

Concept Paper
“Integrated Justice Enterprise Information Act of 2000”
(September 15, 1999)

by

J. Clark Kelso

General Background and Need for the Legislation

California’s justice system is at a critical crossroads in the development and use of information and communication technologies. Decisions being made right now and during the next few years will set the course for the next 20 years. Will we have an integrated system in which everyone who routinely works with the justice system has easy, cheap and quick access to accurate and relevant information? Or, will we have what Chief Justice Ronald M. George calls the “Electronic Tower of Babel,” where every agency and player in the justice system is technologically equipped, but because of uncoordinated planning, everyone is technologically isolated from each other? The “Integrated Justice Enterprise Information Act of 2000” is intended to ensure that we take the path of coordinated planning.

The development of integrated justice system technologies is happening around the country in large part because of the leadership supplied by the United States Department of Justice. The United States Department of Justice’s stated policy is to encourage the development of integrated justice system information technologies that permit the various components of the justice enterprise to have immediate electronic access to the information necessary to respond to and resolve the consequences of criminal activity. Attorney General Janet Reno has called for all members of the justice enterprise “to work together to build an effective, responsible, integrated information-sharing capability between all law enforcement and other criminal justice agencies. This includes information-sharing architectures between law enforcement, courts, prosecution, public defense, corrections, probation, and parole offices. It also means the ability to share information between state and local jurisdictions and with the Federal Government.” Janet Reno, *Justice and Public Safety in the Twenty-First Century*, 30 *McGeorge Law Review* 5, 6 (1998).

In 1996, Attorney General Janet Reno accepted the task of overseeing the creation of a Global Criminal Justice Information Network capability under Vice President Gore’s Access America initiative. In 1997, Assistant Attorney General Laurie Robinson, the Director of OJP, created the Information Technology Executive Council comprised of the Directors from OJP’s five Bureaus (the Bureau of Justice Assistance, the National

Institute of Justice, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime) to develop a more strategic approach to information technology funding that would assist state and local governments in creating information architectures for the criminal justice enterprise. OJP and its five bureaus provide assistance to state and local governments through grant programs designed to foster partnerships with law enforcement and criminal justice agencies nationwide. OJP's annual budget is now around \$4 billion dollars, and in 1998-99, OJP will spend almost \$500 million on information technology related projects.

The Executive Council's vision is to improve the effectiveness and fairness of the criminal justice enterprise through improved information sharing among all its components. Based in large part on the information gathered during the course of the state and local forums over the last two years, the Executive Council has decided that the most promising objectives to achieving this vision include the following:

- developing internal grant funding guidelines to facilitate coordinated funding and use of information technology awards;
- developing targeted technical assistance to support criminal justice integration; and
- developing a national integrated technology resource center to assist state and local criminal justice agencies in obtaining timely and useful information on integration processes, initiatives, and new developments.

USDOJ's long-term strategy is to condition the receipt of significant technology funds upon a state's demonstrated commitment to the concept that spending on justice technology needs to be coordinated statewide. The first manifestation of that strategy is found in 42 U.S.C. § 14601, which conditions receipt of federal funds to upgrade criminal history records upon, among other things, "assurances . . . that a statewide strategy for information sharing systems is underway, or will be initiated, to improve the functioning of the criminal justice system, with an emphasis on integration of all criminal justice components" 42 U.S.C. § 14601(c)(2).

Other agencies in California state government are already responding to the opportunities created by USDOJ's efforts. For example, in December 1994, the California Public Safety Radio Strategic Planning Committee ("SPC") was established as an advisory committee to the Director of the Department of General Services. The SPC consists of representatives from the State's ten largest public safety radio communication user agencies and DGS's Telecommunications Division. Its task has been to change the way the State plans, funds, and manages its public safety radio communications systems

so that spending and development is coordinated among all law enforcement agencies and that all law enforcement agencies have compatible equipment.

In a related development, Ernest C. Van Sant, Assistant Deputy Director, Planning and Construction Division, Department of Corrections, has recently been appointed to the federal Public Safety Wireless Network Executive Council as the representative from the corrections community. The overall mission of the Council is to formulate a comprehensive plan for interoperability among wireless networks so local, state, and federal public safety requirements can be met.

Chief Justice Ronald M. George has also expressed his commitment to promoting the development of integrated technology systems within the justice community. As he wrote in 1998, “[f]rom web-based small claims filings for consumers and small businesses, to fully computerized systems for complex litigation, to criminal justice networks that link together law enforcement, social services, prosecution, defense, the courts, victims, corrections and probation, we should be striving to take advantage of information and communication technology’s ability to reduce duplicative paperwork, increase data integrity, and level the playing field.” *Sacramento Lawyer*, p. 32 (May 1998).

As we enter the 21st century, it is imperative that the State and local governments begin to plan more intelligently its use of information technologies within the justice system. With coordinated planning and development, we can improve the effectiveness of public safety programs around the State, reduce wasteful duplication, enhance public and victim access to the justice system, and more efficiently and intelligently spend taxpayers moneys on technology.

Brief Description of the Legislation

The Integrated Justice Enterprise Information Act of 2000 would establish in State government the Integrated Justice Information System Task Force. The Task Force would be charged with creating the California Integrated Justice Information System Plan to be used by State and local policymakers as a blueprint for developing and implementing, in a cost effective manner, an integrated justice information system, encompassing federal, sister state, state and local law enforcement agencies, prosecutors, public defenders, the courts, correctional institutions and agencies, human service agencies, and educational institutions, that maximizes standardization of data and communications technology and reduces unnecessary duplication of data collection, storage or entry.

In order to be effective, the Task Force needs to be broadly representative of the major state and local agencies which are part of the justice system. Because the courts are the central core of the justice system, it is appropriate to give the judicial branch extra

representation on the Task Force. In light of the interbranch and interagency nature of the Task Force, it is recommended that a judge be chosen to chair the Task Force. Accordingly, the legislation proposes the following membership:

- (a) Three judges appointed by the Chairperson of the Judicial Council;
- (b) Two members appointed by the Attorney General;
- (c) One representative from each of the following state agencies, appointed by the Governor: (1) the Department of Information Technology; (2) the California State Library; (3) the Office of State Public Defender; (4) the Office of Criminal Justice Planning; and (5) the Youth and Adult Correctional Agency;
- (d) One representative from each of the following local governmental agencies, appointed by the Governor: (1) police; (2) sheriffs; (3) district attorneys; (4) public defenders; and (5) probation; and
- (e) Two ex officio members appointed by the Attorney General of the United States.

The Chairperson of the Judicial Council would appoint the Chair of the Task Force. The Task Force would be staffed by the Department of Justice.

The Task Force would have significant resources and expertise to draw upon in the Sacramento area, in addition to the expertise of the agencies themselves. The nation's leading technical assistance provider for justice system agencies, The SEARCH Group, is located here in Sacramento. SEARCH, which has been closely involved with USDOJ in developing its technology initiative, would be able to assist the Task Force in developing the plan.

Draft Legislation

Integrated Justice Enterprise Information Act of 2000

1 SEC. 1. This act shall be known and may be cited as "the Integrated Justice
2 Enterprise Information Act of 2000."

3 SEC. 2. The Legislature finds and declares all of the following:

4 (a) An automated justice system that shares and tracks data concerning juvenile
5 and adult offenders and juvenile and criminal cases among all criminal justice agencies
6 will improve public safety by making more timely, accurate and complete information
7 available statewide to all criminal justice, social service, and education agencies and to
8 individual decision makers in the system including police officers, sheriffs, prosecutors,

1 public defenders, judges, corrections officers, probation officers, and health and human
2 services officers.

3 (b) Criminal justice, social service and education agencies may currently employ
4 different data base entry and management protocols and electronic data storage and
5 communications technologies, some fully compatible with others, some not.

6 (c) Chapter 7 (commencing with Section 11700) of Part 1 of Division 3 of Title 2
7 of the Government Code establishes the Department of Information Technology to
8 provide leadership, guidance, and oversight of information technology in state
9 government, including, but not limited to, the following:

10 (1) Development of statewide strategy, policy, standards, and infrastructure for
11 state government information technology.

12 (2) Implementation of efficient, effective, and timely information technology
13 acquisition and project management procedures.

14 (3) Development and implementation of an information technology equipment and
15 acquisition strategy to maximize efficiency in information dissemination and
16 transfer.

17 (d) Rule 6.53 of Title Six of the California Rules of Court establishes the Court
18 Technology Committee to promote, coordinate, and facilitate acquisition and
19 implementation of information and communication technologies useful and appropriate
20 to the courts and to recommend standards to ensure compatibility in the application of
21 information and communication technology in the judicial branch.

22 (e) The United States Department of Justice is engaged in an effort to promote
23 integrated criminal justice technologies nationwide and, among other things, will be
24 sponsoring and facilitating discussions of nationwide technical standards for sharing
25 criminal justice information among all components of the criminal justice enterprise.

26 (f) Other states are engaged in similar efforts to promote the utilization by criminal
27 justice agencies of information and communication technologies as a means for sharing
28 criminal justice information.

29 SEC 3. Title 3, "Criminal Statistics," of Part 4 of the Penal Code is amended to
30 read:

31 JUSTICE ENTERPRISE INFORMATION

32 SEC 4. Chapter 3 (commencing with Section 13350) is added to Title 3 of Part 4
33 of the Penal Code, to read:

34 Chapter 3. Integrated Justice Information System Task Force

35 13350. There is hereby created in the state government the Integrated Justice
36 Information System Task Force.

37 13351. The task force shall include as members:

38 (a) Three judges appointed by the Chairperson of the Judicial Council;

39 (b) Two representatives appointed by the Attorney General;

40 (c) One representative from each of the following state agencies, appointed by the
41 Governor:

42 (1) the Department of Information Technology;

43 (2) the California State Library;

- 1 (3) the Office of State Public Defender;
- 2 (4) the Office of Criminal Justice Planning; and
- 3 (5) the Youth and Adult Correctional Agency.

4 (d) One representative from each of the following local governmental agencies,
5 appointed by the Governor:

- 6 (1) police;
- 7 (2) sheriffs;
- 8 (3) district attorneys;
- 9 (4) public defenders; and
- 10 (5) probation.

11 (e) The Chairperson of the Judicial Council shall appoint one of the three judges to
12 serve as Chair of the Task Force.

13 (f) The Attorney General of the United States may designate two persons to serve
14 as ex officio members.

15 (g) Staff for the Task Force shall be provided by the Department of Justice.

16 13352. The task force shall create the California Integrated Justice Information
17 System Plan which can be used by state and local policymakers as a blueprint for
18 developing and implementing, in a cost effective manner, an integrated justice
19 information system, encompassing federal, sister state, state and local law enforcement
20 agencies, prosecutors, public defenders, the courts, correctional institutions and agencies,
21 human service agencies, and educational institutions, that maximizes standardization of
22 data and communications technology and reduces unnecessary duplication of data
23 collection, storage or entry. The plan should maximize the utilization of modern
24 information and communication technologies in routine information transactions among
25 federal, sister state, state and local criminal justice, public safety, social service, and
26 education agencies, consistent with appropriate security and privacy protections.