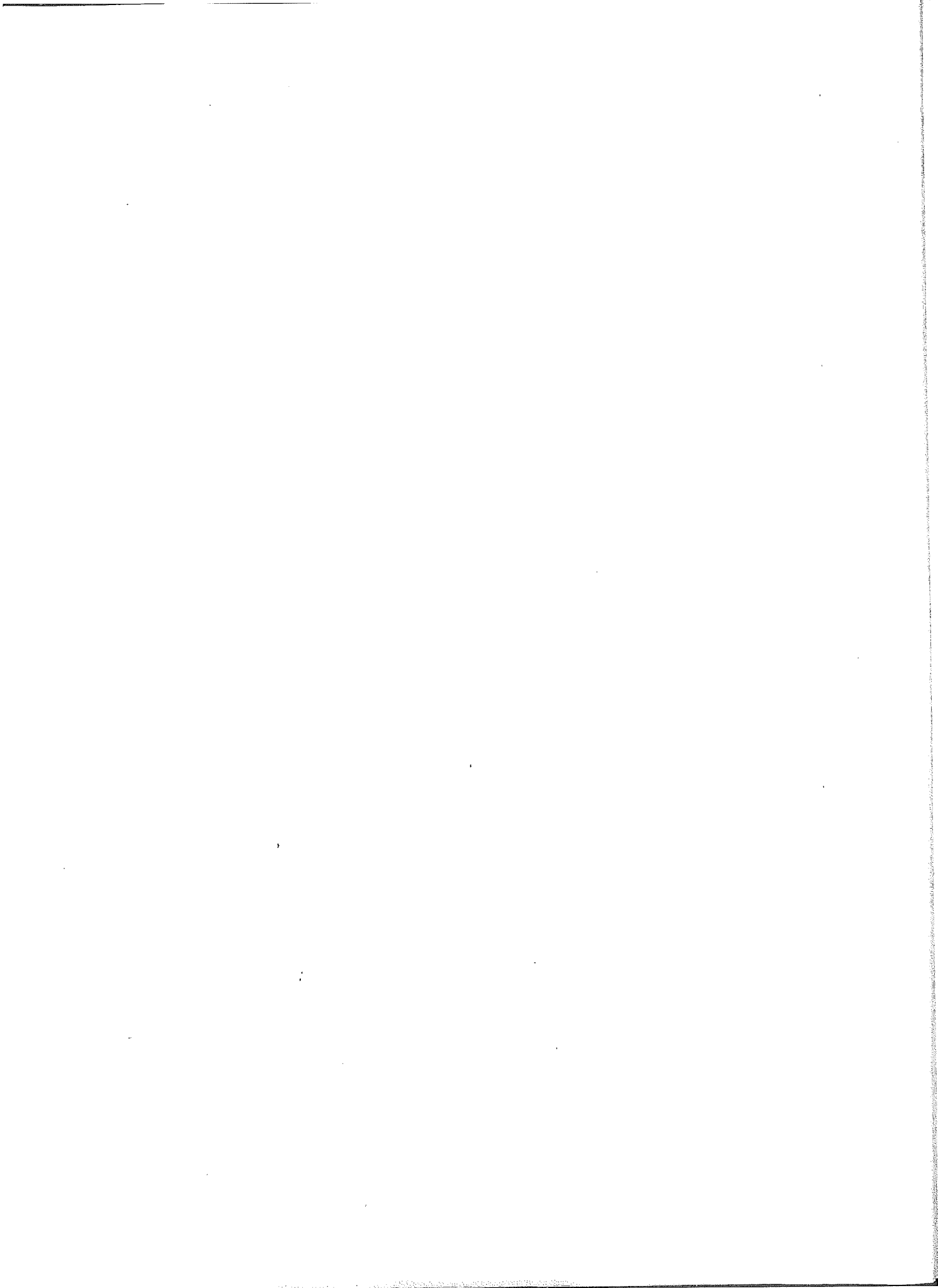# The Improvement of

# Criminal Justice Information Management

February 1992

Criminal Justice Data Group

Public Safety
Bureau of Criminal Apprehension

# BUREAU OF CRIMINAL APPREHENSION
## COMPUTERIZED CRIMINAL HISTORY (CCH)

## OVERVIEW OF EXISTING SYSTEM

M.S.A. 299C.11 requires the submission of fingerprints to the Bureau of Criminal Apprehension (BCA) on everyone arrested for gross misdemeanor and felony offenses. The BCA initiates a Criminal History record (CCH) on each individual fingerprinted. The credibility of the CCH files relies on this ability to positively identify every individual in the file. From information on the fingerprint card, personal identification and offense information is entered into CCH. The data in this system is available on-line through the Criminal Justice Data Network (CJDN) to criminal justice agencies throughout the State and around the Nation. It is designed for quick response to inquiries.

### Who is the Provider:

The data in the CCH system comes from a variety of providers at the local, county, state and federal levels. The arresting agencies, whether it be local, county or state, provide the arrest information on the fingerprint card which is taken at booking. The prosecutors provide information if no complaint is filed or the offense is referred to municipal level prosecution. The courts, via the State Judicial Information Center, provide data on the first appearance in court (charges actually filed) and the final disposition of the case. The Department of Corrections and the various Community Corrections Act Counties provide data on probation, receipt at and release from institutions, and final discharge. Subsequent orders to seal or expunge data are received from the courts.

### Who is the Caretaker:

The Department of Public Safety, Bureau of Criminal Apprehension, is responsible for all entries, modifications and deletions from the CCH file. Unlike other criminal justice systems such as the Criminal Justice Reporting System (CJRS), other agencies only have query capability.

### Who are the Users:

The CCH system is accessed by law enforcement, prosecutors, courts and correctional personnel for various reasons connected with the discharge of their duties. The CCH system is also used for noncriminal justice purposes to determine if a person can be licensed or employed in certain jobs. There are many state statutes that require this type of background check for a variety of positions. The BCA processed over 37,000 of these requests in FY91 and each year similar requirements are added to statute.

Some examples of the various decisions that are based in whole or in part on CCH information are:

Criminal Justice:
> Arrest/investigative
> Bail/bond (safe to release?)
> Charging
> Precourt diversion programs
> Severity of future sentences
> Placement in institutions
> Appropriateness of sanctions
> Gun purchases

NonCriminal Justice:
> Licensing for daycare/fostercare
> Employment in facilities providing care for
> > vulnerable individuals
> Suitability for Volunteer services
> Security Guards
> Firefighters

## I. RE-ENGINEER/MAINTAIN EXISTING SYSTEM

There is much interest in expanding the scope of the CCH system to include data that is not currently collected, such as juvenile and misdemeanor information. While there is definitely merit in the additional data being compiled in a central location, this will not be effective without fixing the current system.

### Problem: BACKLOGS/TIMELINESS OF DATA

The system has suffered serious backlogs since its inception in 1977. The current CCH system is very labor intensive. All data is sent to the BCA on paper from the hundreds of reporting agencies. The CCH system is being converted to the Public Safety minisystem and as a part of that conversion, some functions will be streamlined to increase internal efficiency. Workloads over the years, however, have increased dramatically with no increase in staff being provided to address these increases. The fingerprint Unit, for example, has been staffed with two fingerprint technicians since 1979 despite a growth in fingerprint card intake of 135%. The BCA was able to absorb some growth due to the addition of a Automated Fingerprint Identification System (AFIS) terminal at the BCA. The value of this data is greatly diminished if data cannot be entered in a timely manner.

Solution:

Five positions are necessary to handle increases in workloads and to be in a position to not incur future backlogs. Present backlogs will be addressed as well. There is a possibility that Federal Grant dollars can be used for a one time effort to eliminate current backlogs. Other solutions are already being addressed with the CCH conversion project. This includes automation of court data and State correctional data.

Problem: MISSING DATA

The CCH system is missing an estimated 20-25% of the gross misdemeanor and felony information that it should contain. This is evidenced by the many reports of convictions received that cannot be matched with arrest information. The missing information leaves holes in the CCH record that mean decisions are being made on incomplete data. For example, a missing criminal sexual conduct conviction could mean an inappropriate person is licensed for foster care.

Solution:

An executive level criminal justice commission would be effective in setting policy and direction that would encourage the prioritization of reporting responsibilities at the local level. Statewide cooperative training/education will also be effective in spreading the word about the dire ramifications of missing data.

Problem: INACCURATE/UNCLEAR DATA

Much of the backlog of CCH data can be attributed to time consuming manual quality control efforts. CCH records are records on individuals and are used to make important decisions that will affect that person whether it be bail or sentencing on the criminal justice side or licensing/employment on the noncriminal justice side. Because it is imperative that this information be accurate, much manpower is dedicated to this effort. Any inconsistencies are verified with the reporting agency but many times we are unable to clarify especially in the area of sentencing.

8

<u>Solution</u>:

This needs to be addressed through a statewide, cooperative training/education initiative. Only through this effort at the <u>source</u> the data, will the quality issue ever be rectified. As this needs to be a joint effort among the various state agencies that collect data from local/county/district levels, a separate listing of training personnel needs is provided. The Executive Level Group would also be effective in promoting the training needs.

<u>Problem</u>: RESPONSIVENESS TO LOCAL AGENCY NEED

Local agencies are beginning to use new technology to obtain fingerprint impressions at booking. These devices, known as electronic livescan, read fingerprints and produce the fingerprint cards electronically, replacing the traditional ink and roll method. This technology is changing the way we do business. The ability to positively identify subjects while still in custody now exists. However, this service to the criminal justice community needs to be available 7-days a week and the Identification unit is currently staffed only Monday through Friday.

<u>Solution</u>:

Increased technical staff to allow at least 7-day coverage is necessary to make CCH truly useful to the criminal justice community.

<u>Problem</u>: NONCRIMINAL JUSTICE USE

The Non-Criminal Justice use of CCH has grown tremendously over the last 5 years (106%). The growing concern about placing people in positions of trust or in positions having control over vulnerable individuals will cause continued growth in this area. It has become an important part of the business we conduct and can no longer be considered a sideline. There is a fee for this service and the governmental agencies that utilize the service incur additional costs in generating paper work and checks for payment. In addition, any requests that are forwarded to the Federal Bureau of Investigation call for individual checks. The generation of the individual checks causes additional hardship for the local governmental entities.

<u>Solution</u>:

The BCA must create a billing system that will allow the deposit of funds from other agencies. In addition, we will handle FBI fees through their "Billing State Program". Rather than requiring individual checks on each of the thousands of requests that go to the FBI, FBI will bill MN each month for checks done. This will generate dollars for the state as the FBI allows the State to retain $1.00 for each of the record checks forwarded. Current clerical staff has been able to remain current with these record requests because of automation of other functions. By automating the intake of funds, additional growth in this area will be accommodated without additional staff. A position will be added to manage this area which currently generates over $200,000 per year.

## II. NEW STATE INITIATIVES

### A. Domestic Assaults

<u>Problem</u>:

Many statutes for misdemeanor offenses call for subsequent violation being escalated to the gross misdemeanor level. In addition, many persons arrested for misdemeanor offenses are wanted under other names on felony warrants. Without fingerprint identification of the individuals, these individuals are released without detection.

<u>Solution</u>:

Address problems of current system then mandate central collection of misdemeanor arrest/conviction data whether all or selected offenses. Provide resources to handle new initiatives.

### B. Juvenile Felony Offenses

<u>Problem</u>:

There is currently no central repository for juvenile records. Access to this data would benefit the criminal justice community by identifying repeat and violent offenders and by providing stiffer penalties if the criminal activity continues during adult years. The maintenance of the data is complicated by the necessity to segregate juvenile records from those of adults. It is also difficult to define "felony offense." Is this the offense for which subject was arrested or convicted? This new reporting responsibility would impact local

agency workloads.

Solution:

Address problems of current system and provide necessary resources to handle responsibilities. Provide clear direction in use, dissemination, retention and definition of records. Six positions are necessary to process increased workloads.

C.     Misdemeanor DWI

Problem:

DWI offenses, both gross misdemeanor and misdemeanor are currently on the Driving Record. The reporting of this data to the Criminal History System (CCH) was not an issue until subsequent offenses were elevated to gross misdemeanor levels. Because M.S.A. 299C.11 requires the submission of fingerprints on gross and felony offenses, DWI data began to appear in the CCH System. There is, however, very poor reporting of this offense probably because the nature of the arrest precludes standard booking procedures. Many Court dispositions are received for which a fingerprint card was never submitted. The major issue is duplication of record keeping between the Driving Record and the CCH System. Driving Records being less complex than CCH, are current and more reliable for this information and Law Enforcement can receive Driving Records in their squads, while the transmission of CCH to squads via radio or mobile digital terminals is prohibited by Federal Law. Requiring fingerprint submission on misdemeanor DWI would seriously impact local law enforcement workloads.

Solution:

Address problems of current system. Consider the duplication of record keeping and if all DWI records are to be kept in CCH System, provide resources to do effectively.

## III. NEW FEDERAL INITIATIVES

### A. Identification of Felons

<u>Problem:</u>

The Federal government is preparing for a nationwide capability to identify felons who attempt to purchase firearms. It will be necessary to flag CCH records to indicate which subjects are convicted felons. Current sentencing reporting is complex and difficult to decipher. It is not clear if subject is a felon even though the offense for which he was convicted is a felony offense if the sentence handed down is less than a felony sentence. We have also found that the defendants do not know if they have been convicted of a felony or not.

<u>Solution:</u>

A uniform statewide judgement document that contains concise information concerning the sentence and level of offense would not only assure that all are clear on the outcome but would reduce quality control problems. Police Level Commission would also be valuable in promoting this concept.

### B. Immigration & Naturalization Service Reporting (INS)

<u>Problem:</u>

A new Federal law requires states to report to INS each time a alien is convicted.

<u>Solution:</u>

The addition of an alien status field to data collected at arrest will enable us to meet this requirement. Federal funds will assist with this initiative.

### C. Interstate Compact for the Exchange of Criminal History Records for Noncriminal Justice Purposes

<u>Problem:</u>

The Department of Justice has approved the Compact and it is being considered by Congress. States will be asked to ratify the Compact in their Legislatures. The passage of this Compact will benefit the growing noncriminal justice community that relies on this data by allowing utilization of the national network to gather records. This will mean quick response to

12

requests that previously took 4-6 weeks to receive. Additional work will need to be done by State Bureaus, however, to make fingerprint comparisons and review records before disseminating.

## Solution:

Additional staff may be necessary but final analysis cannot be made until the pilot test currently being done in Florida is completed.

# Public Safety
## Office of Information Systems Management

# CRIMINAL JUSTICE DATACOMMUNICATIONS NETWORK (CJDN)

## I.   CURRENT PROCESS

### A.   What is CJDN?

The Criminal Justice Data Communications Network (CJDN) is a collection of multi-drop phone lines, associated computer equipment and computer software designed to provide the means of access to Statewide Criminal Justice applications such as crime reporting and criminal histories as well as interagency communications.  There are approximately 300 criminal justice agencies within Minnesota that utilize this network for access to documented criminal justice information such as wanted persons, driver license and motor vehicle registration, missing persons, stolen property (vehicles, guns, boats, etc.) and criminal records data.  This network is also used for reporting the occurrence of crime in Minnesota, for reporting into the jail and lock-up system of the Department of Corrections, and for communicating with each other.  The CJDN is also interfaced with the FBI's National Crime Information Center (NCIC) and the National Law Enforcement Telecommunications System (NLETS).  This service is provided pursuant to Minnesota Statutes, Chapter 299C.

1.   Who is the Provider?

The Department of Public Safety provides the data communication network and is responsible for the operational management, security, budgeting and functionality.

2.   Who is the Caretaker?

The Department of Public Safety through its Office of Information Systems Management is responsible for the operations and functionality of the network.  The Department of Administration through its InterTechnologies Group assists Public Safety in maintaining this network.

3.   Who are the Users?

The CJDN is used by Minnesota's law enforcement, prosecution, court, correctional, fire department, 911 Center, and Emergency Management personnel for various activities connected with their authorized duties. The CJDN Network provides the only access to Minnesota's various criminal justice applications as well as access to the federal and other

14

states data bases.

B. Current Problems

Problem:

The CJDN use continues to expand at an accelerated rate. Growth over recent years has averaged 35% per year. The network does not utilize any logon process and other security procedures are limited. Diagnostic tools are limited and a technical staff to maintain and provide for network management and optimization of the networks capabilities does not exist.

Solution:

Public Safety needs to implement a security package to provide for security management. Diagnostic software and hardware tools need to be obtained to manage the 50 plus circuits and the 1600 plus devices on these circuits. Two positions are needed to perform these functions and utilize the products that need to be installed. These positions would be a network/operations manager and a network technical specialist.

Problem:

The CJDN consists of approximately 300 on-line user agencies and over 1500 operators. We are required by Federal law, rules and policies to provide training for those individuals using the network. All operators must be trained within 6 months of employment and be tested and certified every two years. Turnover of this type of employee is approximately 25 to 35 percent each year. Additionally each agency connected to the network must be audited as to their use of the network and their compliance with state and Federal laws, rules and policies every two years. Public Safety has two employees to meet these requirements. New policies being phased into place will not require that all mobile terminal operators also be trained, tested and certified every two years. It is impossible to meet these requirements with two personnel. The state is audited every two years by the FBI/NCIC staff and the most recent audit report (see Appendix D) identified four major areas of noncompliance.

Solution:

Two additional positions to enhance the training/auditing requirements are needed to attempt to bring Minnesota into compliance with the Federal and state requirements.

## II. NEW STATE INITIATIVES

All of the new projects being discussed will have an effect on the CJDN. The new programs being proposed such as the collection of data on misdemeanor (domestic) assaults, juvenile offenses, misdemeanor DWI, orders for protection, and various conditions for release will all add to the load on the network. This means a higher speed transmission capability will be necessary, i.e. greater bandwidth. We need to change our communication protocol to provide a more open structure for local government connections. All of this falls into place with the new FBI-NCIC requirements for an upgraded state network to meet the new NCIC Project 2000 requirements.

## III. FEDERAL INITIATIVES

### FEDERAL BUREAU OF INVESTIGATIONS NCIC PROJECT 2000

What is NCIC Project 2000?

The NCIC System was designed and implemented in the mid 1960's. Minor changes, enhancements and upgrades have occurred but the system has basically remained unchanged. Most state systems were developed in the late 60's and early 70's including Minnesota's. The FBI's NCIC Project 2000 is a complete re-engineering, redesign and replacement of the existing NCIC System. This Federal project has been funded by Congress and is at the stage of beginning implementation. This process will take place over the next two to seven years. All states who intend to be connected to and use the NCIC System will be given five to seven years to become compatible with the new FBI-NCIC System. All specifications are available and we, as a state user of the FBI-NCIC System must begin planning for this implementation at both the state level and the local level. A major part of this process will be a network upgrade to the CJDN. Public Safety does not have the expertise in-house to perform this very complicated and detailed task.

Problem

The Department of Public Safety must plan for the conversion of its CJDN to meet increasing state needs and the requirements of the FBI's-NCIC Project 2000 for both state and local compatibility.

Solution

It will be necessary to execute a professional services contract to develop a plan for evaluation and design of the network including ensuring compliance with the NCIC Project 2000. This would address the impact on application development, local

16

government options, state and local agency costs, state implementation costs, and long term support personnel needs. This contract is to be for twelve months at an estimated cost of $416,000.

# CRIMINAL JUSTICE INFORMATION SYSTEM "HOT FILES" (CJIS)

## I.    CURRENT PROCESS

### A.    What is CJIS?

The Criminal Justice Information System (CJIS) is a computerized repository of documented criminal justice information concerning stolen property and missing or wanted persons. In addition CJIS supports an interface with the FBI's National Crime Information Center (NCIC) and the National Law Enforcement TeleCommunications System (NLETS). These national systems provide access to national stolen property and missing or wanted persons as well as telecommunications services to all states.

#### 1.    Who is the Provider?

The data entered into the CJIS "Hot Files" originates from local, county, state, and Federal criminal justice agencies. This data is documented criminal justice information resulting from an investigative process by the submitting agency. The data base application is provided by the Minnesota Department of Public Safety, Office of Information Systems Management at the state level and the Federal Bureau of Investigation's National Crime Information Center at the national level.

#### 2.    Who is the Caretaker?

Department of Public Safety through its Office of Information Systems Management is responsible for the programming and maintenance of this application and the compatibility with the FBI's NCIC interaction. The Department of Administration through its InterTechnologies Group assist Public Safety in maintaining the data base.

#### 3.    Who are the Users?

The CJIS/NCIC data bases are used by Minnesota's criminal justice community; i.e. local, county, state and Federal law enforcement, prosecution, court, and correctional personnel to assist their informational needs in the performance of the authorized duties.

B.    Current Problems

Problem

The existing Minnesota CJIS "Hot Files" were developed in the late 1960's and early 1970's. This application has been modified and updated piece by piece so many times that is have become impossible to know exactly how it functions. Fix after fix has been made but the documentation on those fixes has not been kept up to date. This old technology does not provide for easy generation of special reports and special data base searches.

Solution

Public Safety needs to re-engineer this application from top to bottom. However, this process has been on hold pending the finalization of the FBI's NCIC Project 2000 which includes the complete redesign, re-engineering and re-writing of their "Hot Files" application. We now have these requirements and need to begin the planning process for implementation (see section on new Federal initiatives).

Problem

This Public Safety application and its interaction with the FBI's "Hot Files" is administered by the Department of Public Safety. However, most of the rules, regulations and policies that are formulated to manage these applications come to us from the FBI's NCIC Advisory/Policy Board. These requirements include specifications for training and certification of all users of these systems. This includes operators who do the entering and queries and the officers that receive the data. There are over 1500 operators in Minnesota and an additional 6000 plus officers. The FBI-NCIC conducts an audit of Minnesota every two years to determine our level of compliance with these policies and regulations. The latest audit conducted in 1991 identified four major areas of non-compliance. Two of those related to insufficient training and insufficient auditing of users. Our existing staff of two audit/trainers cannot possibly meet these requirements.

Solution

Public Safety needs to employ two additional trainer/auditors to assist in meeting these immediate responsibilities. These positions would also be involved in network training as identified in the CJDN Section report.

19

### Problem

The accuracy, completeness, and timeliness of the data in these files is of utmost importance. This data is used to arrest individuals, seize property, identify and locate lost persons and missing children. Public Safety has been conducting audits of user agency's data files and has identified error rates of 7 to 16 percent. This is critical. We conduct audits, training and additionally produce specialized computer error reports. However, we do not have staff to evaluate and follow-up on the computer error reports. Our state exceeds the national standards by a large margin and this is caused in part by our inability to follow-up on this existing quality control program.

### Solution

A technical position would be necessary to follow-up on the existing computerized quality control program and to enhance this program by being able to develop additional quality control procedures and work with the 300 plus users of the system and their operators to insure their follow through.

### Problem

Minnesota's Hot File System has to be kept compatible with the FBI's Hot File System and closely identified with other states systems in order to maintain compatibility among all of these various systems. This is a major task and has required the services of in-house staff as well as contractors. To put things in perspective, we have found it impossible to keep up.

### Solution

Public Safety needs to have an additional programming position to assist in the maintenance of the various hot files in Minnesota and in maintaining the compatibility with the FBI's NCIC Hot Files and the interaction with other states.


II.   **NEW STATE INITIATIVES**

The state has not developed any new initiatives in this specific area as of this date. However, a proposed Orders of Protection Data File would be similar to these existing files as it would place information from Order of Protection at the fingertips of the law enforcement officer on the street. The main initiative in this area is the FBI NCIC Project 2000 which began implementation this year and will be completed over the next two to seven years.

20

## III. NEW FEDERAL INITIATIVES

The Federal Bureau of Investigations NCIC Project 2000.

What is NCIC Project 2000?

The NCIC System was designed and implemented in the mid 1960's. Minor changes, enhancements and upgrade have occurred but the system has basically remained unchanged. Most state systems were developed in the late 60's and early 70's including Minnesota's. The FBI's-NCIC Project 2000 is a complete re-engineering, redesign and replacement of the existing NCIC System. This Federal project has been funded by Congress and is at the stage of beginning implementation. This process will take place over the next two to seven years. All states who intend to be connected to and use the NCIC System will be given five to seven years to become compatible with the FBI-NCIC System. All specifications are available and we, as a state user of the FBI NCIC System must begin planning for this implementation at both the state level and the local level. A major part of this process will be the implementation of a completely new Hot File System.

### Problem

The Department of Public Safety must plan for this implementation at both the state and local level. We have two to seven years to fully complete this process.

### Solution

This new FBI NCIC Hot File System implementation is a very complex activity. It will involve upgrading the Criminal Justice Data Communication Network; re-engineering and re-writing the state Hot File software; and reducing all local computer systems to insure compatibility among these systems. Public Safety does not have the expertise to accomplish these tasks. Therefore, it will be necessary to execute a professional services contract to develop a plan for the evaluation, the design, and the implementation of the new Hot File applications. This process will identify costs and impact on the state and local government agencies that will be affected for the implementation phase and the on-going operational costs. The estimated cost for these planning tasks is $312,000 for a nine month contract. The product of this contract would outline the projected costs, both state and local, for future years.

21

# CRIMINAL JUSTICE REPORTING SYSTEM (CJRS)

## I.    CURRENT PROCESS

### A.    What is CJRS?

The Minnesota Criminal Justice Reporting System (CJRS) is a system for collecting statistical data on crimes in the State of Minnesota. The data collected includes reported incidents, property losses, property recovered, and arrests as required by Minnesota Statute Chapter 299C.

The data is transmitted to the Department of Public Safety by local and state law enforcement agencies using various methods. These methods are:

- on-line data entry for those agencies connected via the Criminal Justice Data Communications Network (CJDN),
- paper forms sent to the Department of Public Safety where they are entered on-line into the system for those agencies not connected to CJDN,
- magnetic tape.

The data is summarized and returned to the reporting agencies in the form of activity reports. The data is also forwarded to the Federal Bureau of Investigation for inclusion in the National Uniform Crime Reporting Program. In addition, this data is used to produce the annual report, "Crime In Minnesota"

#### 1.    Who is the Provider?

The data collected is provided by local and state law enforcement agencies.

#### 2.    Who is the Caretaker?

The Department of Public Safety, Office of Information Systems Management is responsible for the programming and maintenance of this application and the compatibility with the FBI's NCIC interaction. The Department of Administration through its InterTechnologies Group assist Public Safety in maintaining the data base.

3. Who are the Users?

Local, state and national Criminal Justice Community and anyone interested in criminal statistics is a potential user of this data. This latter group could include legislators, researchers, insurance companies, fire departments, special interest groups such as MADD, etc. As stated previously, the data is used by the FBI for inclusion in the National Uniform Crime Reporting Program, the "Crime In Minnesota" report, and activity reports are sent to the reporting agencies.

B. Current Problems

There is a move from the national level to have all the states convert their current reporting systems to a National Incident Based Reporting System (NIBRS). This system is discussed under section III New Data Expectations. This will solve some of the current problems in the CJRS but will also create new problems. NIBRS will be expensive to implement and support.

Problem:

Some of the shortcomings of the current system are the inability to relate multiple offenses to one incident, stolen properties to an incident, no information concerning Hate/Bias Crimes. In addition, another significant problem is the use of the 19,000 Minnesota Offence Codes to correctly identify an offence.

Solution:

Implementation of the National Incident Based Reporting System as being proposed by the FBI will solve these short comings identified above in addition to containing Hate/Bias crime data. There is currently a separate system which collects Hate/Bias crimes. It however is not integrated with the Criminal Justice Reporting System. Under NIBRS we will be required to use the national uniform reporting codes.

Problem:

The current staff of two trainer/auditors is insufficient to provide the required training to the approximately 600 reporting agencies. A recent FBI-NCIC Audit found us deficient in providing training to users who make inquires only and to providers such as case workers, attorneys, etc.

Currently no audits of submitting agencies are conducted to ensure correctness of the CJRS data entered into the system.

Computer checks are made of the data to check for items such as range of values, acceptable values, field specifications, etc. Currently no follow up is made on the quality control reports to assure corrective action by the submitting agency.

Solution:

There is a immediate need for an additional two (2) trainers/auditors. This would provide for a total of four trainer/auditors which would allow for an expanded training program and conducting of agency audits in a timely manner. These positions would provide training in the use of CJRS and audit the data entered and use of the system and its outputs. These same people would also be used to provide support to the Criminal Justice Information System (CJIS) as discussed under that section of this report.

## II. NEW STATE INITIATIVE

A statewide CJRS User Group comprised of representatives from local law enforcement agencies was created to analyze the new federal initiative, National Incident Based Reporting System (NIBRS). This group identified training requirements, additional data elements of value to the local agencies, proposed data collecting forms, discussed implementation, etc. These additional data elements will be added to the Minnesota NIBRS data base. When the State implements NIBRS, their ideas will be incorporated into the state implementation.

## III. NEW DATA EXPECTATIONS - NATIONAL INCIDENT BASED REPORTING SYSTEM (NIBRS)

### A. What is NIBRS?

NIBRS is a redesign of the National Uniform Crime Reporting Program. The system will undergo a major change from summary based to an incident based data collecting system. The new design will include an additional 19 nationally mandated data elements. Many of these new data elements identify victim and offender relationships. In the preliminary work done by the Department of Public Safety with local law enforcement agencies, nine (9) additional data elements of value to the local agencies were identified. These are being added to the Minnesota NIBRS data base.

NIBRS will allow us to relate stolen/recovered properties, offenses, arrestees and victims.

**B.    New Requirements**

Problem:

The additional 28 data elements and the ability to identify relationships will provide for more comprehensive analysis of the data and will consume additional resources.

There will be significant impact on the network caused by the on line data entry, number of data elements to be entered, the number of different computer screen formats to enter the data, file transfer both uploading and downloading.

Solution:

More computer resources, additional processing power, memory and disk storage will be required to generate reports and provide for the comprehensive analysis of the data. The additional 28 data elements will require more computer storage space.

Problem:

In addition to the current methods of entering the data, we are considering file transfer and other magnetic media such as floppy disks.

Solution:

Because of the varied methods of data entry to the system, an EDP Technical Support position will be required to coordinate the input of the data to the system especially the batch entries such as tape and floppy disk or the file transfer. This person would also be responsible for ensuring the software at the central site and at the local agencies are compatible.

Problem:

Training must be provided in the use of this new system such as entering data, required data elements, use of reports. The class duration will be longer because of the complexity of NIBRS, additional data entry screens and the additional data elements to be collected must be explained.

The auditing function must be continued as required by the FBI to ensure accuracy, correctness, proper use and integrity of the data. The complexity of the NIBRS and additional data elements will cause the audits to take longer to complete.

Solution:

The two new trainer/auditor positions specified under the current system needs will provide this additional training and auditing. In addition to the computer edits, the quality of the data would be improved by the timely periodic audits of submitting agencies to assure compliance with reporting standards.

Problem:

The NIBRS is more complex than the current CJRS and will require a person to maintain and support it.

Solution:

A programmer position is needed to maintain the system and provide technical support for the user community.

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26

Department of Corrections

## Detention Information System

**Description:** The Department of Corrections Detention Information System is an automated record keeping system containing information on individuals who are booked into and released from secure local correctional facilities. These facilities are often referred to as "jails." Each time an individual is booked, staff at the correctional facility enter a limited set of data into the system. When they are released the date of release is then entered into the system. Around 100,000 entries are made into the system in a year. These data elements provide information on some characteristics of individuals booked, the reason they are being held, their offense, and the time spent in the facility. The original purposes of the detention system were to provide information to the department so that jail standards could be monitored and to assist local units in planning. The data in this system has become useful for internal facility management and policy making at departmental and legislative levels.

**Caretaker:** Minnesota Department of Corrections

**Providers:** City and county staff of secure local corrections facilities

**Users:** Facility management, Minnesota Department of Corrections, county and city governments, State Planning, interest groups, and the legislature.

I. Re-engineering and Maintenance

Problems and Solutions

1. Inaccurate, incomplete and untimely data

   **Problem** - Five relatively large local facilities do not input data into the detention system. These facilities provide summary data to the department once a year. The data base maintained by the department cannot be used by itself for policy and research issues. Further, it is impossible to identify the offender traffic among the facilities.

   **Solution** - Formation of an executive level Criminal Justice Commission to make policy level decisions and suggest appropriate legislation.

**Problem** - Department of Corrections does not have sufficient staff to educate and train reporting agencies, and to perform audits to insure quality control. There is also a lack of staff to provide ongoing technical assistance to reporting agencies.

**Solution** - Add one position for training and auditing.

II.     <u>New State Initiatives</u>

A.      Conduct a feasibility study to establish the costs/benefits of new software that would make ad hoc reporting easier for policy analysis and operational purposes.

B.      Conduct a needs analysis to see if current data elements are providing the information necessary for policy and management in the 1990's.

# Minnesota Sentencing Guidelines

# MINNESOTA SENTENCING GUIDELINES COMMISSION

<u>Sentencing Guidelines Monitoring System</u>

Description: The Commission's monitoring system contains specific information relevant to the application of the sentencing guidelines for every convicted felon in Minnesota. Probation officers complete sentencing worksheets that describe offender and conviction information and provide a copy to the judge, the prosecutor, the defense attorney, the Department of Corrections, and the Sentencing Guidelines Commission. The information from the sentencing worksheet is maintained in the monitoring system.

The sentencing worksheet data is merged with specific court sentencing data from the State Judicial Information System (SJIS) and information from trial court judges for those cases where judges decide not to pronounce the presumptive guidelines sentence. These merged data provide a rich information system for the evaluation of sentencing practices and the coordination of sentencing practices with correctional resources. For example, using the monitoring system, the Commission can produce prison population projections and can estimate the impact of proposed changes to sentencing policy on prison populations. In order for this information to be meaningful, it is critical that the monitoring system contain the most accurate and current data possible.

Caretaker: Minnesota Sentencing Guidelines Commission

Provider: Probation agents, State Judicial Information System, Trial Court Judges, Department of Corrections

Users: Minnesota Sentencing Guidelines Commission, Legislature, criminal justice professionals, media, other interested state and local agencies, interest groups, and citizens

## I.    <u>Re-engineering and Maintenance</u>

<u>Problems and Solutions</u>

1.    Inaccurate, incomplete and untimely data

**Problem** - All of the problems noted in the Supreme Court document under the Section I.A.1, inaccurate, incomplete and untimely data are also problems for the Sentencing Guidelines Commission. This is because SJIS is a provider for the Sentencing Guidelines Monitoring System.

**Solution** - The solutions noted in the Supreme Court document to address the problems of inaccurate, incomplete and untimely data should receive high priority.

2. **Substantial increase in work load due to increased court activity**

**Problem** - Keeping the monitoring system current and accurate for policy making purposes requires an extensive amount of staff effort. Over the last four years the volume of cases sentenced by the courts has increased by nearly 50%. This has resulted in substantially greater demands on staff to process the data in a timely and accurate manner and to assure its completeness. In addition, because some data are merged from information systems controlled by other local and state entities, additional staff time must be spent to adapt the monitoring system to changes made in these other systems.

**Solution** - Add two positions: 1 Research Analyst and 1 Clerk Typist 4

Two new positions are needed immediately to address the existing problems and to allow the agency to provide information for policy making purposes in a more timely and accurate manner. The Research Analyst would be responsible for editing and auditing functions to assure more accurate and complete data as well as conduct general data processing and data collection tasks. The Clerk Typist 4 would provide data entry services and process the increased paper flow. The new staff would allow us to provide a more current monitoring system for planning, evaluation, and decision making purposes.

3. **Need for increased training and ad hoc studies**

**Problem** - An intensified interest in the area of criminal justice over the last several years has resulted in the need for more criminal justice information that is not available from the agency's existing monitoring system. Commission staff

conducted several special data collection efforts to obtain the necessary information for policy making purposes and impact analysis. Increased concern for the availability of local correctional resources and the need to develop innovative alternatives to incarcerative sanctions, e.g., day fines, requires that additional information be collected to facilitate these new policy developments.

New training initiatives also need to be developed. Increased training opportunities are critical to the improvement of all criminal justice information systems but there is a specific need for more training on sentencing guidelines application. This training is needed for probation officers in particular but more training is also needed for prosecutors, defense attorneys, and judges.

Solution - Add one position:          1 Research Analyst

One additional position is needed to help address increased training needs and ad hoc data requests. This Research Analyst would be responsible for developing new training initiatives that might include software based applications. This person would participate in training efforts to provide more complete training to a wide range of criminal justice professionals on the application of sentencing guidelines. In addition, this person would also be involved in data collection and data processing tasks as new interests are raised by the Legislature and others.

4.    **Missing, inaccurate, and untimely criminal history data**

Problem - The problems with the Computerized Criminal History (CCH) described in the Bureau of Criminal Apprehension (BCA) document are also problems for sentencing guidelines. Probations officers use CCH to help identify prior crimes that should be considered when applying the sentencing guidelines. If information on criminal history is missing or inaccurate, the result could be an erroneous presumptive sentence.

Solution - The solutions noted in the BCA document to address the problems of missing, inaccurate, and untimely criminal history data should receive high priority.

Supreme Court

# SUPREME COURT INFORMATION SYSTEMS

## OVERVIEW OF EXISTING SYSTEMS

A.   TCIS          The Total Court Information System (TCIS) is a comprehensive court record keeping and case management system developed by the Information Systems Office of the Minnesota Supreme Court.  By August of 1992 TCIS will be operational in all of Minnesota's District Courts, with the exception of Hennepin County, which has TCIS only in their probate division.

TCIS records include specific case and disposition information for civil, family, probate, juvenile, and all levels of criminal and traffic cases.  In addition to supporting the courts' records keeping responsibilities, TCIS provides accounting functionality, fees and fines tracking, case scheduling, and noticing. It also supports reporting requirements through automated data transfers to the Department of Public Safety and the State Judicial Information System.

1.   Who is the Provider?

Data is provided by attorneys, the public, law enforcement agencies, judges, court staff.

2.   Who is the Caretaker?

Minnesota Supreme Court, Information Systems Office is responsible for maintenance of the system.  The District Court Administrators are responsible for updating and dispersing the court records.

3.   Who are the Users?

The primary users are judges, court staff, state and local agencies, including the State Judicial Information System, Bureau of Criminal Apprehension, Sentencing Guidelines, Department of Corrections, and the Department of Public Safety. Other users include the public, attorneys, and local law enforcement agencies.

32

B.    SJIS    The State Judicial Information System (SJIS) is a statewide system that contains statistical information about Minnesota court cases. All of Minnesota's trial courts are required by statute to report specified case information SJIS. The system includes varying amounts of information in four separate case areas: civil, probate, family; felony and gross misdeanor criminal; juvenile; and aggregate data on misdemeanors, petty misdemeanors, conciliation and juvenile traffic cases.

Civil, probate, family: case-specific information from filing through disposition, including all court activities. There are no specific terms of disposition, such as prevailing party or judgment of the court.

Felony and gross misdemeanor criminal: case-specific information from filing of criminal complaint through disposition, including all court activities. SJIS does include detailed information about the disposition of each count, and complete sentencing information.

1.    Who is the Provider?

Prosecuting attorneys (county and city) and district courts.

2.    Who is the Caretaker?

Minnesota Supreme Court, Information Systems Office

3.    Who are the Users?

Minnesota Supreme Court, Board on Judicial Standards, District Courts, Bureau of Criminal Apprehension, Sentencing Guidelines, the courts, attorneys and anyone interested in criminal statistics. This latter group could include legislators, researchers, the news media, and special interest groups such as MADD, etc.

I.    REENGINEER AND MAINTAIN EXISTING SYSTEMS

A.    Current Problems and Possible Solutions (for purposes of this report, relating only to felony and gross misdemeanor criminal cases)

1.    Inaccurate, incomplete and untimely data

**Problem** - reporting and custodial agencies in the criminal justice community have varying mandates, and do not share a common vision of criminal justice information, or may not understand its importance. We are dependent for information on agencies over which we do not necessarily have control.
**Solution** - formation of an executive level Criminal Justice Commission to make policy level decisions and preach about the importance of criminal justice information

**Problem** - ISO does not have sufficient staff to educate and train reporting agencies, and to perform audits to insure quality control
**Solution** - Add two positions for training/auditing

**Problem** - criminal sentencing is very complicated, and the only official record is a transcript of a courtroom proceeding with a narrative, unstructured pronouncement of sentence. In most instances we rely on a deputy clerk of court to interpret and report sentence information
**Solution** - adopt a structured, official statewide criminal judgment document that judge, defendant and attorneys sign. Such a document is currently undergoing pilot testing in four counties.

**Problem** - the offense coding scheme (MOC) is complex, by virtue of all the information we are trying to collect, and reporting staff at some level may not have all of the information
**Solution** - rethink and reengineer the MOC coding scheme to provide the needed information at the appropriate level

**Problem** - there is usually a delay in getting data entered on SJIS, because the incoming information contains many errors, and requires a time-intensive  manual editing process.
**Solution** - eliminate many of the errors by implementing the solutions mentioned above, and then automate most of the current manual editing and data entry processes

2.   Inaccessibility of Data

**Problem** - even data that is on the system is not easy to access for ad hoc information requests
**Solution** - convert to hardware which enables use of query software (this conversion is in process) and add position to design/program in response to information needs and requests

3.   Inefficiencies of Criminal Justice System Organization

34

**Problem** - because of varying mandates of agencies in the criminal justice system, editing is done redundantly at each step of the process, and the various systems may contain conflicting information
**Solution** - criminal justice data group needs to agree on system-wide edits, and investigate changes to the editing process as a whole. The executive level commission may need to support this effort with some policy decisions.

**Problem** - some of the largest counties in the state are maintaining their own criminal history systems, because they don't have confidence in the state systems. This causes a demand for TCIS to provide system enhancements and additional hardware for redundant retention of data at a county level that is already mandated at the state level.
**Solution** - eliminate the reasons that cause them to feel this is necessary by making the existing state systems more accurate and complete as noted above, and have the executive level commision address this issue

## II. NEW STATE INITIATIVES

A. Collect and maintain domestic assault data

    1. Working with other criminal justice agencies and the legislature, perform a needs analysis

    2. Participate with other criminal justice agencies in system design

    3. Develop any programs necessary to extract and pass required data from TCIS (assuming that the Supreme Court Information Systems Office would not be responsible for maintaining the statewide database)

B. Collect and maintain juvenile felony data

    1. Working with other criminal justice agencies and the legislature, perform a needs analysis

    2. Participate with other criminal justice agencies in system design

    3. Develop any programs necessary to extract and pass required data from TCIS (assuming that the Supreme Court Information Systems Office would not be responsible for maintaining the statewide database)

C.   Collect and maintain misdemeanor DWI data

   1.   Working with other criminal justice agencies and the legislature, perform a needs analysis (the Department of Public Safety already has some of this data on its driving records system)

   2.   Participate with other criminal justice agencies in system design

   3.   Develop any programs necessary to extract and pass required data from TCIS (assuming that the Supreme Court Information Systems Office would not be responsible for maintaining the statewide database)

ARTHUR ANDERSEN

ARTHUR ANDERSEN & CO. SC

Baseline Audit of the
Computerized Criminal History Record System

Minnesota

BCA

Bureau of Criminal Apprehension

April 22, 1992

April 22, 1992

R. Neil Johnson
CHRIS Operations Supervisor
Bureau of Criminal Apprehension
1246 University Avenue
Saint Paul, Minnesota 55104

Dear Mr. Johnson:

The Bureau of Criminal Apprehension's (BCA) computerized criminal history system is an integral part of the overall system for managing criminal justice services in Minnesota. We have completed a baseline audit of the computerized system and our findings and recommendations are presented in this final report.

The BCA is one of the first agencies nationwide to undertake a baseline audit of its computerized criminal history records system. This is an important step to begin improving the collection, analysis, and disposition of criminal history information.

Our project team received excellent cooperation from the Bureau of Criminal Apprehension employees and from the law enforcement, court and correction agency personnel throughout Minnesota who participated in the project. We appreciate the opportunity to be involved in this most important initiative.

We look forward to presenting our findings and recommendations to the Bureau of Criminal Apprehension Baseline Audit Steering Committee. Please call Robert Starkey at (612) 334-4579 or Jeffrey Wright at (612) 334-4873, if you have questions concerning our report.

Very truly yours,

ARTHUR ANDERSEN & CO.

By *Bob Starkey*

Robert L. Starkey

# Table of Contents

# Introduction

This section introduces the final report of a baseline audit completed by Arthur Andersen for the State of Minnesota Department of Public Safety Bureau of Criminal Apprehension.

## Origin of the Study

The State of Minnesota Bureau of Criminal Apprehension (BCA) receives, processes, and maintains criminal justice system information from police agencies, courts, and corrections facilities throughout the state. BCA uses a computerized criminal history (CCH) system to accomplish its criminal history management responsibility. The CCH system is the database which contains information on individuals arrested for felony and gross misdemeanor criminal activity.

BCA's responsibility for criminal history record keeping is paralleled by the work of similar agencies in other states. The information provided by the various state agencies is used by over 60,000 local state and federal criminal justice agencies nationwide and many noncriminal justice agencies for licensing and employment decisions.

The U.S. Department of Justice is interested in improving the collection and analysis of criminal justice information at the state level. The State of Minnesota shares the U.S. Justice Department's interest. Consistent with Minnesota's leadership role and willingness to innovate, the BCA commissioned a review of the CCH system. The review, which is funded in part by the U.S. Justice Department, was awarded to Arthur Andersen following a competitive proposal process.

Arthur Andersen commenced the baseline audit in February 1992. The project, as documented in this final report, was completed in April 1992.

## Objectives and Scope

The baseline audit had the following objectives:

☐ Evaluate the flow of information from criminal history reporting agencies to the BCA.

☐ Test the existing CCH database to determine the current level of data completeness, accuracy, quality and timeliness.

☐ Conduct a needs assessment and requirements analysis to facilitate developing and prioritizing future criminal history record improvement efforts.

☐ Report the baseline audit results to the BCA.

The scope of the review included the BCA and law enforcement, court, and correction agencies throughout the state.

# Approach

The Arthur Andersen project team conducted the baseline audit by assembling and stratifying data from:

☐ Site visits and testing of 15 agencies statewide.

☐ Questionnaire sampling and interviews of 31 agencies statewide.

Interviews were conducted with over 100 employees of BCA and reporting agencies, testing over 800 separate criminal records.

The project team used 1990 as the base year. Data from 1991 and 1992 were not representative due to processing backlogs that exist.

Although 100% of the reporting agencies and criminal data have not been tested, a statistically significant sample was used. We believe the key issues have been identified and are described in the report.

The project team provided interim reports to a steering committee that guided the audit process. The steering committee convened four times during the course of the project.

# Executive Summary

This Executive Summary accompanies the report of a baseline audit that Arthur Andersen completed for the State of Minnesota Department of Public Safety Bureau of Criminal Apprehension.

## Overview

The State of Minnesota Bureau of Criminal Apprehension (BCA) is the receiver, processor and repository of criminal justice system information from law enforcement agencies throughout Minnesota. The BCA uses a computerized criminal history (CCH) system to keep track of the information. The BCA engaged Arthur Andersen to complete a baseline audit of the CCH system and the criminal information reporting practices in Minnesota. The baseline audit was funded in part by the U.S. Department of Justice.

The BCA receives criminal information from numerous reporting agencies. Primarily, the BCA receives arrest records (fingerprint cards) from law enforcement agencies, prosecution information (final disposition forms and court orders) from district courts and criminal status reports (custodial status updates and fingerprint cards) from correctional institutions. In total, the BCA receives over 137,000 items of criminal information each year from over 950 reporting agencies. The following diagram displays the primary flow of criminal history information.
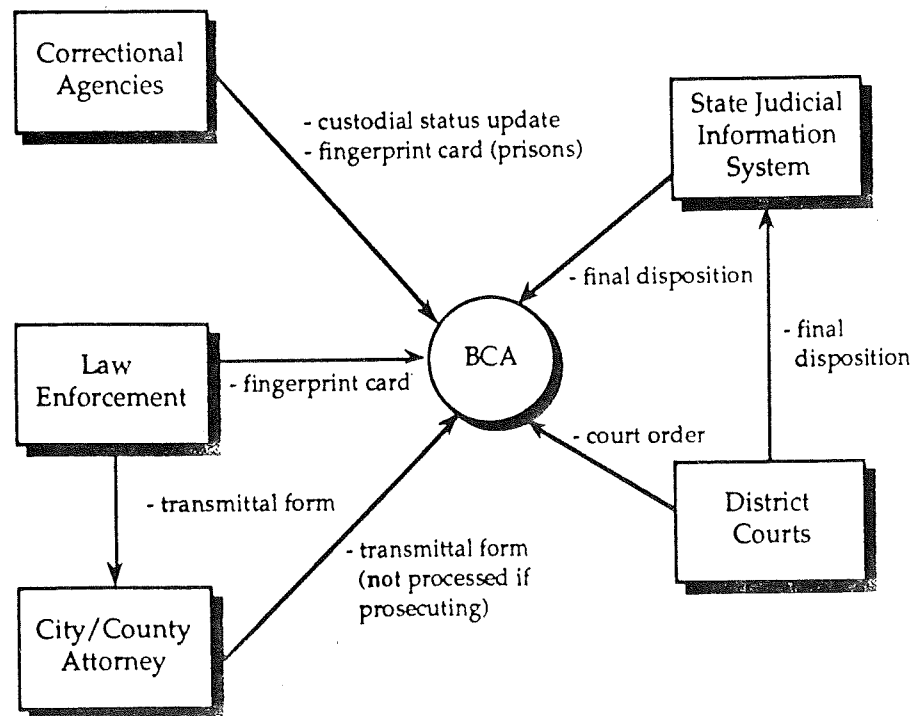
Criminal justice agencies and government organizations use the
information contained in the CCH system for a variety of purposes as
displayed in the following summary.

| Agency | Criminal History Uses |
| --- | --- |
| Law Enforcement | Arrest/Investigative |
| City/County Attorney | Determine Charges to Pursue<br>Precourt Diversion Programs |
| Courts | Bail/Bond<br>Presentencing Investigation |
| Corrections | Presentencing Investigation<br>Placement Within Correctional<br>Facility |
| Department of Natural Resources (DNR) | Criminal Investigation |
| Department of Public Safety | Criminal Investigation<br>Licensing |
| Attorney General | Criminal Investigation |
| Department of Revenue | Criminal Investigation<br>Licensing |
| Department of Commerce | Criminal Investigation<br>Licensing |
| Minnesota Planning | Statistical Analysis |
| Federal Bureau of Investigation | Criminal Investigation |
| Secret Service | Criminal Investigation |
| U.S. Customs | Criminal Investigation |
| Drug Enforcement Administration | Criminal Investigation |
| Alcohol, Tobacco and Firearms | Criminal Investigation |
| INS | Criminal Investigation |
| Public Agencies and Private Companies | Noncriminal Justice Applications |

# Objectives, Scope and Approach

The objectives of the baseline audit were to:

☐ Evaluate the flow of information from all criminal history reporting agencies to the BCA.

☐ Test the existing CCH database to determine the current level of data completeness, accuracy, quality and timeliness.

☐ Conduct a needs assessment and requirements analysis to facilitate developing and prioritizing future criminal history records improvement efforts.

☐ Report the baseline audit results to the BCA.

In order to conduct the baseline audit, the information received by the BCA was stratified based on volume statistics and known exception patterns. Based on the stratification, 15 reporting agencies were selected for audit visits and testing. Additionally, 31 reporting agencies were sent audit questionnaires to facilitate audit testing. In total 46 reporting agencies were included in the testing and over 800 criminal records were tested. The criminal records tested were from 1990. Information from 1991 and 1992 was not tested due to significant backlogs in processing the information.

The findings and recommendations are based on the testing described above as well as over 100 interviews of BCA employees and reporting agency personnel. Not all reporting agencies and criminal data have been tested, nor was a statistically valid testing procedure used due to the decentralized nature of the reporting. Accordingly, all CCH data quality issues may not have been discovered. We believe the most significant issues have been identified and are described below.

The result of the audit is a "baseline" of information on the existing completeness, accuracy, quality and timeliness of data in the CCH system. As improvements are made to the system, this report will provide a base to measure the effectiveness of the improvements.

# Findings

The baseline audit of the CCH system and the practices and procedures used to support the system resulted in the following key findings:

☐ **CCH Records Are Incomplete**—Approximately 90% of all arrests and 100% of court orders for pardon, expungement or seal of a record are captured in the CCH system. Approximately 51% of court final dispositions, 80% of prison admissions and 28% of custodial status reports are captured in the system. Incomplete criminal history records create the risk that inappropriate decisions could be made regarding criminals and criminal activity.

☐ **CCH Records Are Not Timely**—In 1990, it took over 135 days after an arrest occurred for the fingerprint card to be entered into the CCH system. BCA personnel believe the current number of days is less due to increased emphasis on processing fingerprint cards.

It takes over 400 days for district court final disposition forms to be entered in the system. Prison admission fingerprint cards take over 120 days and court ordered sentence level reductions take over 24 days.

These significant processing backlogs create the risk that inappropriate decisions could be made regarding criminals and criminal activity.

☐ **Adherence to Policies and Procedures Is Inconsistent**—Policies for submitting criminal history information to the BCA are mandated legislatively. The procedures for complying with these policies, however, are loosely defined. There is often high turnover of personnel in the positions responsible for submitting the information. We specifically noted two policy exceptions at reporting agencies with high volumes which should be addressed. First, one law enforcement agency only submits fingerprint cards to the BCA if the individual is being prosecuted. This practice results in hundreds of felony arrests which are never entered into the system. Additionally, one prison only sends fingerprint admission cards to BCA if it is the individual's first admission into the prison. Many criminal fingerprints are not obtained because of this procedure.

☐ **Criminal History Strategies Are Not Aligned**—The Department of Public Safety, which oversees the BCA, is currently making major information systems changes. The agency is working with Digital Equipment Corporation in this process. The district court system is on a Honeywell system and the Department of Corrections facilities are on IBM AS/400 systems. Additionally, many county and local reporting agencies are implementing different information system strategies. Hennepin County, for example, has implemented an IBM AS/400 system.

Each system serves a different purpose. Common information needs are duplicated and often do not reconcile.

## Recommendations

Baseline audit findings indicate that the BCA has several key opportunities for enhancement of the criminal history system. We recommend the following measures be considered.

☐ **Eliminate Backlog**—The BCA currently has a large backlog of unprocessed information. The backlog creates an unproductive work environment and makes it difficult to maintain daily processing requirements. We recommend the backlog be eliminated as soon as possible. This initiative can be accomplished while other projects are in the planning phase. The BCA will require temporary personnel resources to eliminate the backlog.

☐ **Simplify/Automate/Integrate Operations**—The BCA should establish ongoing efforts to continually improve data completeness, accuracy, quality and timeliness. The following steps should be taken:

   – Simplify—Simplify and streamline the current processing procedures. Perform a detailed productivity evaluation of current procedures and eliminate steps which do not add value. Establish performance measures to monitor employee productivity and monitor the volume of information processed.

   – Automate—We understand the BCA is currently in the process of moving the CCH software to the new Digital Equipment Corporation minicomputer. The CCH system is old and lacks critical functionality. Providing enhanced automation could significantly improve productivity. For instance, BCA currently maintains the CCH system as well as the CCH2 system, which is a redundant

II-4

system used for certain database query procedures. Enhanced automation should eliminate the redundant system.

- Integrate— After simplifying and automating, BCA should work on integrating the CCH system with other criminal systems. Common information requirements should be identified. The state should consider establishing consistent identification tracking numbers to monitor individuals as they progress through the criminal system (law enforcement, courts, corrections). This tracking system would facilitate the implementation of controls to identify incomplete records and obtain missing information.

☐ **Implement Systems for Nontraditional Market**—The nontraditional market (primarily background and security checks by private companies) for criminal history continues to grow. We recommend the BCA select and implement a network based accounting system to help manage this business as it continues to expand.

☐ **Establish Coordinating Group to Oversee Criminal History**—As discussed above, many of the systems which affect criminal history in Minnesota are heading in different directions. In order to ensure these systems can properly interface, share information, track criminal activity, etc., we recommend a coordinating group be established to oversee criminal history systems in Minnesota. We understand the Legislature has recently passed a bill which created a group to temporarily fill this role.

☐ **Establish Users Focus Group**—Discussion with key users of the CCH system revealed a variety of information needs which are not currently met. We recommend the formation of a criminal history information users focus group to ensure the ongoing improvement efforts meet the needs of the information users. Participants should include active users from law enforcement, courts, corrections and other interested agencies. The group should meet quarterly to help define system enhancements and achieve user commitment to the changes being made.

☐ **Improve Education and Training**—There is a high degree of turnover for some positions which are responsible for submitting information to the BCA. This turnover degrades the completeness, quality and timeliness of information. For instance, there is yearly turnover of prosecutors in some counties. During our site visits, we found that prosecutors often did not have a listing of valid Minnesota Offense Codes (MOC), which are used by the Supreme Court and BCA to gather descriptive information about the crime. This circumstance negatively affects the quality of information being submitted. We recommend the education and training process be improved for all reporting entities.

☐ **Perform Periodic Audits**—This audit provides an initial baseline of information on the completeness, accuracy, quality and timeliness of information in the CCH system. We recommend periodic audits be performed in order to measure the effect of ongoing improvement efforts and to identify areas which may need attention in a more timely manner.

# Next Steps

The measures set forth in the recommendations section may be implemented concurrently. We recommend a phased approach whereby each initiative is segmented into small, achievable projects. This approach provides framework and performance measures for each goal. Moreover, each segment is planned individually to achieve realistic timelines and deliverables. As projects are completed, future projects, within an initiative, may be redefined.

The first initiative should be a reduction of the current backlog. When the timeliness issue is under control, other problems may prove to be less serious than originally estimated. During this initiative, other projects should be planned.