



Illinois Integrated Justice Information System (IIJIS)

2007 Summit



Enhancing Timely Decision Making Through Statewide
Information Sharing

Monday, June 25, 2007 • Hilton Springfield • Springfield, Illinois



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WELCOME MESSAGE

Dear IIJIS Summit Participants:

Welcome to the 2007 Illinois Integrated Justice Information System (IIJIS) Summit. On behalf of Governor Rod R. Blagojevich, and the members of the IIJIS Implementation Board, I want to thank you for your attendance and participation in this year's event.



Information sharing in the justice community has become an essential part of the criminal justice process in order to ensure that critical information is shared at key decision points throughout the justice enterprise. The Summit serves as the perfect setting for integrated justice information systems' decision makers to share ideas and work diligently to implement them so Illinois, and eventually the entire nation, can experience an enhanced system of justice, public safety, and homeland security.

The IIJIS Board's mission of improving the use of justice information is a collaborative effort involving all units of government in Illinois. This year's summit will provide you with the breakout sessions for strategic planning, and a means to document improvements in justice, efficiency, and public safety as a result of integrating information systems. We will discuss best practices and universal principles of integrated justice information sharing from local and global perspectives. We also will be providing an update on the statewide integration efforts, and on the National Information Exchange Model (NIEM)

In addition, the privacy issues implicated in the electronic sharing of police reports and an overview of the privacy policy developed to ensure the enhanced sharing of justice information made possible through advancing information technologies in accordance with Illinois law will be presented by our nationally recognized members of the IIJIS Privacy Policy Subcommittee.

I hope you enjoy the 2007 IIJIS Summit and that you find it applicable to the needs of your organization and jurisdiction.

Sincerely,

Lori G. Levin
Chair, IIJIS Implementation Board
Executive Director, Illinois Criminal Justice Information Authority



IIJIS IMPLEMENTATION BOARD

Governor Rod R. Blagojevich by Executive Order No. 16, created in 2003 the IIJIS Implementation Board, an intergovernmental effort dedicated to improving the administration of justice in Illinois by facilitating the electronic sharing of justice information throughout the state. It is a collaborative effort charged with enhancing public safety by making complete, accurate, and timely offender based information available to all justice decision makers.

The executive order directs the Implementation Board to address the challenges identified in the IIJIS Strategic Plan and to set goals and objectives for future justice information systems. The Implementation Board promotes the electronic sharing of justice information by coordinating the development, adoption, and implementation of plans for systems designed to make justice information readily accessible to justice agencies. The responsibilities of the IIJIS Board center on promoting the integration of justice information systems and include: coordinating the development of systems that enhance integration; establishing standards to facilitate the electronic sharing of justice information; protecting individual privacy rights related to the sharing of justice information; and coordinating the funding of integration efforts.

POWERS, DUTIES & RESPONSIBILITIES

- (a) To promote the integration of justice information systems in Illinois;
- (b) To coordinate the development, adoption and implementation of plans and strategies for sharing justice information;
- (c) To coordinate the development of systems that enhance integration;
- (d) To establish standards to facilitate the electronic sharing of justice information;
- (e) To promulgate policies that protect individuals' privacy rights related to the sharing of justice information;
- (f) To apply for, solicit, receive, establish priorities for, allocate, disburse, grant, contract for, and administer funds from any source to effectuate the purposes of the executive order;
- (g) To promulgate rules or regulations as may be necessary to effectuate the purposes of this executive order;
- (h) To report annually, on or before April 1st of each year to the Governor and the General Assembly, on the Implementation Board's activities in the preceding fiscal year; and
- (i) To exercise any other powers that are necessary and proper to fulfill the duties, responsibilities, and purposes of this executive order and to comply with the requirements of applicable federal or state laws or regulations.



IIJIS IMPLEMENTATION BOARD

Lori G. Levin

Executive Director, Illinois Criminal Justice Information Authority & Chair, IIJIS Implementation Board

Ellen Mandeltort

Serving on behalf of Attorney General Lisa Madigan

Rafael Diaz

Serving on behalf of Maureen O'Donnell, Acting Director of the Illinois Department of Central Management Services

Michael Snyders

Serving on behalf of Director Larry Trent, Illinois State Police

William McHenry

Serving on behalf of Thomas Dart, Cook County Sheriff

Antonio Hylton

Cook County Chief Information Officer

Rod Ahitow

Representing the Illinois Juvenile Justice Commission

Robert Howlett

Representing the Illinois Sheriffs' Association

Pamela McGuire

Representing the Illinois Association of Court Clerks

Ronald Lewis

Representing the Illinois Public Defender Association

Dorothy Brown

Vice Chair, IIJIS Implementation Board, Clerk of the Circuit Court Cook County, Illinois

Irene Lyons

Serving on behalf of Secretary of State Jesse White

Sharon Shipinski

Serving on behalf of Roger Walker, Director of the Illinois Department of Corrections

Adrienne Mebane

Serving on behalf of Richard A. Devine, Cook County State's Attorney

Edwin Burnette

Cook County Public Defender

Giacomo Pecoraro

Representing the Illinois Association of Chiefs of Police

Michael Waller

Representing the Illinois State's Attorneys Association

Sidney DeLair

Representing the Illinois Probation & Court Services Association

Michael Tardy

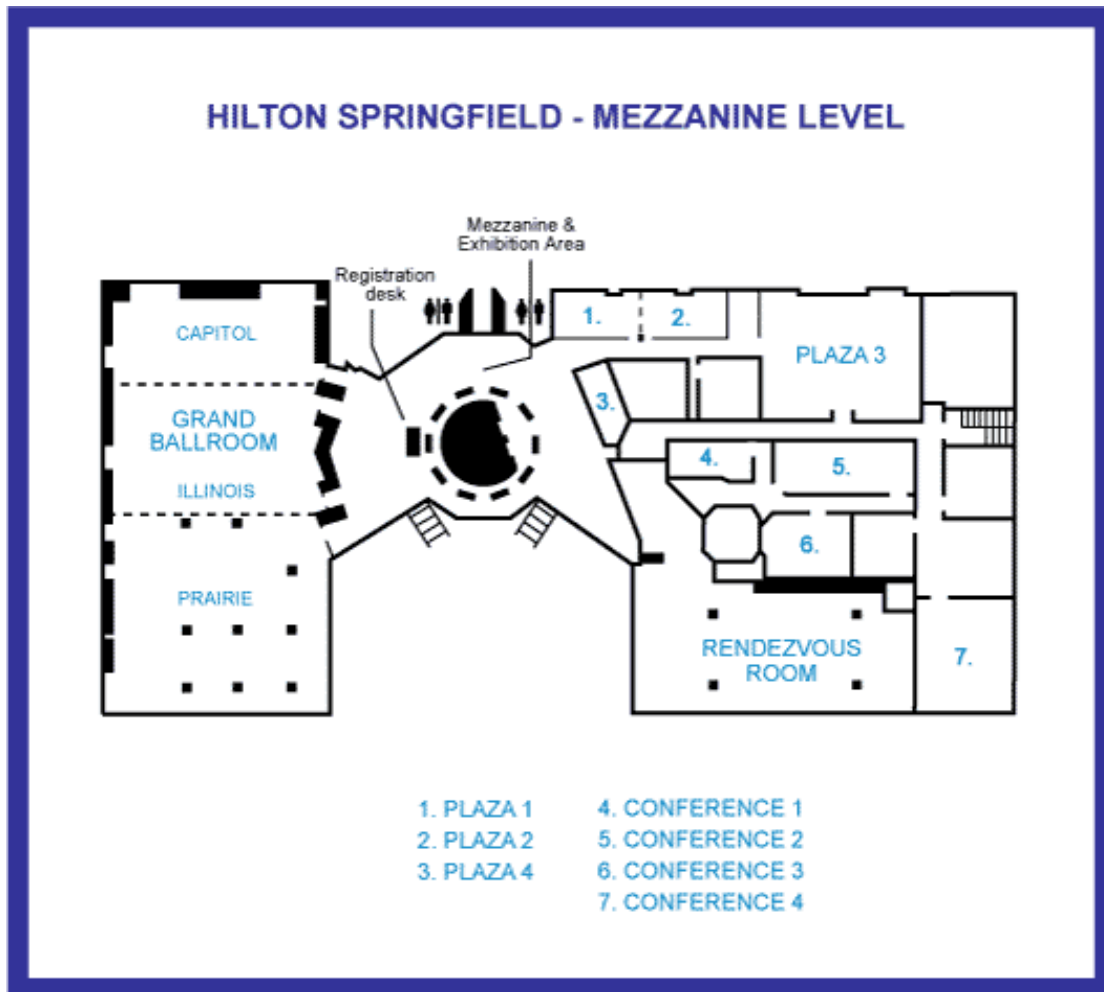
Judicial Branch Liaison

Skip Robertson

Judicial Branch Liaison



HILTON SPRINGFIELD



KEY LOCATIONS FOR IJIS SUMMIT

EXHIBITOR AREA

8:00am – 5:00pm
Capitol Room

AM BREAKOUT SESSIONS

11:00am – 12:00pm
Prairie Room, Plaza 3, Rendezvous Room

GENERAL SESSION

9:00am – 4:30pm
Prairie Room

LUNCH / PRESENTATION

12:00pm – 1:30pm
Illinois Room

PM BREAKOUT SESSIONS

1:45pm – 2:45pm
Prairie Room, Plaza 3, Rendezvous Room



2007 SUMMIT PROGRAM

TIME	LOCATION	EVENT
8 a.m.	Mezzanine	Registration
8 a.m.	Prairie Room	Continental Breakfast
8 a.m.	Capitol Room	Exhibitor Room Opens
		GENERAL SESSION
9 a.m.	Prairie Room	Opening Remarks Ms. Lori G. Levin, Chair, Illinois Integrated Justice Information System (IIJIS) Implementation Board Hon. Dorothy Brown, Vice Chair, IIJIS Implementation Board (<i>Mistress of Ceremonies</i>)
9 a.m.	Prairie Room	Welcome Remarks Col. Jill Morgenthaler, Deputy Chief of Staff for Public Safety and Homeland Security, State of Illinois
9 a.m.	Prairie Room	Keynote Speech Mr. Dave Roberts, Global Justice Consulting
9 a.m.	Prairie Room	Illinois Integrated Justice Information System (IIJIS) Initiative Update Ms. Lori G. Levin, Chair, IIJIS Implementation Board Hon. Dorothy Brown, Vice Chair, IIJIS Implementation Board; Chair, Outreach Committee Col. Michael Snyders, Chair, Planning & Policy Committee Mr. Edwin Burnette, Chair, Funding Committee
10 a.m.	Prairie Room	Privacy and the Global Workgroup Initiative Mr. Robert Boehmer, Institute for Public Safety Partnerships M/Sgt. Kathleen deGrasse, Illinois State Police Mr. Wil Nagel, Illinois Commerce Commission
10:45a.m.	Capitol Room	Morning Break / Visit with Exhibitors
11 a.m.	Prairie Room	AM BREAKOUT SESSIONS Strategic Planning Panel Discussion Mr. Dave Roberts, Global Justice Consulting (<i>Facilitator</i>) Ms. Carol Cates, Illinois State Police Ms. Carol Gibbs, Illinois State Police Ms. Linda Rosenberg, Ofc of Criminal Justice Systems Improvements Mr. Herbert Johnson, Illinois Integrated Justice Information Systems
11 a.m.	Plaza 3	Illinois Fusion Center Ms. Dora Tyrell, Illinois State Police
11 a.m.	Rendezvous Room	McLean County Integration Initiative Mr. Craig Nelson, McLean County



2007 SUMMIT PROGRAM

TIME	LOCATION	EVENT
12 p.m.	Illinois Room	Lunch
12:30p.m.	Illinois Room	Law Enforcement National Data Exchange (N-DEx) Luncheon Presentation Mr. Tim Reid, FBI - N-DEx Unit
		PM BREAKOUT SESSIONS
1:45p.m.	Prairie Room	National Information Exchange Model (NIEM) Standards Mr. Dave Roberts, Global Justice Consulting
1:45p.m.	Plaza 3	Performance Measures for Integration Dr. Peter Scharf, Center for Society, Law & Justice at the University of New Orleans
1:45p.m.	Rendezvous Room	Commonwealth of Pennsylvania Justice Network (JNET) Ms. Linda Rosenberg, Ofc of Criminal Justice Systems Improvements
2:45p.m.	Capitol Room	Afternoon Break / Visit with Exhibitors
3 p.m.	Prairie Room	I-CLEAR / I-CASE Update Col. Michael Snyders, Illinois State Police
4 p.m.	Prairie Room	Closing Remarks Ms. Lori G. Levin, Chair, Illinois Integrated Justice Information System (IIJIS) Implementation Board Hon. Dorothy Brown, Vice Chair, IIJIS Implementation Board



PROGRAM FACILITATORS

INTRODUCTORY / CLOSING REMARKS

Ms. Lori G. Levin

**Executive Director, Illinois Criminal Justice Information Authority
Chair, IIJIS Implementation Board**



Lori G. Levin is Executive Director of the Illinois Criminal Justice Information Authority. The Illinois Criminal Justice Information Authority is a state agency dedicated to improving the administration of criminal justice by bringing together key leaders from the justice system and the public to identify critical issues facing the criminal justice system in Illinois, and to propose and evaluate policies, programs, and legislation that address those issues. As Executive Director, she serves on the Illinois Sex Offender Management Board, the Illinois Violence Prevention Authority, the Illinois Family Violence Coordinating Council and Redeploy Illinois' Executive Steering Committee. She also served on Metropolis 2020's Justice Violence Index Advisory Council. Director Levin has been twice elected Chair of the Illinois Integrated Justice Information Systems Implementation Board. Prior to her appointment as Executive Director of the Criminal Justice Information Authority by Governor Rod Blagojevich in August 2003, she served on the Governor's Transition Team as Vice-Chair of the Social Services Committee and Co-Chair of the Aging Subcommittee.

Previously, Director Levin was Supervisor of the Cook County State's Attorney's Office's Seniors and Persons with Disabilities Division, where she oversaw the prosecution of felonies against the elderly and disabled in the Criminal Division and the handling of involuntary commitment and treatment cases in the Mental Health Court. Director Levin is a graduate of the Georgetown University Law Center. She holds a Bachelor of Science in Journalism from the University of Illinois at Champaign-Urbana.

MISTRESS OF CEREMONIES

Hon. Dorothy Brown

**Clerk of the Circuit Court Cook County
Vice Chair, IIJIS Implementation Board; Chair, Outreach Committee**



Dorothy Brown made history when she was elected as the Clerk of the Circuit Court of Cook County in November 2000, becoming the first African American to hold that Office. Re-elected to a second term in November 2004, she won both elections by overwhelming margins, illustrating voter confidence in her abilities. As the official keeper of records for all judicial matters brought into one of the largest unified court systems in the world, Clerk Brown is responsible for managing an annual operating budget of over \$100 million and has a workforce of over 2,300 employees. Clerk Brown is Vice -Chair of the Illinois Integrated Justice Information System (IIJIS) Implementation Board and Chair of the Outreach Committee. The Outreach Committee was established to communicate the goals, objectives, and vision of the IIJIS initiative. Consequently, the IIJIS Summit is a product of the Outreach Committee. In addition, the Cook County Board of Commissioners appointed Clerk Brown Chair of the Cook County Integrated Criminal Justice Information Systems Committee. The Committee developed and issued its Integrated Criminal Justice Information Systems Strategic Plan in 2003 and has completed the follow-on report - CCICJIS Detailed Plan of Action (Dec 2006).

Clerk Brown has earned her Jurist Doctorate of Law degree from Chicago-Kent College of Law and a Master's of Business Administration degree from DePaul University (Chicago). She is also a Certified Public Accountant and holds a Bachelor's degree from Southern University (Louisiana).



WELCOME ADDRESS

ENHANCING TIMELY DECISION MAKING THROUGH STATEWIDE INFORMATION SHARING



Colonel Jill Morgenthaler
Deputy Chief of Staff for Public Safety and Homeland Security
State of Illinois

As the Governor's Deputy Chief of Staff for Public Safety and Homeland Security Advisor, Colonel Jill Morgenthaler is responsible for directing Illinois homeland security operations for the state. Governor Blagojevich has charged her with coordinating efforts with federal agencies such as the FBI and Homeland Security and providing guidance to Illinois Emergency Management Agency, Illinois Terrorism Task Force, Illinois National Guard, and other agencies to ensure that all levels of government work together for the prevention, preparedness, response, and recovery from natural disasters or terrorist incidents.



Col. Morgenthaler brings extensive experience to state government, both as an Army Reserve colonel and as one of Argonne National Laboratory's Emergency Response Center managers. As an Army officer with close to 30 years of experience, she has worked extensively in command centers in Korea, Berlin, Bosnia, and Iraq; handled disaster recovery during the San Francisco earthquake of 1989 and evacuation operations for Kosovar refugees in New Jersey. As Argonne's Emergency Response Center manager, she supervised the center during incidents and exercises. Col. Morgenthaler received accolades from the Department of Energy for her performance during TOPOFF 2. Col. Morgenthaler has participated in training conducted by the Department of Energy's Emergency Operations Training Academy, Department of Defense Anti-terrorism programs, Department of Homeland Security, and the State of Illinois.

Col. Morgenthaler holds a Masters of Strategic Studies from the Army War College, a Masters of Arts in International Policy Studies from the Monterey Institute of International Studies, and a Bachelor of Arts from Pennsylvania State University.



KEYNOTE PRESENTATION

ENHANCING TIMELY DECISION MAKING THROUGH STATEWIDE INFORMATION SHARING



Mr. Dave Roberts
Principal
Global Justice Consulting



Mr. Roberts is Principal of Global Justice Consulting, an international consultancy focusing on justice information technology planning, integrated/joined-up justice initiatives, JIEM analysis, and performance management, and Editor-in-Chief of Public Safety IT Magazine. He previously served as Director of the Justice & Public Safety Practice, Global Public Sector for Unisys Corporation, and for 17 years as Deputy Executive Director of SEARCH, The National Consortium for Justice Information and Statistics. He has provided technical assistance to a host of local, state, and national jurisdictions in planning and implementing integrated/joined-up justice information sharing, directed Unisys in development of its IJIS solution, and directed a series of national conferences, including the 2002, 1999, and 1996 Bureau of Justice Assistance/SEARCH Symposia on Integrated Justice Information Systems. Mr. Roberts has served as director of a variety of U.S. federally-funded justice IT projects, including the SEARCH project to identify and model information exchange (Justice Information Exchange Model-JIEM), and a joint Bureau of Justice Statistics/FBI project on NIBRS implementation among law enforcement agencies. He is a frequent speaker on justice information technology and integrated/joined-up justice both in the United States and abroad, is a published author, and holds graduate degrees from the School of Criminal Justice, State University of New York-Albany, and Oklahoma City University.



IIJIS UPDATE

ENHANCING TIMELY DECISION MAKING THROUGH STATEWIDE INFORMATION SHARING



Illinois Integrated Justice Information Systems (IIJIS) Implementation Board Update

The IIJIS Implementation Board was created in 2003 by Governor Rod Blagojevich to continue the work of developing strategies to address the information sharing needs of the justice community. The work of the Implementation Board has been divided among four committees. The *Planning and Policy Committee* is focused on developing the IIJIS Privacy Policy, identifying high-level business issues, and prioritizing the resulting projects. The *Technical Committee* has set about the process of adopting standards for interagency exchanges of justice information. The *Outreach Committee* was established to communicate the goals, objectives, and vision of the IIJIS initiative. This Summit is one such activity. The *Funding Committee* is continuing to identify potential sources of revenue. This session will provide an update of activities of the IIJIS Implementation Board since the last Summit of 2005.

Ms. Lori Levin
Executive Director, Illinois Criminal Justice Information Authority
Chair, IIJIS Implementation Board

Lori G. Levin is Executive Director of the Illinois Criminal Justice Information Authority. The Illinois Criminal Justice Information Authority is a state agency dedicated to improving the administration of criminal justice by bringing together key leaders from the justice system and the public to identify critical issues facing the criminal justice system in Illinois, and to propose and evaluate policies, programs, and legislation that address those issues. As Executive Director, she serves on the Illinois Sex Offender Management Board, the Illinois Violence Prevention Authority, the Illinois Family Violence Coordinating Council and Redeploy Illinois' Executive Steering Committee. She also served on Metropolis 2020's Justice Violence Index Advisory Council. Director Levin has been twice elected Chair of the Illinois Integrated Justice Information Systems Implementation Board. Prior to her appointment as Executive Director of the Criminal Justice Information Authority by Governor Rod Blagojevich in August 2003, she served on the Governor's Transition Team as Vice-Chair of the Social Services Committee and Co-Chair of the Aging Subcommittee. Previously, Director Levin was Supervisor of the Cook County State's Attorney's Office's Seniors and Persons with Disabilities Division, where she oversaw the prosecution of felonies against the elderly and disabled in the Criminal Division and the handling of involuntary commitment and treatment cases in the Mental Health Court. Director Levin is a graduate of the Georgetown University Law Center. She holds a Bachelor of Science in Journalism from the University of Illinois at Champaign-Urbana.

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Clerk of the Circuit Court Cook County
Vice Chair, IIJIS Implementation Board; Chair, Outreach Committee

Dorothy Brown made history when she was elected as the Clerk of the Circuit Court of Cook County in November 2000, becoming the first African American to hold that Office. Re-elected to a second term in November 2004, she won both elections by overwhelming margins, illustrating voter confidence in her abilities. As the official keeper of records for all judicial matters brought into one of the largest unified court systems in the world, Clerk Brown is responsible for managing an annual operating budget of over \$100 million and has a workforce of over 2,300 employees. Clerk Brown is Vice -Chair of the Illinois Integrated Justice Information System (IIJIS) Implementation Board and Chair of the Outreach Committee. The Outreach Committee was established to communicate the goals, objectives, and vision of the IIJIS initiative. Consequently, the IIJIS Summit is a product of the Outreach Committee. In addition, the Cook County Board of Commissioners appointed Clerk Brown Chair of the Cook County Integrated Criminal Justice Information Systems Committee. The Committee developed and issued its Integrated Criminal Justice Information Systems Strategic Plan in 2003 and has completed the follow-on report - CCICJIS Detailed Plan of Action (Dec 2006). Clerk Brown has earned her Jurist Doctorate of Law degree from Chicago-Kent College of Law and a Master's of Business Administration degree from DePaul University (Chicago). She is also a Certified Public Accountant and holds a Bachelor's degree from Southern University (Louisiana).



IIJIS UPDATE

Colonel Michael Snyders

***Deputy Director, Information and Technology Command, Illinois State Police
Chair, IIJIS Planning & Policy Committee***

Colonel Michael R. Snyders is a 21-year veteran of the Illinois State Police (ISP). He was promoted to the rank of Colonel and appointed Deputy Director of the Information and Technology Command on October 1, 2006. Currently, he leads the technology, information, research, criminal history, and strategic management functions of the Illinois State Police. Prior to his present responsibilities, he served as Lieutenant Colonel, second in command, of the ISP Division of Operations where he oversaw patrol, investigation, and intelligence operations. He is recognized as an international expert in the field of criminal patrol interdiction and has provided assistance and training to agencies throughout the United States, Canada, Northern Ireland, and South America. Previously, Colonel Snyders guided ISP in positions which included Lieutenant Colonel who was in charge of the Operation Services Command consisting of Intelligence, Commercial Vehicle, Drug Conspiracy, Technical Services, Medicaid Fraud, and Computer Crimes; Captain who supervised Investigations for Zone 5 in Champaign; and Captain who oversaw District 6 Patrol in Pontiac.

Mr. Edwin Burnette

***Cook County Public Defender
Chair, IIJIS Funding Committee***

Mr. Burnette was confirmed as Chief Executive and Chief Attorney of the Law Office of the Cook County Public Defender by the Cook County Board of Commissioners in March 2003. His responsibilities include establishing policies and procedures for representing clients, and designating liaisons to all county and court agencies involved in the administration and funding of the Law Office. Prior to his current appointment, Mr. Burnette held a variety of highly responsible positions in the legal profession, including the following positions with the Law Office: First Assistant Public Defender, Supervising Attorney for the First Municipal Division and Assistant Public Defender in the Appeals and Felony Trial Divisions in the First and Sixth Districts, respectively. Widely respected in the legal profession, Mr. Burnette is often called upon to share his expertise by participating on committees, task forces and other policy-making forums. He currently serves on the Sex Offender Management Board and the Steering Committee for the Integrated Systems for Women Offenders. Mr. Burnette is also very actively involved in both professional and civic activities. He currently holds seats on several boards, including the John Howard Association, the Illinois Association of Criminal Defense Lawyers (Past President) and the National Legal Aid and Defender Association. He is a former member and Past President of the Rich Township High School District #227 Board of Education. Mr. Burnette is a graduate of the United States Naval Academy and DePaul University College of Law.



Privacy & the Global Workgroup Initiative

ENHANCING TIMELY DECISION MAKING THROUGH STATEWIDE INFORMATION SHARING



PRIVACY & GLOBAL JUSTICE INFORMATION SHARING INITIATIVE

This session will provide an update regarding the Global Justice Information Sharing Initiative, discuss privacy concerns surrounding the integration of justice information systems, understand the need to develop meaningful privacy policies, and provide suggestions and resources for developing policies for the collection, analysis and sharing of electronic justice data.

Mr. Robert Boehmer
Institute for Public Safety Partnerships
Chair, IIJIS Privacy Policy Subcommittee

Robert Boehmer is director of the Institute for Public Safety Partnerships at the University of Illinois at Chicago. The Institute provides training and technical assistance to enhance the capacities of communities, police, and other agencies to work together, and to build safer and healthier communities. Mr. Boehmer is also chair of the Global Justice Information Sharing Initiative's Advisory Committee, which advises the U.S. Attorney General on information sharing issues. Prior to coming to the Institute, Mr. Boehmer was general counsel and secretary for the Illinois Criminal Justice Information Authority and the Illinois Motor Vehicle Theft Prevention Council. In that position, he was a member of the executive staff, served as chief of staff, managed the legal affairs of the agency, and directed its legislative program. At the Authority, Mr. Boehmer provided legal and policy advice for several Illinois criminal justice technology efforts including the Illinois Integrated Justice Information System (IIJIS), the Authority's Police Information Management System (PIMS), Area-Wide Law Enforcement Radio Terminal System (ALERTS) and InfoNet, a web-based data collection system used by victim service providers throughout Illinois. Mr. Boehmer has made significant contributions to the IIJIS initiative since its inception. He previously served as a member of the IIJIS Policy and Planning Committee where he assisted in developing the IIJIS Strategic Plan and the *Scenario for Information Sharing in Illinois*. He is currently chair of the IIJIS Privacy Policy Subcommittee, which, under his leadership, developed several products including *Privacy Issues Confronting the Sharing of Justice Information in an Integrated Justice Environment* and *Privacy Policy Guidance for Illinois Integrated Justice Information Systems, Volume 1*. Global's Privacy and Information Quality Work Group (GPIQWG), which was previously chaired by Mr. Boehmer used the experience of Illinois' Privacy Policy Subcommittee and associated materials to inform its discussions and recommendations.

Mr. Boehmer is a Regional Representative to the National Criminal Justice Association (NCJA) Advisory Council, a member of the NCJA Board of Directors and Executive Committee and represents NCJA on Global. Prior to coming to the Illinois Criminal Justice Information Authority in 1987, Mr. Boehmer was a Chicago Police Officer. He received his B.A. from the University of Illinois at Chicago and Juris Doctor from DePaul University (Ill.).



Privacy & the Global Workgroup Initiative

Mr. Wil Nagel
Reporter, IIJIS Privacy Policy Subcommittee

Wil Nagel served as a policy analyst with the Illinois Integrated Justice Information System (IIJIS) where he focused on the development of privacy policy recommendations for state and local criminal justice agencies. As an analyst, he assisted in the development of every product developed by the project from its initial Strategic Plan and the Scenario for Information Sharing in Illinois to research reports documenting the types of information most commonly exchanged among justice agencies. His most influential work was his founding and facilitating the Privacy Policy Subcommittee.

During his 5 years on the IIJIS initiative, Mr. Nagel identified, researched, and proposed resolutions to the privacy issues created by the States efforts to electronically link Illinois law enforcement and justice agency information systems. Mr. Nagel also assisted the Global Justice Information Sharing Initiative (Global), a federal advisory committee to the U.S. Attorney General, with the creation of the Privacy Policy Development Guide and Implementation Templates. The Global Privacy and Information Quality Working Group (GPIQWG) used the experience of Illinois's Privacy Policy Subcommittee and associated materials to inform its discussions and recommendations.

Mr. Nagel received his Juris Doctor from The John Marshall Law School and his bachelor of science in Criminal Justice from Loyola University Chicago. He also received his CIPP/G from the International Association of Privacy Professionals. He can be reached through his website: www.JusticePrivacy.com.

M/Sgt. Kathleen deGrasse
Privacy Officer, Illinois State Police
IIJIS Privacy Policy Subcommittee Member

Master Sergeant Kathleen deGrasse is a 21-year veteran of the Illinois State Police (ISP) and has been a licensed attorney for the past nine years. M/Sgt. deGrasse recently was appointed the first "Privacy Officer" in ISP history. In this position she actively participates in ISP policymaking concerning the collection and sharing of personal and intelligence information. She also is responsible for enhancing and monitoring ISP compliance with both data privacy protection and civil liberties rules and regulations. M/Sgt deGrasse is a member of the Global Privacy and Information Quality Working Group and the International Association of Law Enforcement Intelligence Analysts and is a Certified Information Privacy Professional.

Privacy Care Package: **Alternate sources**

For someone who has never considered privacy issues before, figuring out where to start can be a daunting task. This document is intended to offer information about the privacy issues confronting the criminal justice system's increased collection, analysis, and dissemination of electronic information. Documents identified below range from law review articles, to government reports, to news articles. These documents reflect a variety of view points and are intended to provide a well-rounded introduction to the privacy issues users might be asked to discuss and ultimately resolve.

Although each of the following documents is available from JusticePrivacy.com, this listing provides alternate locations of these sources.

- (1) Paul F. Kendall et al., *Gathering, Analysis, and Sharing of Criminal Justice Information by Justice Agencies: The Need for Principles of Responsible Use*, 21st Annual International Conference on Data Protection and Information Privacy, Hong Kong 7-8 (Sept. 1999).

Available from the Office of the Privacy Commissioner for Personal Data, Hong Kong.
[http://www.pcpd.org.hk/english/infocentre/files/kendall\(formatted\).doc](http://www.pcpd.org.hk/english/infocentre/files/kendall(formatted).doc)

- (2) Professor Daniel Solove has made many important scholarly contributions to the field of privacy. Many of his articles about privacy and the law are interesting and substantive. Many of his works are available from George Washington University Law School.
<http://docs.law.gwu.edu/facweb/dsolove/default.htm>

- (3) Daniel J. Solove, *Access and Aggregation: Public Records, Privacy and the Constitution*, 86 MINN. L. REV. 1137 (2002).

Available from the National Center for State Courts.
<http://www.courtaccess.org/legalwritings/solove2002.pdf>

- (4) Daniel J. Solove, *A Taxonomy of Privacy*, 154 U. PA. L. REV 477 (2006).

Available from the University of Pennsylvania Law Review.
<http://www.pennumbra.com/issues/article.php?atid=12>
http://www.pennumbra.com/issues/articles/154-3/a_taxonomy_of_privacy.pdf

- (5) U.S. DEP'T OF DEFENSE, Technology and Privacy Advisory Committee, *Safeguarding Privacy in the Fight Against Terrorism* (March 2004).

Available from U.S. Department of Defense.
<http://www.defenselink.mil/news/Jan2006/d20060208tapac.pdf>

- (6) U.S. DEP'T OF JUSTICE, Bureau of Justice Statistics, *Public Attitudes Toward Uses of Criminal History Information*, NCJ 187663 (2001).

Available from the U.S. Department of Justice, Bureau of Justice Statistics.
<http://www.ojp.usdoj.gov/bjs/pub/pdf/pauchi.pdf>

- (7) U.S. GEN. ACCOUNTING OFFICE, *Privacy Act: OMB Leadership Needed to Improve Agency Compliance*, Report No. GAO-03-304 (June 2003).

Available from the U.S. Government Accountability Office.
<http://www.gao.gov/new.items/d03304.pdf>

- (8) U.S. DEP'T OF HEALTH, EDUC., & WELFARE, Records, Computers and the Rights of Citizens: Report of the Secretary's Advisory Committee on Automated Personal Data Systems (1973).

Available from the U.S. Department of Health and Human Services.
<http://aspe.hhs.gov/datacncl/1973privacy/tocprefacemembers.htm>.

- (9) *Ramos v. City of Peru*, 333 Ill.App.3d 75, 775 N.E.2d 184 (3d Dist. 2002).

Available from the Official site of the Illinois Courts
<http://www.state.il.us/court/Opinions/AppellateCourt/2002/3rdDistrict/August/HTML/3010939.htm>

- (10) *U.S. Dept. of Justice v. Reporters Committee*, 489 U.S. 749 (1989).

Available from FindLaw.com
<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=489&invol=749>

- (11) Jay Stanley, American Civil Liberties Union, *The Surveillance-Industrial Complex: How the American Government is Conscripting Businesses and Individuals in the Construction of a Surveillance Society* (Aug. 2004).

Available from the American Civil Liberties Union
http://www.aclu.org/FilesPDFs/surveillance_report.pdf

- (12) Electronic Privacy Information Center: Privacy and Public Records
<http://www.epic.org/privacy/publicrecords/>

- (13) ILL. INTEGRATED JUST. INFO. SYS., *Lessons to be learned from MATRIX* (2006).

Available from the Illinois Integrated Justice Information System
http://www.icjia.state.il.us/ijjis/public/pdf/PRV/MATRIX_lessons3d.pdf



Privacy issues confronting the sharing of justice information in an integrated justice environment

SEPTEMBER 2006

Introduction

The IIJIS Privacy Policy Subcommittee was created to develop privacy policy recommendations that will guide the sharing of justice information both among justice agencies and with the public. The group is composed of representatives from the traditional criminal justice system as well as individuals from the press, law schools, victim services groups, and private users of criminal history information.

The following issues represent this subcommittee's attempt to document the privacy concerns that should be addressed by agencies participating in or developing integrated justice information systems. This document is the result of several meetings with justice practitioners and subcommittee members as well as joint brainstorming sessions involving the group as a whole.

This document is continuing to evolve and issues will be added as the subcommittee moves forward with the development of privacy policy guidance for Illinois integrated justice information systems. This version includes privacy issues that arise with the sharing of traditional information as a case flows through the justice process. It also identifies issues concerning the enhanced collection, sharing, and dissemination of electronic police incident information – capabilities that are quickly being developed throughout the nation.

To our knowledge, no other state or agency has compiled a similar listing of privacy challenges that confront the enhanced sharing capabilities of integrated justice information systems. This document is being made available to the public so that entities attempting to integrate justice information systems can learn the types of questions they should be asking, even if the subcommittee has not yet addressed them.

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I. General privacy policy considerations

- (a) **Public perceptions** – The public’s perceptions regarding the accessibility of justice information vary. This may be of concern because the public’s acceptance of an integrated justice information system is related to its confidence that the government is taking measures to protect individuals’ privacy interests.
- (1) There seems to be a need to educate the public as to what information about citizens is available in the justice system and what is available to the public.
 - (2) Individuals should be informed of the following aspects of their criminal history record information:
 - (A) That any contact with the justice system results in a permanent record;
 - (B) How to expunge their juvenile record;
 - (C) Eligibility to seal or expunge their adult criminal records;
 - (D) How to obtain certificates of relief from licensing disabilities;
 - (E) How to exercise their rights to access and review under the Criminal Identification Act;
 - (F) That certain aspects of their criminal history will be available to employers and the public;
 - (G) Others?
 - (3) What methods of educating the public will be most effective?
 - (A) A guide to understanding criminal background checks is available on the Illinois State Police website;
 - (B) The Illinois Appellate Defender maintains a website to inform people regarding the sealing and expunging of criminal records;
 - (C) Is a centralized location for this information preferable to individual agency public relations departments?
 - (4) Are there any risks of informing the public about the limitations of criminal history record checks?
- (b) **Collection of records** – The mere collection of information regarding individuals implicates privacy concerns. This is because the collection of information about individuals is usually premised upon some reasonable suspicion that they are acting unlawfully. Privacy issues are raised when the government collects information about individuals for investigatory purposes absent any suspicion of criminal wrongdoing. Developers of integrated justice information systems must be aware that the mere collection of personally identifiable victim and witness information raises genuine privacy concerns.
- (1) Factors should be identified to balance the amount of data collected to address privacy concerns while still meeting legitimate law enforcement needs.
 - (2) In addition to the collection of records, the compilation of various types of data in the absence of suspicion can also raise privacy concerns.

- (c) **Collection and maintenance of “non-relevant” information** – The justice system collects information that may or may not be relevant to the prosecution of an offense; this is because in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light.
- (1) What is “relevant” information?
 - (2) Who decides relevance?
 - (A) Police officers?
 - (B) Prosecutors?
 - (3) Should information that is not immediately relevant be retained?
 - (A) If yes, for what purposes should such “non-relevant” information be retained?
 - (i) Presumably retaining information on cold cases in the hopes that they will be solved in the future is appropriate. But what about when the offense’s statute of limitations lapses?
 - (ii) Is there a legitimate defense need for non-relevant information such as exhausted leads?
- (d) **Establish “ownership” of the data** – Clearly establishing which entities have authority over and bear responsibility for the data contributed to the information system is of paramount importance. It is possible that the administrator of an integrated justice information system will have a substantial role to play in this regard.
- (1) Who will ultimately be responsible for fulfilling the following data management functions?
 - (A) Ensuring data is of proper quality;
 - (B) Identifying inaccurate data and correcting it;
 - (C) Ensuring that data is not misused;
 - (D) Establishing data retention periods;
 - (E) Enforcing laws, regulations, and policies concerning use of the data;
 - (F) Other functions?
- (e) **Identify authorized users** – Currently, the integrated justice information systems across the country issue user logons to employees who work for law enforcement agencies that possess an Originating Agency Identifier (ORI) number. ORI numbers are unique identifiers assigned by the US Department of Justice for use with its National Crime Information Center (NCIC).
- (1) Should an agency, an individual, or both have to meet certain prerequisites before being authorized to access an integrated justice information system?
 - (2) What should those requirements be?

- (f) **Appropriate uses of justice data** – How government agencies use the data they collect is of significant concern to the public. A sound privacy policy should clearly identify appropriate uses of the information contained in the information system.
- (1) If an information system will be used for data mining purposes, appropriate checks and balances should be developed to ensure that the data mining is conducted within the proper scope and with appropriate authority.
- (g) **Dissemination of justice information when safety of community is at issue** – Justice information can be used for many reasons unrelated to the operation of the justice system when the safety of the community is at issue.
- (1) What level of risk to the community is required before the justice information can be disseminated?
 - (A) Notification that a suspect is wanted for murder?
 - (B) Sex offender registrations?
 - (C) Terrorist threat?
 - (2) Should a uniform set of criteria be established to help ensure that individuals' privacy interests are treated equally throughout the state?
- (h) **Secondary dissemination** – Secondary dissemination of information maintained by the justice system is a concern. The sale of justice information to the private sector and the private sector's compiling and reselling of the information impacts the quality of justice information available to the public.
- (1) What secondary dissemination regulations are in place now?
 - (2) What provisions should those regulations contain?
 - (A) Should there be a limit on the age of information that may be disseminated?
 - (B) Should private suppliers of criminal history record information be required to comply with the Illinois State Police's secondary dissemination requirements?
 - (3) What types of information does the subcommittee need to draft effective regulations?
 - (A) Are examples of who is buying and re-selling justice information informative?
 - (B) Should we explore the extent to which investigative databases update their information?
- (i) **Data retention periods** – In the past, paper files were purged largely due to storage constraints. As electronic storage becomes dominant, there is less of a physical need to purge information. As such, the retention of electronic law enforcement data in a data warehouse environment becomes a privacy issue that must be balanced with public safety (e.g., crime fighting) concerns. Furthermore, the fair information practices call for the destruction of personal information when it no longer serves the original processing purposes.

- (1) How long should data entered into an integrated justice information system be stored? Is this determination different than the retention of public records for purposes of government oversight?
 - (2) What laws and regulations currently govern the retention and destruction of justice information?
 - (3) Retention standards may be appropriate to ensure that justice information does not become stale. Several factors may inform retention period standards:
 - (A) The level of trust that the public has that the justice system will maintain the confidentiality of the data and use it appropriately is a substantial factor. The lower the level of trust, the higher the public's desire may be to destroy the data.
 - (B) How the information will be used must also be considered. It is generally understood that justice information, especially criminal incident data, would be used to conduct various forms of crime analysis (e.g., analyzing similarities in crimes to connect them to a common offender, identifying who is associating with whom to commit crimes, etc.).
 - (C) Determining whether certain types of data become stale. Staleness is just one of several data quality factors that may weigh into this balancing test.
 - (D) The agency or administrator's ability to successfully maintain the confidentiality of justice information system data.
 - (4) If once a record becomes public it is forever public, why does it matter how long public records are retained?
 - (A) Are retention periods more applicable to non-public information?
 - (B) Are the sealing and expungement of conviction records data retention issues as well?
 - (5) How long should retention periods for justice information be?
 - (A) The Illinois Secretary of State's Archives Office has record retention periods; these might be helpful.
 - (B) The Illinois State Police also has retention periods for all of its records.
 - (C) Many privacy concerns are raised by the collection and maintenance of personally identifying victim information primarily because victims do not choose to participate in the justice system.
 - (6) Should retention include the ability to search the information with analytical tools or should data just be stored for limited purposes?
- (j) **Destruction of data** – Some integrated justice information systems take “snapshots” of data from source systems. Frequent snapshots serve to keep the data contained in these systems current and accurate.
- (1) Will old snapshots be destroyed or retained?
 - (A) These snapshots might themselves be state records under the State Records Act and subject to its conditions prior to destruction.
- (k) **Applicability** – State-level justice information systems that are federally funded are required to comply with many federal laws and regulations. State laws also impact the

development and utilization of those state-level systems. However, these laws and regulations may not apply to agency-level systems that are not federally funded.

- (1) Should the recommendations of the IJIS Privacy Policy Subcommittee (which we expect will be based upon existing federal and state laws) be made to apply uniformly to all justice information systems operating in Illinois?
- (2) What considerations are necessary to make this determination?
 - (A) How should access by public defenders be addressed by the policy since existing federal and state law does not specifically address them? See § III (B)(c).
 - (B) Are there agency-specific needs or missions that may be frustrated by the privacy policy?

- (l) **Interaction between the executive branch and the judiciary** – Although justice information collected and maintained by the executive branch is often used in the course of criminal prosecutions that take place in the judicial branch, the executive branch is prohibited from imposing the privacy policy upon the judicial branch. The result, with few exceptions, is that information protected by the executive branch is made publicly available once it is used in court.
 - (1) How can we develop policy recommendations in cooperation with the judicial branch?

- (m) **Identify potential liabilities** – The following areas have the potential to expose integrated justice information systems to public criticism and should be addressed preemptively.
 - (1) Identify any concerns with commingling fingerprint-based information with name-based records.
 - (2) Identify the nature of the harms that can potentially be caused by misuse of information contained in the system.
 - (3) Anticipate possible future abuses of data mining technology. Specifically consider its uses in background checks as opposed to criminal investigations. Today, time constraints limit these types of abuses.
 - (4) Learn from the mistakes MATRIX made.

II. Justice system access to justice information

A. Availability of officer safety information

- (a) **Officer safety information defined** – It is a goal of the justice system to ensure that police officers have access to information that can help protect them in the field. However, there doesn't seem to be a uniform definition of officer safety information.
 - (1) What are the current types of information related to officer safety?
 - (A) LEADS caution fields
 - (B) CHRI
 - (C) Warrant information

- (D) Gun ownership
 - (E) Domestic violence information (orders of protection)
 - (F) Gang information
 - (G) Mental patient status information?
 - (H) Others?
- (2) How does a practitioner decide if a piece of information is related to officer safety? Or, stated differently, what factors influence the decision about whether a certain piece of information has an impact on officer safety?
- (A) For instance, information gathered by probation and court services officers can sometimes improve officer safety. However, absent a court order, information maintained in probation files in Illinois is only available to the probation department and the court. Should such information be made available to law enforcement officers?
 - (i) Legislative history from the statute requiring probation records to remain private may be informative.
 - (ii) Note also that some information in the possession of probation officers may be protected by a different privacy regulation (HIPAA, Family Educational Rights and Privacy Act, etc.), thus impacting the secondary dissemination of the information.
- (3) Should a set of criteria be established to help an agency decide whether information relates to officer safety or is it enough to designate specific types of information?
- (A) Is setting “outer limits” of officer safety information a viable option?
- (b) Stale officer safety information** – LEADS Warning fields and caution files meant to provide officer safety information frequently contain old information.
- (1) When do certain pieces of officer safety information become stale?
 - (2) What policies exist to ensure that information maintained in officer safety files is current?
 - (3) Are those policies sufficient? If not, what should those policies include?
 - (A) Is annual review of the information feasible?
 - (B) Who should review the information? The original officer?

B. Police contact cards

Contact Cards, also referred to as FI Cards,¹ document police officers’ contacts with the public. They can include the officer’s self-reported activities during a shift as well the name, date of birth, and address information of the citizens with whom the officer communicated. Contact card data can be used for several purposes, including as an officer management tool, as a method of collecting some minimal surveillance data for future investigative purposes, and as a potential method for recording racial profiling statistics.

¹ “FI” refers to, among other things, field investigation, field interview, and field interrogation.

- (a) **Contact cards as traditional justice information** – Contact cards seem to be more analogous to traditional justice information and may not reach the level of intelligence information.
 - (1) Should contact cards be addressed as an issue separate from intelligence data?
 - (2) What information is contained on police contact cards?
 - (A) Contact cards contain the subject’s name, data of birth, address, vehicle description, as well as the time and location where the person is stopped.
 - (B) Will the FBI’s development of N-DEx impact the information collected by Illinois law enforcement officers?

- (b) **Regulation of contact cards** – There is very little regulation of the collection, maintenance, dissemination, and use of contact card information.
 - (1) How is the information contained in contact cards used?
 - (2) Should contact cards be regulated in some manner?
 - (A) Should the data collected be standardized? Will N-DEx do this?
 - (3) What issues should be covered by a policy intended to regulate the collection, maintenance, dissemination, and use of contact card information?
 - (A) Is the collection and combination of contact card information in danger of being perceived as a “dossier” of one’s legal conduct?

- (c) **Reliability of information contained in contact cards** – Reliance on contact card information to develop reasonable suspicion or probable cause may be a concern.
 - (1) What factors are involved in determining whether contact card information is reliable?
 - (A) Does the age of contact card information affect its use as an investigative tool?
 - (B) What about the lack of fingerprint verification?
 - (C) The information is only as reliable as the people giving it to the officer.
 - (2) Should there be a statewide policy regarding the reliability of contact card information?

- (d) **Sharing contact card information** – Because of the mobile nature of society, sharing justice information, including relevant contact card data, is appropriate. Sharing contact card information between jurisdictions, however, may raise the stakes of these concerns.
 - (1) Should policies be developed to regulate the sharing of contact card information specifically?
 - (2) What should be included in such policies?

C. Availability of probation information

- (a) **Accessibility of probation conditions** – It may be desirable to inform officers of an individual’s probation status and conditions. While probation status and some conditions

are publicly available, some administrative sanctions that result in additional conditions of probation are not.

- (1) What administrative sanctions or conditions are available?
- (2) What does violation of an administrative sanction or condition mean for the probationer?
- (3) Should those conditions be made available to police?
 - (A) Does this decision depend upon whether violation of the administrative conditions establishes probable cause to arrest or should officers have this information on the off chance that it may become important under certain, unknown circumstances?
- (4) All of this presumes that ordinary conditions of probation are available to police officers. Is this really the case?
 - (A) Normally conditions imposed upon probationers are contained in the written order sentencing the offender to probation.

D. Availability of pre-sentence investigation reports

- (a) **Accessibility of PSI reports** – The accessibility of pre-sentence investigations (“PSIs”) is subject to local interpretations. Most jurisdictions keep PSIs sealed; however, some jurisdictions hold that once the report is used in open court, it becomes a public record.
 - (1) Should a uniform interpretation on the accessibility of pre-sentence investigations be recommended?
 - (2) What should that interpretation be?
 - (A) There seems to be significant public policy concerns that recommend keeping PSIs confidential even though they are used in open court. Is the development of a uniform sealing requirement a viable solution?
 - (B) How about allowing access to a witness’s PSI subject to a protective order?
 - (3) How do we collaborate with the judiciary on this?

III. Public access to justice information

A. Generally

- (a) **Information accessible to the public** – While several laws and regulations limit the release of justice information to the public, there is still uncertainty regarding what information can be released and when.
 - (1) Are there any perceived problems or uncertainties under existing law?
 - (2) What types of justice information should be shared with the public?
 - (A) Are warrants generally publicly accessible?
 - (i) Does the severity of the offense a person is wanted for determine the public accessibility of any warrant information (e.g., when the news reports an individual is wanted for murder)?
 - (B) Does it make sense for arrest information to be publicly available in the form of arrest blotters and newspaper reports (and thus publicly available forever) but not available from the criminal history repository?

- (C) Are other types of non-conviction information available (perhaps inadvertently) to the public? Should they be?
- (3) When should information be affirmatively provided to the public?
 - (A) What considerations should be made to ensure the defendant a fair trial?
 - (i) Illinois Rules of Professional Conduct 3.6 and 3.8(d) [concerning trial publicity and prosecutors' responsibilities] as well as Illinois Supreme Court Rule 415(c), (d) [regulating custody and protection orders for discovery materials] might be informative here.
 - (ii) Issues concerning the accessibility of victim and witness information are raised in Section V(A).
- (b) Determine who might be responsible for responding to subpoenas or FOIA requests for integrated justice information system data – Under the Freedom of Information Act, a public body that maintains or possesses a requested state record must respond to the request within seven days. Illinois case law reveals that merely referring a requestor to the original source of the record does not relieve a public body of its obligation to respond to the FOIA request and that such a referral constitutes a denial under the act. There are several exemptions under which a public body can refuse to disclose a requested record. Several issues are implicated by this statute:
 - (1) FOIA laws apply to state records. Section 2 of the State Records Act defines state records as “all books, papers, digitized electronic material, maps, photographs, databases, or other official documentary materials, regardless of physical form or characteristics, made, produced, executed or received by any agency in the State in pursuance of state law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its successor as evidence of the organization, function, policies, decisions, procedures, operations, or other activities of the State or of the State Government, or because of the informational data contained therein...” *See* 5 ILCS 160/2. Are local justice agency records contained in a statewide, integrated justice information system considered state records?
 - (2) Under the first exemption contained in FOIA, a public body does not need to disclose information that is protected from disclosure by law or administrative rule. Can a state agency (e.g., Illinois State Police, Illinois Criminal Justice Information Authority, Central Management Services) promulgate a rule that would exempt data contained in a statewide, integrated justice information system from disclosure under FOIA?
 - (3) There are times when copies of a single record are possessed by more than one agency. When this happens, one possessing agency may desire to withhold the requested report under an exemption while the other possessing agency may wish to disclose that same report or may not be eligible to invoke the exemption utilized by the first possessing agency. Some states' freedom of information acts address this circumstance by permitting or requiring the second possessing agency to invoke the first agency's exemption. Illinois' FOIA does not contain a similar provision. Should Illinois's FOIA be amended to include a similar provision? The

administrator of an integrated justice information system and participating agencies should enter into a written agreement to consult in these circumstances.

- (4) Subpoenas are ordinarily served upon registered agents. Who will be the integrated justice information system's registered agent?
- (5) Several statutory amendments may be necessary to meet Illinois's needs with regard to integrated justice information systems.

(c) **Laws limiting public access to justice information** – Several state laws impact the public availability of justice information.

- (1) How do the provisions of the Uniform Conviction Information Act (UCIA), the Criminal Identification Act, the Freedom of Information Act, State Records Act, the Local Records Act, and Rule 3.6 of the Illinois Rules of Professional Conduct interact?
- (2) What other laws might impact the public availability of justice information?
 - (A) Genetic Information Privacy Act, 410 ILCS 513/1-45;
 - (B) Right to Privacy in the Workplace Act, 820 ILCS 55/1-20;
 - (C) Communications Consumer Privacy Act, 720 ILCS 110/1-3;
 - (D) Alcoholism & Other Drug Abuse/Dependency Act, 20 ILCS 301/30-5(bb)(3);
 - (E) Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110/10;
 - (F) Others?
- (3) Is there a need for a uniform policy? Should the IJIS Privacy Policy be it?

(d) **Arrest blotters** – Traditionally, police departments maintain arrest blotters that are open to the public. However, the types of information contained in arrest blotters vary from department to department.

- (1) Should police blotter information be made uniform in Illinois?
 - (A) Should the blotter carry a notation that persons are presumed innocent (in the spirit of Illinois Rules of Professional Conduct 3.6 (b)(6) and 3.8)?

(e) **Training justice practitioners** – Determining what justice information is accessible to the public and when is a complex task.

- (1) Is there a need to educate criminal justice officials as to what information can and should be made available to the public?
- (2) LEADS certification addresses some of these concerns; is it sufficient? Note also that not all justice practitioners are LEADS certified.

(f) **Public accessibility of a compiled response** – The goal of the IJIS initiative is to eliminate barriers to the sharing of justice information within the justice system. Ultimately, when an individual has contact with the justice system, all the information necessary to make a decision regarding his case will be made available to the official in

the form of a compiled response. Presumably, it would be possible to strip any non-public information from that response and provide it to the public.

- (1) Should IJIS consider providing the public with a compiled response composed only of the publicly available justice information from multiple agencies?
- (2) What issues are involved in making this recommendation?
 - (A) What information could lawfully be included in a publicly available compiled response? Is this even lawfully possible?
 - (B) Is there a legitimate need to provide this compiled information? Would it be helpful to members of the public?
 - (C) Would the release of compiled information be consistent with Illinois Rules of Professional Conduct 3.6 (b)(6)?

B. Criminal history records checks

There seems to be some confusion about the difference between a background check and a criminal history records check. A background check involves an investigation of an individual including a review of credit and employment references as well as past residences. A criminal history records check, however, is merely a search for criminal records.

- (a) **Illinois State Police as recommended data source** – The Illinois State Police criminal history repository only contains Illinois criminal history data.
 - (1) Should the Illinois State Police be the state’s recommended source of publicly available conviction information?
 - (A) Are the circuit court clerks a viable option?
 - (2) What information does the subcommittee need to make this recommendation?
- (b) **Ease of access to ISP conviction data** – The Uniform Conviction Information Act provides that all conviction information collected and maintained by the Illinois State Police is available to the public.
 - (1) Should access to conviction information in Illinois be made more easily available in light of integration technologies?
 - (A) Is web-based accessibility of conviction information recommended?
 - (B) What about problems of ensuring that the wrong person is not improperly identified as the subject of the conviction information? (This does not inhibit private data sellers.)
 - (2) What issues should be discussed before recommending easier access to publicly available conviction information?
 - (A) Cost issues;
 - (B) Potential effects on jury pools if a defendant’s prior criminal record is accessed and displayed in the media;
 - (C) Should web-based publicly accessible criminal history information be limited to convictions?
 - (i) We may want to examine the policy considerations underlying 20 ILCS 2635/3(F), which prohibits supervision and certain “First

Offender Drug Probation” dispositions from being listed as “convictions” in the criminal history repository.

- (c) **Public defender access to client, witness, and victim CHRI** – Public defenders expressed an interest in access to the criminal history records of clients, witnesses, and victims. Currently, the court handles such requests during discovery.
- (1) Are court oversight and the rules of evidence sufficient or should additional or alternative access be considered?
 - (A) Is this an efficiency issue or an access issue?
 - (B) See the Illinois Public Defender Association examples:
 - (i) A defendant is often appointed a Public Defender for his initial bond hearing. This is a fast-paced court proceeding and attorneys may not have the time to obtain the defendant’s criminal history information from the prosecutor. A defendant’s recollection of his criminal history is often inaccurate. Oftentimes defendants can’t remember whether their prior felonies were Class 1, 2, 3 or 4 offenses and some lie to their attorneys about having prior convictions. If the Public Defender has immediate accurate information about a defendant’s record, the Public Defender can assist the court in arriving at a reasonable bond in the first instance. Furthermore, the Public Defender will be able to advise his client on potential sentencing issues that are affected by prior convictions and other pending cases.
 - (ii) It can take nearly 30 days from the defendant’s arrest for the court’s discovery order to require disclosure of a witnesses’ criminal history record. If a witness has a prior conviction, a defense attorney must order certified copies of those convictions (sometimes from multiple jurisdictions). This is the only way to ensure the admissibility of the witness’s conviction at a hearing or trial. This often causes delay and costs the county money.
 - (C) There seems to be some misunderstanding between access to the information and the manner of access. Manner of access seems to impact response time from the Illinois State Police. *See also, 725 ILCS 105/10* allowing State Appellate Defender capital litigation investigators access to LEADS data through the Illinois State Police for personal safety purposes only.
 - (2) If the response time on public inquiries were more timely (e.g., making publicly available conviction information readily available on the web), would there be a need to address public defender and private defense attorney access in particular?
- (d) **Municipal police department pre-employment checks** – Municipal police departments are often requested by businesses and their city governments to conduct background and criminal history checks of potential employees. However, statutes and regulations prevent police departments from conducting such pre-employment checks.

- (1) Should municipal police departments perform this function or should they refer the city government elsewhere?
 - (A) What information would aid the subcommittee in making this recommendation?
- (2) If referral is appropriate, to whom should municipal police departments refer such requests?
 - (A) Illinois State Police?
 - (B) Private data providers?
 - (C) Illinois Association of Chiefs of Police are working on this issue.
- (3) Are government “in-house” checks of their local databases a concern here?

(e) **Reliability of private checks** – There is some concern about the reliability of private criminal history records checks.

- (1) Is there a need for regulation of private data providers?
 - (A) What types of information are necessary to make this determination?
 - (i) Would creating a list of Illinois justice agencies that sell their data to the private sector be helpful?
 - (ii) Is anecdotal evidence enough?
- (2) If so, what should those regulations include?
 - (A) Will understanding the relevant provisions of the Drivers’ Privacy Protection Act and the Fair Credit Reporting Act be beneficial to our efforts?
 - (B) Should private data providers be required to expunge or seal their records as well?
 - (C) Should vendors who fail to maintain complete and accurate information be precluded from purchasing agencies’ data in bulk?

C. Open nature of justice information management practices

(a) **Notice to those whose data is collected** – The fair information practices state that agencies should provide notice about how they collect, maintain, and disseminate personal information.

- (1) Specifically, this notice should:
 - (A) Indicate the main purposes for the data’s use;
 - (B) Identify the person and office responsible for the data;
 - (C) Identify those who may access or receive the data;
 - (D) Explain whether the information is mandatory or voluntary and the consequences of failing to provide the information; and
 - (E) Inform the data subject that he has a right to access the data and rectify errors.
- (2) Should such a notice be provided to individuals whose information is collected by the justice system?
 - (A) Would distribution of the privacy policy itself provide sufficient notice?
 - (B) What are the resource implications of providing this notice? Is this administratively burdensome?

- (C) How does this differ from Freedom of Information Act requirements?
- (3) Where it would not compromise a pending investigation, case or court proceeding, should individuals be informed that they were the subject of an investigation in a manner similar to wiretaps?
 - (A) Is this better considered in a section focused on intelligence?

(b) **Notification of secondary dissemination** – The fair information practices also hold that agencies should communicate to affected individuals when their justice records are requested, sold, or released to third parties.

- (1) Should agencies be required to comply with this requirement?
- (2) Would compliance be unduly burdensome to the efficient administration of justice?

D. Transactional information generated by the justice system

(a) **Accessibility of the justice system’s transactional information** – The operation of the justice system creates a significant amount of transactional information. Statistical information such as the number of arrests, the number of times charges are brought or dropped, the number of convictions, guilty pleas, and acquittals, sentencing statistics (perhaps even indexed by judge), the number of prisoners released, and even recidivism rates could potentially be generated by the integrated justice information system. These pieces of statistical information may be very useful in the oversight of the justice system by both justice policy makers and the public.

- (1) Do the provisions of the Freedom of Information Act provide enough regulation of this transactional information?
 - (A) FOIA allows for reasonable requests for information; if the integrated justice system makes these figures easily available are those provisions enough?
- (2) If not, what policies should be developed for the sharing transactional information?

IV. Rights to access, review and challenge justice information

(a) **Rights to access, review and challenge justice information other than CHRI** – While the Department of Justice requires criminal history repositories to provide individuals with the right to review and challenge their criminal history transcripts, there are several types of justice information that do not provide such a right including state’s attorney files and some IDOC records.

- (1) Are other types of justice information, currently subject to access and review requirements?

- (2) To what extent, if any, should individuals be afforded a right to review and challenge other types of justice information?
 - (A) Should instances of identity theft impact an individual’s access and review rights?
 - (B) What about access to police and intelligence files?
- (3) What factors would help to make this determination?
 - (A) What other types of government information (justice and non-justice) are currently subject to access and review requirements? Can these be analogized?
 - (B) Should instances of identity theft impact an individual’s access and review rights (i.e., give the individual more access rights)?
 - (C) Should the right extend to incidental references to an individual (e.g., the individual was named in a narrative as a possibly involved but is not formally described as a victim, suspect, or witness.)? Should the right be limited to only those individuals labeled by their government as suspects or offenders?
 - (D) There would probably have to be a limitation on this right where it would interfere with a pending investigation.
 - (E) Should the right to access and review, if granted, also include a listing of individuals and agencies to whom the information was previously disclosed?
 - (F) The type and sensitivity of the data the individual is seeking access to is also a relevant factor.
- (4) If additional types of information should be subject to access and review rights, what types of administrative procedures would need to be developed?
 - (A) Could CHRI access and review provisions serve as a guide to access and review of other types of justice information?
 - (B) Should a provision be considered that is similar to the section of the Fair Credit Reporting Act that permits the subject of the information to append a narrative to the record that explains his version of it?

(b) Access to how the information has been used – According to the fair information practices, the information reviewed by the data subject should include how the information is being used, whether it is being used, and to whom the information has been disclosed. The FIPs, however, were developed for the collection of consumer information.

- (1) In the justice information context, should access and review policies provide individuals with information about:
 - (A) How the information is being used?
 - (B) Whether the information is being used?
 - (i) The U.S. Attorney’s Office will frequently answer “target” letters (A person’s defense attorney can ask the U.S. Attorney if they are a “target” of an investigation and the U.S. Attorney will frequently answer with a letter saying “yes”).
 - (C) To whom the information has been disclosed?

- (i) Use of information in an attorney’s work product is not readily revealed; this applies both to state’s attorneys and public defenders.

V. Special considerations

A. Accessibility of victim and witness information

When an individual is victimized or witnesses a crime, the justice system collects personally identifiable information about that person. Many privacy concerns are raised by the collection and maintenance of information concerning victims and witnesses primarily because of the involuntary nature of their participation in the justice system.

- (a) **Accessibility of victim/witness information generally** – People do not choose to become victims or witnesses; nonetheless, the justice system collects information about them anyway. Fear about who might have access to the information collected by the justice system in police reports, pre-sentence investigations, and the like may prevent victims and witnesses from calling the police or participating in a criminal prosecution.
 - (1) Current practice is to limit the accessibility of victim/witness information outside of the justice system. Are existing limitations enough?
 - (A) Inconsistent sealing of pre-sentence investigations throughout the state was highlighted as an issue that might result in the publication of a victim’s personal information.
 - (B) Are there other problems with existing practices designed to keep victim and witness information from the public?
 - (C) Note that a bill enacting the Crime Stoppers Program Act that would have allowed persons submitting information of a crime to remain anonymous did not pass the 93d Illinois General Assembly. Senate Amend. 1 to House Bill 1018.
 - (D) Is the mere allegation of victimization sufficient to obtain the protections provided to victims of crime or should those protections wait until after disposition?
 - (2) There also seems to be a need to limit the accessibility of victim/witness information within the justice system.
 - (A) How much information is enough to identify a victim/witness?
 - (B) Collecting victim identifying information in a local records management system is different than contributing their identities to an integrated justice information system as part of an incident data sharing program.
 - (i) Should victim identities be available to all the systems users or should there be some limit to this information?
 - (ii) Is restricting access to the information on a need to know basis sufficient?
 - (iii) What qualifies as “needing” to know?
 - (C) How does the public availability of victim and witness information contained in the court records affect this issue?

- (i) Illinois Supreme Court Rules 412 and 413 require “names and last known addresses” of witnesses to be disclosed; they are usually contained in the court file.
 - (ii) Where a witness’s safety is at issue, protective orders are available to limit the public display of their address. Professional courtesy agreements between prosecutors and defense attorneys can also provide this protection.
 - (iii) Is there case law on how far a defendant’s right to a “public trial” pertains to documents involved in the public trial?

- (b) **Access to a victim’s location** – In many cases, a victim’s most fundamental need is for physical safety.
 - (1) Who should have access to the victim’s or witness’s location?
 - (A) Note that in *U.S. v. Carmichael*, 326 F.Supp.2d 1267 (M.D. Ala. 2004), the district court for the Middle District of Alabama held that a criminal defendant may maintain a website seeking information on named witnesses.
 - (B) Do justice practitioners other than law enforcement and state’s attorney officials need access to this information? If so, why?

- (c) **Victim databases** – Some justice agencies have developed databases that allow them to search victim and witness information. These databases can also link results in such a way that an individual’s victimization history can be compiled.
 - (1) Current offenders might have been victims at an earlier point in their lives. Is there a possible need for the previous victimization history of a current offender?
 - (A) Currently, defense attorneys seek this information through a Motion for Supplemental Discovery directed to the prosecution.
 - (B) An offender’s victimization history might serve to mitigate a sentence as in death penalty sentencing hearings.
 - (2) What purpose might this functionality serve?
 - (A) Both police and prosecutors need to know the background – good and bad – of witnesses and victims.
 - (B) There may be a legitimate defense need to investigate “prior false complaint” information as well as a confidential informant’s background.
 - (3) Do the benefits of creating a victim database outweigh victims and witnesses’ privacy interests and the policies surrounding those interests?

- (d) **Defense use of victim and witness information** – Public defenders expressed an interest in the criminal history of victims and witnesses for use during trial.
 - (1) How does the defendant’s right to a fair trial influence access to victim and witness information?
 - (A) Is the information used for purposes other than impeachment?
 - (2) Is court oversight sufficient or should additional policies be considered?

- (A) Access to victim and witness information is already regulated through discovery rules and subpoena procedures. The prosecution is required to provide criminal history information for witnesses in felony cases but not in cases involving misdemeanor offenses.
 - (B) Delays in the subpoena process were discussed; is there a viable alternative?
 - (i) Is there a level of access to victim and witness information appropriate for purposes of a public defender’s investigation of a case that is not above that provided to the public?
 - (ii) What about private defense attorneys?
 - (3) Illinois law does allow investigators employed by the Death Penalty Trial Assistance and Capital Litigation Division of the State Appellate Defender to access LEADS data through the Illinois State Police for personal safety purposes only. Investigators are not permitted to disclose the information they obtain through LEADS. *See* 725 ILCS 105/10.
- (e) **Victim and witness information in court files** – Information concerning victims and witnesses is routinely kept in court files.
- (1) Because of the sensitive nature of this information, should the information be protected by the court?
 - (A) Absent protection of the information, citizens might not participate in the justice system.
 - (2) How much of this protection is a result of local rules that vary from circuit to circuit?
 - (A) The 11th Judicial Circuit Court’s local rules prevent the filing of discovery documents other than the compliance certification (this was largely a storage space issue). However, in Champaign County there is no such rule; the prosecutor there files copies of discovery in the public file.
 - (B) There is ongoing discussion about whether this conduct comports with Supreme Court Rule 415(c) (discovery to remain in attorney’s exclusive custody). No consensus has been reached other than to specifically authorize defense counsel’s experts to see the discovery materials.

B. Accessibility of Social Security numbers

- (a) **Accessibility of SSNs by the justice system and the public** – There is concern regarding the availability of Social Security numbers contained in justice information systems. This concern is not limited to disclosure of the SSN to the public; it also includes the accessibility of Social Security numbers by members of the justice community.
 - (1) Within the justice system, who should have access to SSNs and when? In other words, how are Social Security numbers used by the justice system?
 - (A) Public defenders may need SSNs to obtain credit reports on clients who are suspected of lying on their affidavit of indigence to get a “free lawyer.” *See* 725 ILCS 5/113-3(b).
 - (B) What are law enforcement needs with respect to SSNs?

- (C) The recent debate over the proposed Social Security Number Privacy and Identity Theft Prevention Act and its potential to frustrate key legal functions such as locating witnesses and criminals may be informative.
- (D) Illinois has a SSN Protection Task Force that may provide some input into this issue. *See* 20 ILCS 4040/10.
- (2) Should the justice system ever release Social Security numbers to the public?
 - (A) Identity theft concerns may bear strongly on the resolution of this issue.
 - (i) Note that Illinois law was amended in July 2004 to prohibit insurance companies from using SSNs on insurance cards; might these policy concerns impact the release of SSNs by an IJIS system?
 - (ii) Is limiting the display of the SSNs to the last four digits a reasonable solution?

C. Availability of offender and victim health information

- (a) **Health information in the justice context** – Health information collected by the justice system includes otherwise confidential medical and mental health records. These records can include information ranging from a victim’s HIV status to an offender’s previous hospitalization in a mental institution.
 - (1) Do current laws and regulations sufficiently address how these types of information are collected and shared *by the justice system*?
 - (A) What about prisoner medical records maintained by IDOC?
 - (B) LEADS Caution fields?
 - (C) How does HIPAA impact the Illinois justice system’s sharing of this information?
 - (2) If not, what policies should be developed to ensure the proper protection of health information contained in justice information systems?

VI. Justice system accountability for complying with the privacy policy

- (a) **Means of accountability; audits** – There should be some means of ensuring that system administrators, participating agencies, and individual users are complying with privacy policy provisions.
 - (1) Key to implementing accountability provisions is ensuring that the data warehouse maintain audit logs capable of monitoring users’ queries.
 - (2) Should individuals be able to challenge an agency’s compliance with the privacy policy?
 - (A) If so, how and where should such a challenge proceed?
 - (B) How might frivolous challenges be avoided?
 - (C) Do existing models for filing a complaint about police service meet these needs?
 - (D) Should ensuring compliance with the privacy policy be left to state agency directors and managers instead?

- (3) Would periodic and systematic audits by an independent agency suffice?
 - (A) What sorts of compliance issues should be audited?
 - (i) These audits should examine the data itself as well as the dissemination of the data.
 - (B) Can the CHRI audit model serve as a good starting point?

- (b) **Non-compliance penalties and remedies** – Accountability provisions are included in many statutes and regulations that govern the release of justice information in Illinois and across the nation.
 - (1) What are some of the current accountability mechanisms in place in Illinois and across the nation?
 - (A) Are civil lawsuit remedies available?
 - (i) Can attorney’s fees be awarded?
 - (B) What about criminal penalties?
 - (C) Administrative penalties?
 - (i) LEADS penalties include loss of certification and use of the system.
 - (2) What, if any, penalties are currently imposed where an Illinois justice agency fails to comply with its information system policies?

VII. Quality of justice information

- (a) **Duty to ensure the accuracy, completeness, and timeliness of justice data** – Data quality is an important concern of any integrated justice information system. Data quality takes on significant importance in the development of sound information sharing policies. For instance, if the data contained in an information system is of uncertain quality, it is likely that the sharing of that data will be more restrictive than if the data could be verified as accurate. Restricting the sharing of potentially inaccurate data limits the possibility that users will act upon erroneous information.
 - (1) To ensure that integrated justice information systems are valuable sources of data, data contributed to the system may need to be validated or verifiable. Will guidelines be developed to reduce the amount of inaccurate data contributed to the system?
 - (2) Data quality concerns are not limited to the mere contribution of the data. The quality of the association of the data is also an important factor to consider. This also goes to the public’s and the user’s trust in the system. Will guidelines or rules be developed that regulate how the data will be compiled/associated in response to a user’s inquiry?

- (b) **Official information stores** – It is common for justice agencies to share their data with other agencies either by sending it in hardcopy form or electronically. However, if such copies are not updated on a regular basis, they can quickly become stale.

- (1) Instead of storing the same information in different systems, would it be preferable to require agencies to search or request the official information store for a particular type of information?
 - (A) This would require some sort of designation that certain types of information are available from certain official sources.
 - (B) This may prove difficult when that information is already maintained in two places; for instance CHRI is available from the state police but dispositions and charging decisions are also available from the county court files. A policy choice may need to be made here.
 - (2) Should a recommendation be made that justice decision makers rely upon information from a recent search of the official information store as opposed to an old copy of the data?
 - (A) Regulations like this already exist for some pieces of justice information such as 30 days for CHRI data.
 - (3) Is there a preferred or official store for all critical pieces of justice information? If not, should there be?
- (c) **Establish who is responsible for quality data** – Decision-makers throughout the justice system rely upon the information collected and maintained by multiple agencies.
- (1) Who is ultimately responsible for ensuring the quality of the information?
 - (A) the collecting agency?
 - (B) the maintaining agency?
 - (C) the agency relying on the information to make a decision?
 - (2) What factors go into deciding who is responsible?

VIII. Intelligence information

- (a) **Intelligence information defined** – There is concern about the government collecting information and creating dossiers about people in the absence of probable cause.
- (1) What qualifies as intelligence information in the Illinois justice system?
 - (A) Is intelligence data information collected on “bad guys” before they commit a crime or is it somehow related to information collected during the investigation of a crime that has already been committed?
 - (2) How is intelligence information different from surveillance information? Is there a distinction?
 - (3) Do the provisions of the Privacy Act and the Department of Justice’s intelligence systems regulations sufficiently protect the privacy interests of the citizens of Illinois?
 - (A) The consent decree involving the Chicago Police Department’s Red Squad as modified by 7th Cir. U.S. Court of Appeals may provide insight into this area as well.
 - (4) If not, what protections should be included in a policy designed to regulate the sharing of intelligence information throughout the Illinois justice system?

- (b) **Combination of government and commercial data** – The combination of commercial data into government information systems is also a concern because it may act as a detailed biography of citizens.
- (1) Do policies regulating the collection and combination of government and commercial data exist?
 - (2) What about the other way around?
 - (A) What about regulation of the information collection activities of private commercial data providers whether they collect the information first hand or acquire it from government databases?
 - (3) Should policies be developed to regulate this collection and combination of information?
 - (4) If so, what should be included in such policies?
- (c) **Triggering mechanisms to the collection of intelligence information** – It seems unclear what conditions, if any, must be met before law enforcement can legitimately begin to gather intelligence information about someone.
- (1) What policies exist that define a triggering mechanism before intelligence information can be gathered and analyzed?
 - (A) *See People v. Roberts*, 349 Ill.App.3d 972, (4th Dist. 2004) where justices argued over what constituted a triggering mechanism to a warrant check during a traffic stop.
- (d) **Sharing of intelligence information** – The potential sharing of intelligence information raises the stakes of these concerns.
- (1) What policies exist that regulate the sharing of intelligence information with members of the justice system?
 - (A) Is 28 C.F.R. § 23 the only federal regulation on point?
 - (B) What impact does the PATRIOT Act have on local law enforcement?
 - (C) Should an agency need to have established reasonable suspicion before requesting or receiving intelligence data from another agency?
- (e) **Quality of intelligence information** – Raw investigative as well as intelligence data may be fraught with inaccuracies until it is verified or crosschecked with other data.
- (1) In light of the justice enterprise’s paradigm shift from responding to criminal or terrorist activity to preventing such acts, what types of data quality considerations should be addressed in the context of intelligence information?
 - (A) Would data quality provisions only come into effect if the investigative or intelligence data were shared?
 - (B) Should data quality really be left up to those who use the data in a prosecution? In other words, is it a responsibility of investigators as collectors or prosecutors as ultimate users?

IX. Juvenile justice information

- (a) **Uniform interpretation of juvenile justice information requirements** – Even though the treatment of juvenile justice information is codified, it is subject to local interpretations.
- (1) Is a uniform interpretation of the sharing of juvenile justice information needed?
 - (A) Are there any readily identifiable problems now?
 - (2) Is there a need to educate justice practitioners about what information regarding juveniles can be shared?
 - (A) Juvenile officers are already trained in the law.
 - (3) What about educating school officials who have access to police records of their students?
- (b) **Sharing of juvenile data** – Generally, the Juvenile Court Act limits the commingling of juvenile justice data with adult criminal justice data. Nevertheless, improving the sharing of juvenile justice data among law enforcement might actually support the implementation of formal and informal station adjustment laws.
- (1) Section 5-905(5) of the Juvenile Court Act requires the law enforcement records concerning juveniles to be maintained separate from the records of adults unless otherwise permitted by law. Juvenile records are maintained in the CHRI repository because Section 1-7(B)(2) of the Juvenile Court Act permits the commingling of CHRI records.
 - (2) How will integrated justice information systems maintain juvenile records separately from adult records?
 - (3) Illinois has some policies that protect juvenile offenders who do not recidivate as adults. How long should juvenile justice records be maintained as part of an integrated justice information system?
- (c) **Juvenile sex offender registration** – Sex offender registration requirements also impact juvenile justice information sharing policies.
- (1) How do juvenile sex offender registration provisions affect the confidentiality of juvenile justice information?
 - (A) Juvenile sex offenders are now on the sex-offender website.
 - (B) Juvenile sex offender registration and community notification held constitutional by the Illinois Supreme Court.

X. Impact of orders sealing or expunging criminal records

Court orders that seal or expunge otherwise complete and accurate criminal history records essentially remove that information from consideration by some potential users of the information. Such orders generally allow individuals to assert that they have never been convicted of a criminal offense.

- (a) **Gaps in the coverage of expungement and sealing orders** – Generally, entities that are not named in an order sealing or expunging a record are not bound by its terms. However, with the prevalence of information systems that store copies of arrest and conviction information, gaps exist in the coverage of expungement and sealing orders.
- (1) What are the gaps in the coverage of those orders?
 - (2) Should current expungement and sealing provisions apply in those gaps?
 - (A) Is the phrase “arrest records” as used in § 5 of the Criminal Identification Act clearly defined or can it be used to potentially cover those gaps? (*See People v. Hansen*, 198 Ill.App.3d 160 (4th Dist. 1990))
 - (3) Is there any way to control the conduct of private information providers who acquire and compile their information from publicly available sources?
 - (4) Whether an individual can correct the privately compiled criminal history record information seems to be an issue of critical importance here.
 - (A) Is it enough that an individual could send providers certified copies of the expungement order or are there too many providers for that to be feasible?
- (b) **Public’s perception of expungement and sealing orders** – Expungement and sealing orders prevent the Illinois State Police from reporting an individual’s “actual” criminal history record.
- (1) Does this impact the public’s perception of the completeness of Illinois’ criminal history repository?
 - (2) Is a “clean” record no longer considered clean because a conviction might have been sealed?
 - (3) Should the privacy policy even deal with this issue or is it better left to state law?
 - (4) Would legislative debates regarding the “completeness” of criminal history records be informative in deciding whether the IJIS Privacy Policy needs specific expungement or sealing provisions?
 - (5) May an applicant with an expunged record reply “No” when asked if he or she has ever been convicted of a crime?

Selected glossary of acronyms

CHRI – Criminal History Record Information; the term means data identifiable to an individual and consisting of descriptions or notations of arrests, detentions, indictments, informations, pretrial proceedings, trials, or other formal events in the criminal justice system or descriptions or notations of criminal charges (including criminal violations of local municipal ordinances) and the nature of any disposition arising therefrom, including sentencing, court or correctional supervision, rehabilitation and release. The term does not apply to statistical records and reports in which individuals are not identified and from which their identities are not ascertainable, or to information that is for criminal investigative or intelligence purposes. 20 ILCS 2635/3(G).

FIPs – Fair Information Practices; it is a general term for a set of standards governing the collection and use of personal data and addressing issues of privacy and accuracy. The FIPs include the eight guiding principles:

1. *Collection Limitation Principle*: There should be limits to the collection of personal data and any such data should be obtained by lawful and fair means and, where appropriate, with the knowledge or consent of the data subject.
2. *Data Quality Principle*: Personal data should be relevant to the purposes for which they are to be used, and, to the extent necessary for those purposes, should be accurate, complete and kept up-to-date.
3. *Purpose Specification Principle*: The purposes for which personal data are collected should be specified not later than at the time of data collection and the subsequent use limited to the fulfillment of those purposes or such others as are not incompatible with those purposes and as are specified on each occasion of change of purpose.
4. *Use Limitation Principle*: Personal data should not be disclosed, made available, or otherwise used for purposes other than those specified in accordance with the Purpose Specification Principle except: (a) with the consent of the data subject; or (b) by the authority of law.
5. *Security Safeguards Principle*: Personal data should be protected by reasonable security safeguards against such risks as loss or unauthorized access, destruction, use, modification or disclosure of data.
6. *Openness Principle*: There should be a general policy of openness about developments, practices and policies with respect to personal data. Means should be readily available of establishing the existence and nature of personal data, and the main purposes of their use, as well as the identity and usual residence of the data controller.
7. *Individual Participation Principle*: An individual should have the right to: (a) obtain from a data controller, or otherwise, confirmation of whether or not the data controller has data relating to him; (b) have communicated to him, data relating to him within a reasonable time; at a charge, if any, that is not excessive; in a reasonable manner; and in a form that is readily intelligible to him; (c) be given reasons if a request made under subparagraphs (a) and (b) is denied, and to be able to challenge such denial; and (d) challenge data relating to him and, if the challenge is successful to have the data erased, rectified, completed, or amended.
8. *Accountability Principle*: A data controller should be accountable for complying with measures that give effect to the principles stated above.

IDOC – Illinois Department of Corrections.

FOIA – Illinois Freedom of Information Act, 5 ILCS 140/1 -11.

LEADS – Law Enforcement Agencies Data System; The Illinois Law Enforcement Agencies Data System (LEADS) is a statewide, computerized, telecommunications system, maintained by the Illinois State Police, designed to provide the Illinois criminal justice community with access to computerized justice related information at both the state and national level. LEADS has a number of components. They

include the Computerized Hot File (CHF); the LEADS Informational file; and access to the National Crime Information Center (NCIC), the National Law Enforcement Telecommunications System (NLETS), and the files of the Illinois Secretary of State (SOS). LEADS also provides an administrative messaging component, which serves as the primary method for data communications among law enforcement agencies statewide. The Caution File is made up of computerized records containing information about individuals who have demonstrated that they are dangerous to themselves or others, or are suspected of being involved in activities that constitute a violation of the criminal laws of the State of Illinois or the national government. Individuals falling into one or more of the following three categories can be found in the file: (a) Parolees from the Illinois Department of Corrections; (b) Sex offenders as mandated by the Sex Offender Registration Act or the Child Sex Offender and Murderer Community Notification Law; and (c) Field Notification Program subjects involved in violent crime, organized crime, narcotics, gambling, and general criminal activity.

N-DEx – Federal Bureau of Information’s National Data Exchange project; it is a developing system that is expected to provide a nationwide capability to exchange data derived from police incident and event reports. Data from incident and arrest reports -- name, address, and non-specific crime characteristics -- will be entered into a central repository to be queried against by future data submissions. The national scale of N-DEx will enable rapid coordination among all strata of law enforcement; it is an effort to electronically share police incident report information across the nation.

PSI – Pre-Sentence Investigation; it is a report drafted by a probation officer that advises the court before imposing a sentence. A PSI typically includes, among other things, a statement of: (a) the defendant's history of delinquency or criminality; (b) the defendant’s physical and mental history and condition; (c) the defendant’s family situation and background; (d) information about special resources within the community which might be available to assist the defendant's rehabilitation; (e) the effect the offense committed has had upon the victim or victims thereof; and (f) information concerning defendant's eligibility for alternative sentencing options. 730 ILCS 5/5-3-2.

UCIA – Uniform Conviction Information Act, 20 ILCS 2635/1 -24; permits conviction information to be disseminated to the public.



MORNING BREAKOUT SESSION

ENHANCING TIMELY DECISION MAKING THROUGH STATEWIDE INFORMATION SHARING



STRATEGIC PLANNING PANEL DISCUSSION

In the beginning stages, the IIJIS Governing Board underwent a strategic planning process to develop an integrated justice plan for Illinois. That planning process included wide variety of analysis and decision-making tools and techniques that helped to craft the strategy that the Board wanted to pursue. This process was essentially a way of answering the question: "Where should we be going and how will we get there?" This process identified the issues and challenges the Board, and respective partnering agencies, must confront in the future. The plan is strategic in that it involves decisions and actions with major consequences extending over long periods of time.

This panel discussion will talk thru the IIJIS Strategic Planning process and will also highlight similar planning processes that have been pursued in other states and agencies.

Mr. Dave Roberts (*facilitator*)
Principal, Global Justice Consulting

Mr. Roberts is Principal of Global Justice Consulting, an international consultancy focusing on justice information technology planning, integrated/joined-up justice initiatives, JIEM analysis, and performance management, and Editor-in-Chief of Public Safety IT Magazine. He previously served as Director of the Justice & Public Safety Practice, Global Public Sector for Unisys Corporation, and for 17 years as Deputy Executive Director of SEARCH, The National Consortium for Justice Information and Statistics. He has provided technical assistance to a host of local, state, and national jurisdictions in planning and implementing integrated/joined-up justice information sharing, directed Unisys in development of its IJIS solution, and directed a series of national conferences, including the 2002, 1999, and 1996 Bureau of Justice Assistance/SEARCH Symposia on Integrated Justice Information Systems. Mr. Roberts has served as director of a variety of U.S. federally-funded justice IT projects, including the SEARCH project to identify and model information exchange (Justice Information Exchange Model-JIEM), and a joint Bureau of Justice Statistics/FBI project on NIBRS implementation among law enforcement agencies. He is a frequent speaker on justice information technology and integrated/joined-up justice both in the United States and abroad, is a published author, and holds graduate degrees from the School of Criminal Justice, State University of New York-Albany, and Oklahoma City University.

Ms. Carol A. Gibbs
Bureau Chief, Bureau of Field Services, Illinois State Police

Carol Gibbs has been with the Illinois State Police (ISP) for twenty years, serving in a variety of positions within: the Communications Services Bureau, the Division of Operations, the Office of the Director, and the Information & Technology Command.

Presently, Ms. Gibbs serves as Bureau Chief, Bureau of Field Services, Information and Technology Command. In this position, she oversees ISP's participation in several statewide information sharing programs, including:

- Illinois Integrated Justice Information System - **IIJIS**
- Illinois Citizen and Law Enforcement Analysis and Reporting System - **ICLEAR**
- Law Enforcement Agencies Data System - **LEADS**

Additionally, Ms. Gibbs serves on several committees whose focus is criminal justice information sharing: the FBI CJIS North Central Working Group, the Illinois Integrated Justice Information System (IIJIS) Executive Steering Committee, and the IIJIS Planning and Policy Committee.



MORNING BREAKOUT SESSION

Mr. Herbert Johnson

Project Manager, Illinois Integrated Justice Information Systems (IIJIS) Initiative

Herbert Johnson is Manager of the Illinois' integrated justice initiative at the Illinois Criminal Justice Information Authority. In this role Mr. Johnson is responsible for coordinating the direction of the statewide activities related to the integration of justice systems in Illinois. He assists in creating and maintaining the integrated justice project plan, including the project schedule. He has over 20 years of private sector management and project management experience. Mr. Johnson holds a Bachelor of Science in Commerce from DePaul University and a Master of Business Administration from Northern Illinois University.

Ms. Linda Rosenberg

Director, Office of Criminal Justice System Improvements

Linda Rosenberg has 15 years experience managing the development, implementation and integration of complex information technology systems for local, county, state, and federal justice agencies. She has specialized skills in justice automation, information sharing and collaboration and was the former Executive Director of the PA Justice Network.

Ms. Rosenberg currently serves as the Director of Criminal Justice System Improvements for the Pennsylvania Commission on Crime and Delinquency (PCCD). In this capacity, Linda is responsible for the development of statewide criminal justice plans for PCCD's Office of Criminal Justice System Improvements. Work involves determining the needs of the criminal justice system, developing and implementing policies and procedures to improve the operations of the system, and overseeing the award of over fifty million dollars annually in state and federal funds grant funds to improve the operations of PA's justice system.

Ms. Carol Cates

Public Service Administrator, Bureau of Field Services, Illinois State Police

Carol Cates has been with the Illinois State Police (ISP) for thirty-two years, serving in a variety of positions within the Bureau of Field Services and the Bureau of Identification.

Presently, Ms. Cates serves as Public Service Administrator, Bureau of Field Services, Information and Technology Command. In this position, she manages the Field Services Unit which includes the following statewide information sharing programs:

- **LEADS** - Law Enforcement Agencies Data System Field Services
- **IIJIS** - Illinois Integrated Justice Information System

Additionally, Ms. Cates serves on the IIJIS Planning and Policy Committee and its subcommittees, whose focus is criminal justice information sharing.



AM BREAKOUT SESSION

ENHANCING TIMELY DECISION MAKING THROUGH STATEWIDE INFORMATION SHARING



ILLINOIS FUSION CENTER

According to the Fusion Center Guidelines: Executive Summary, a fusion center is an effective and efficient mechanism to exchange information and intelligence, maximize resources, streamline operations, and improve the ability to fight crime and terrorism by merging data from a variety of sources. As a part of Illinois' Homeland Security initiative, and incorporating much of the Fusion Center guidelines, the Statewide Terrorism Intelligence Center (STIC) was created. STIC is a joint initiative between the Illinois State Police and the Illinois Association of Chiefs of Police and other partners in the criminal justice community. It serves as the centralized intelligence –sharing center

for terrorism- related information in Illinois. This session will provide an overview of the operations of the Statewide Terrorism Intelligence Center.

Ms. Dora Tyrell

**Assistant Center Chief, Statewide Terrorism & Intelligence Center
Illinois State Police**

Dora Tyrrell has been employed by the Illinois State Police for the past 19 years, all in the criminal intelligence analysis field. Since September 11, 2001, she has been involved in the anti-terrorism efforts of the Illinois State Police, helping to set up the Statewide Terrorism & Intelligence Center (STIC), one of the first 24/7 state intelligence centers in the country. She is currently assigned as an Assistant Center Chief at STIC.



MORNING BREAKOUT SESSION

ENHANCING TIMELY DECISION MAKING THROUGH STATEWIDE INFORMATION SHARING



MCLEAN COUNTY INTEGRATION INITIATIVE

McLean County has been a leader in County level integration in the state of Illinois. Their integration initiative has connected many of the disparate justice agencies of that county, reducing the amount of work and effort on those agencies. As a result, McLean County is able to provide excellent and efficient service to its customer by providing them with accurate and timely information. This session will discuss in detail the integration initiative of McLean County.

Mr. Craig Nelson

Director, Information Technologies, McLean County

Craig Nelson is the Director of Information Technologies for McLean County. Mr. Nelson resides in Normal, IL with his wife Bridget and their two children. Mr. Nelson has been with the McLean County integrated justice effort since it went live in September of 1997. During his time with the project, he has served as a developer for BDM/TRW and then later as the Oracle database administrator for the County. His current role as Director of Information Technologies for McLean County includes the responsibility of the project's management on behalf of the County. Mr. Nelson received his B.A. in Business Information Systems from Judson College, Elgin IL, and an MBA from Illinois State University.

Deputy Jeff Thompson

McLean County Sheriff's Department

Deputy Thompson has been with the McLean County Sheriff's Department for 23 years. Deputy Thompson resides in Bloomington, IL with his wife Sandy. During the implementation of the County's integrated justice system, Deputy Thompson served as a primary liaison between the Sheriff's department and other law enforcement agencies. Deputy Thompson has been an important resource in examining mobile data solutions and the coordination of technology between the Sheriff's office and other law enforcement agencies. Deputy Thompson has been an integral part of the integrated justice efforts in McLean County since its original vision in 1996. Deputy Thompson received his B.S. in Criminal Justice Sciences from Illinois State University.

Lt. Brent Wick

Support Services Commander, McLean County Sheriff's Department

Lt. Brent Wick is the Support Services Commander for the McLean County Sheriff's Department. Lt. Wick resides in Normal, IL with his wife Amy. Lt. Wick served in the United States Army as an MP. His background in law enforcement includes seven years in corrections and an additional eight years as a sworn deputy. His background includes certification in the instruction of tasers, mobile video recording systems, radar and breathalyzers. Currently Lt. Wick oversees the implementation of all records, equipment and technical systems for the Sheriff's department. He has been with McLean County through its transition from its former data systems to its current level of integration enjoyed today.

What Works? (What does not Work?) and What do We Really Know About Reducing Homicide and Violent Crime Risks in U.S. Urban Communities?-the status of evidence based research, performance measurement and funding to control murder and violent crime risks

Written Testimony Presented to

The Subcommittee on Crime, Terrorism and Homeland Security of the Committee on the Judiciary, U.S. House of Representatives

New Orleans, Louisiana - Representative Bobby Scott, Chairman and Mr. Bobby Vassar, Chief Counsel House Judiciary Subcommittee on Crime, Terrorism and Homeland Security, U.S. House Of Representatives,
Washington, D.C.

June 22, 2007

Contact:

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Center for Society, Law and Justice (CSLJ)

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I. What do we know about what works? The Challenge of Congressional Policy regarding violent crime?

“Wars” on Homicide and Violent Crime:

Ten days ago (June 12/UPI) the Attorney General of the United States Attorney General Alberto Gonzales has launched a new Justice Department crusade against violent crime. Gonzales told a recent news conference at the Bureau of Alcohol, Tobacco, Firearms and Explosives that new legislation will make it easier for federal investigators and prosecutors to put criminals in prison for longer. "I know I have only 18 months left in office," the attorney general said, "but I am dedicated to make a success of this program." While announcements of this type have been common since the 1960's (at least) the bridge between intent and the knowledge to gain victory in this area may remain elusive.

Homicide and Violent Crime: core questions

In order to bridge the gap between intent and knowledge related to the control of violent crime and murder risks we must ask ourselves in the spirit of candor a few questions, for example do we in fact know how to reduce the risks of murder and violent crime? What is the status of our knowledge? How would one know if an effort to reduce these risks were to be successful? How do we build a knowledge base useful in coping with a problem that in some cities puts young African American males at risks comparable to soldiers in Iraq?

It is disappointing that despite the recent surge in murder in many cities in the United States and its devastating consequences, there is little data collected from an operations research model about what works to control violent crime especially murder-especially related to new technologies. While homicide rates have been explained in terms of

economic, birth cohort, social factors, little research has focused upon intentional policy changes (technology, early intervention programs, etc.) which claim to have an impact upon violent crime. Are there more and less effective to reduce violent crime? How might the effect of these deployments be demonstrated to have an impact upon violent crime? How might this impact be best measured?

Evidence Based Policy re: science and reducing the risk of homicide and violent crime

Criminologists are divided by “positivists” who believe murder and violent crime may be altered by policy and funded programs and those “constructivists” who believe that murder has a rhythm that is not easily explained by public policy and programs. Since the mid 1970’s there has been a pattern of “cyclic” change in violent among U.S. cities with steep rises in the late 1980’s and then declines in the 1990’s. In the late 1980’s there were strong increases in urban homicide trends followed by declines in most large cities in the 1990’s. Research is needed to clarify the impact of changes in technology (e.g. Compstat, RMS, and MDT’s), early intervention programs and their operational affect to reductions in violent crime in explaining these declines. In the past 30 years there have been major programs which appeared to be successful and warranted, but where subsequent research found them to be ineffective or even to have a paradoxical or iatrogenic (disease caused by the treatment) effect, for example:

- Correctional Treatment in the 1960’s-Martinson, Gendreau¹
- Scared Straight- Petrosino²
- Randomized Patrol- Kansas City Patrol Study-Kelling³
- Domestic Violence and dual arrest-Sherman, Binder⁴
- Intensive Supervision vs. Jail-Petersila⁵
- DARE and the control, Rand⁶

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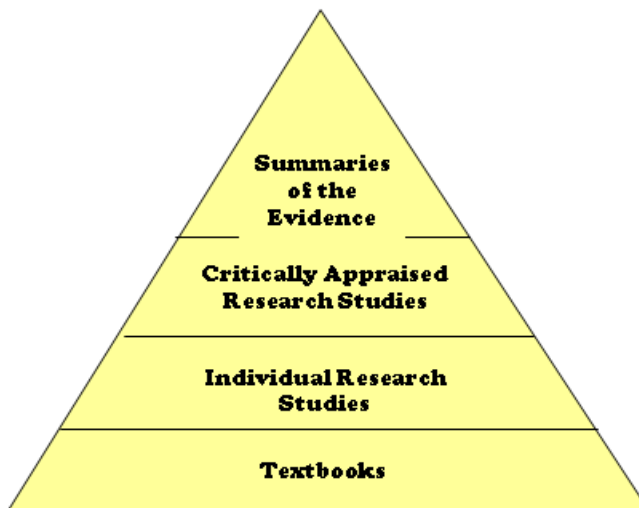
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- Crack, Rocks vs. Powder and CJ sentencing-Brown⁷
- Correctional Boot-Camps-shock incarceration-Mackenzie⁸
- The NY Crime “Miracle”-Leavitt⁹
- “War on Drugs”-Clear¹⁰
- Increased police over-time initiative to control violent crime?

Evidence based criteria in criminal justice have increasingly been used to differentiate among different programs based on the type and quality of research. The lowest level of evidence includes textbook, belief, practitioner claim or myth. According to some authorities double blind studies with randomized controls may be needed to establish the usefulness of a particular program.



Performance Metrics and efforts to Reduce Violent Crime

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Another approach to differentiating among different programs is performance measures. Support for projects in government is becoming more and more dependent on hard evidence that such investments yield significant benefits. For criminal justice agencies, this need means that projects must be justified in terms of documented improvements in justice, efficiency, and public safety. This justification is often best made with performance measures. Congress requires all federal agencies, including BJA, to provide performance measures assessing the value of their funding programs. Three types of measures are commonly used as indicators of program success and are used in the CSLJ/BJA performance measure model¹¹:

- **Output measures:** Any product of a project activity. Output measures are usually indicators of the volume of work accomplished (e.g., number of traffic stops, number of officers attending training) as opposed to the intended results of that work (e.g., reduction in traffic fatalities, reduction in citizen complaints about officers' behavior).
- **Outcome measures:** The consequences of a program or project. Outcome measures focus on what the project makes happen rather than what it does, and are closely related to agency goals and mission (e.g. reduction in reported crimes, reduction in highway deaths, improved conviction rates, and reduction in officer injuries.) These are measures of intended results, not the process of achieving them.
- **Efficiency measures:** Measures that indicate the affect of the project on a criminal justice agency's efficiency in its use of resources (cost, time, personnel).

Effective measures using the CSLJ/BJA model must be:

1. Goal focused. The measure must be an indicator of the achievement of an agency goal, not just a count of your agency's activities. The

¹¹ Art of Performance Measures-CSLJ/BJA(2006)

goal should be accepted as important by citizens and public officials outside your agency.

2. Feasible. The measure must be possible for your agency to implement. The agency must have the subject matter expertise, time, personnel, technical capability, and access to the information necessary to implement the measure.
3. Inexpensive. Implementation of the measure must be relatively inexpensive, or it will compete for resources needed to accomplish your agency's goals.
4. Understandable. The measure must be clear and simple enough to be successfully communicated to, and understood by, non-experts.
5. Unambiguous. The measure must be stated in language sufficiently precise to be unambiguous. (Such precision sometimes requires legal and technical terms that place this feature into direct conflict with #4 above).

Performance measures too are tied to values of the agency. What goals does it seek to achieve. For example:

1. Reduce offender recidivism and improve community supervision compliance through increased information availability, communication and risk assessment;
2. intervene in criminal careers by providing information to focus criminal justice efforts on career offenders;
3. Intervene in criminal careers by providing information to design and manage rehabilitation efforts.

The use of performance measures to assess the impact of program efforts may apply to particular projects or Justice Department programs using the CSLJ/BJA model.

II. The problem of violent crime:

The issue of evidence and accountability regarding violent crime is important because large cities are for the first time since the early 1990's experience a relatively large increase in murder. Cities differ greatly in their rate of homicide. How might these differences in violent crime be linked to technology implementation, new policing strategies or early intervention programs in explaining these differences? Is the high murder and violent crime rate in New Orleans attributable to the types of approaches used to control crime as well as demographics?

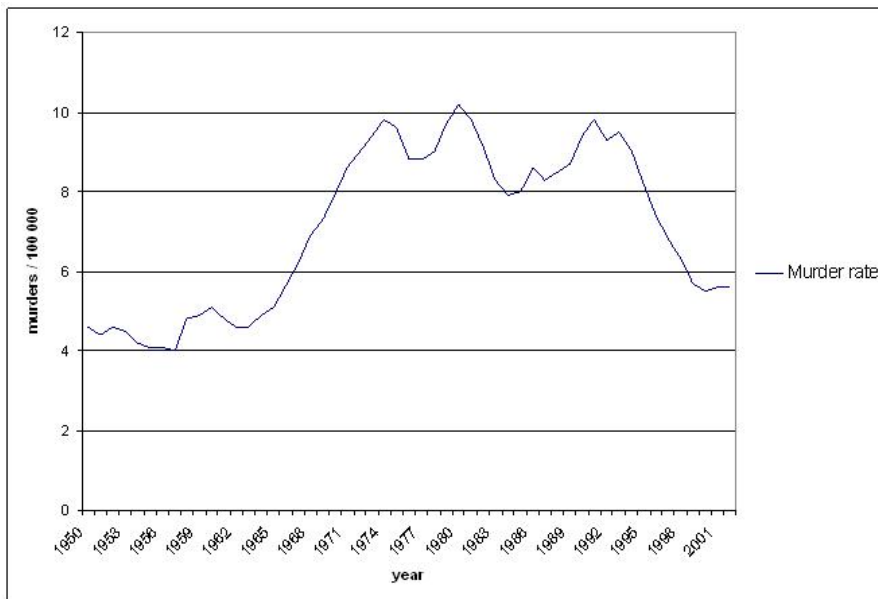
Table 2: Homicide in Major US Cities

	<u>City</u>	<u>Homicide Rate</u>					
		<u>2005</u>	<u>2004</u>	<u>2003</u>	<u>2002</u>	<u>2001</u>	<u>2000</u>
Very high	New Orleans,	73.6	54.8	56.8	53.3	43.8	42.1
High	Birmingham,	44.3	24.3	35.0	26.8	30.1	32.5
High	Richmond,	43.0	47.7	48.2	39.5	35.9	36.9
High	Baltimore,	42.0	43.4	42.3	38.3	38.7	40.1
Mid	Chicago	15.6	15.5	20.6	22.1	22.9	21.8
Low	Boston	12.9	10.5	6.6	10.1	11	6.6
Very low	NYC	6.6	7.0	7.4	7.3	8.2	8.4

Data from United States Census Bureau

In some of the highest murder risk cities murder rates may be 15 times other cities such as New York or Boston. Determining what is it that apparently characterizes cities (in terms of policies related to the reduction of violent crime and murder) in the city's ability to achieve sustainable reductions in homicide risks over time is complex. Determining

why cities have been able to reduce their rates is even more complex. For example, cities such as New York (2274-530), Boston (191-67) and Chicago (900-430) provide examples of cities which have reduced their homicide risks substantially over the last fifteen years and sustain them since murder rates peaked in the early 1990's. In considering the lessons learned from the declines in the 1990's, it is important to recall that Blumstein (1995) and other criminologists predicted a rise in crime rates for the mid to late 1990's; however, the U.S. led a decline in crime rates for that time period. The Northeast experienced the largest crime drop, while the Midwest experienced the lowest (Levitt, 2004). For persons less than 25-years-old, homicide rates fell 24.2%; for persons 25-years-old and older, homicide rates fell 18% (Blumstein & Rosenfeld, 1995).



The costs of murder in high crime cities are high with rates of mortality and injury approaching those of combat troops in recent wars. In one inner city community army recruiters were telling mothers that their male children would be safer in the army than in their neighborhoods with justification. CSLJ research¹² suggests:

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- The murder of a teenager costs about \$1 million in lost and accrued costs (CSLJ: Geerken, 2002).
- A child disabled by gunshot costs about \$2 million in lifelong social costs (CSLJ: Geerken, 2002).
- Correctional costs are approaching \$60 billion, or \$30,000 annualized cost per inmate (ACA, 2007).

Moral economic and social costs including exodus of businesses, residents, marriage partners, etc. must be included beyond the narrow parameters described above.

III. What we know about the control of violent crime and murder: a snapshot

Homicide and violent crime idea trends

There have been through the almost a faddish pattern to beliefs about the control of murder and violent crime. There is great controversy as to the best methods for reducing murder risks and the question of whether public policy can affect these risks. Community psychologists such as Toch (1988), Goldstein (1989), Scharf (1987), Fabiano, etc. have focused upon reasoning processes as a causal link to violent behavior. Programs that have implemented these approaches report modest gains in the small populations where these approaches have been attempted. In the 1970's-1980's federally sponsored law enforcement approaches such as targeted intervention, VICAP and SHOCAP focused upon identifying the highest risk and most dangerous offenders-building upon the theories of Wolfgang (1985) and others emphasizing the unique characteristics of repeatedly violent offenders. Community Policing, "Broken Windows," approaches in the 1990's tended to target neighborhoods and community norms as an approach to control violent crime. The most recent Project Safe Neighborhoods (PSN) initiatives designed to manage violent crime risks focused upon cooperative relationships between homicide investigators and district attorney efforts to respond to violent crime. Gendreau, Andrews and Banta (1990) meta-analysis approach has identified potentially effective correctional treatment and risk identification models targeted at high risk for violence offenders.

Beyond the impact of policing and correctional strategies researchers cite several broad factors that are deemed responsible for the decline: improvements in educational opportunity and job markets, declining crack-cocaine markets, aging of the population, tougher gun control laws, economy increases, increases in the amount of police, and increased use of incarceration.

What it that it is believed reduced homicide trends in the 1990's

Levitt (2004) proposes several factors that contributed the most to the decline in crime rates were increases in number of police, increasing prison population, and decreasing drug market. The amount of police officers increased by 14% in the 1990's, which can explain between one-fifth and one-tenth of the decline in crime (Levitt, 2004). The 1990's saw the birth of the "three-strike you're out" laws, which gave life sentences for persons convicted of their third felony. By imprisoning offenders, they are removed from the streets, thus unable to commit more crimes.

Homicide rates mirrored the rise and fall of the crack-cocaine market; "As crack ebbed from 1991 to 2001, young black males experienced a homicide decline of 48%, compared with 30% for older black males, 42% for young white males and 30% for older white males" (Levitt, 2004, 181). Also, Blumstein (1995) cautions that seemingly broad changes in the homicide rate may attributed to changes in behavior (crack and gun related) among a small percentage of African American youth should not go un-noticed. These trends should be viewed within the highly emotional debate involving differential sentencing of crack and white powder cocaine defendants.

Blumstein and Rosenfeld (1995) cited economic expansion as a prominent factor in the decline of homicide rates. In the 1990's, America experienced a drop in unemployment rates that had not been seen since the 1970's. Also what is the importance of factors in reducing homicides such as unemployment rate, homicide investigative capacity, number of officers, clearance rates for homicide, conviction rates for homicide, proportion of homicides drug and gang patterns, violent crime rate, gun control policy, etc.

The evidence from the decline in murder in the 1990's suggests more promise than certainty to policy makers concerned with policy solutions rather than an easy to replicate policy template. As one leading law enforcement executive noted," while it is obvious that all the efforts of major cities had an impact upon violent crime, it is far less certain as to which components of change exerted the greatest impact."

Given this status of knowledge there are assumptions both about technology interventions and early intervention programs as to their success. In regards to technology programs it is believed

- NYC (2270-539) Compstat and accountability
- Boston(194-39), Richmond: Intelligence and Ceasefire
- Chicago(930-440)-CLEAR, distributed ICAM SARA
- Richmond-Intelligence Gang Profiling (62 (2006) to 16(2007)
- New Horizon Technologies: Real Time, Sensors

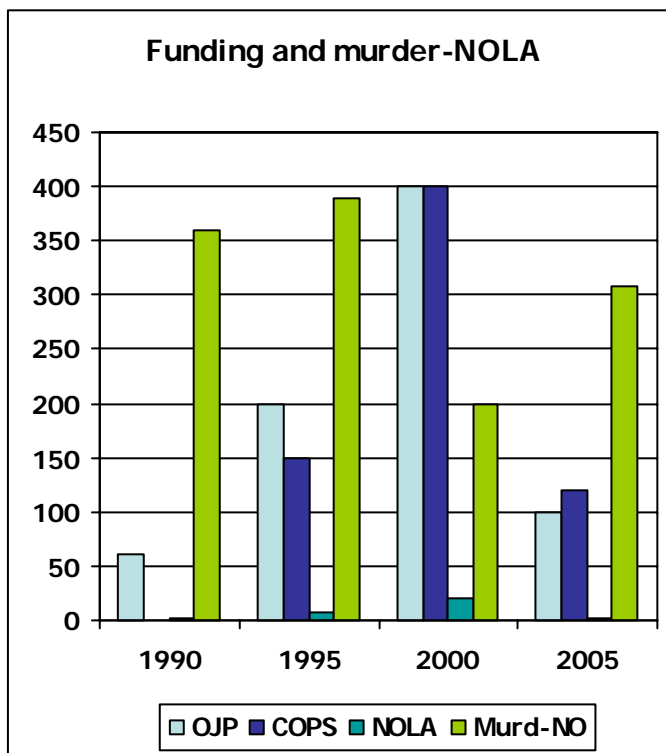
What is evidence based research-level for these assertions that programs helped reduce the murder rate? Similarly are our beliefs regarding early intervention programs factually grounded? In both cases knowledge as to program effectiveness may be less than comforting.

- 1) Effective parenting programs for risk teen-agers
- 2) Targeted programming for high risk juveniles
- 3) Programs with strong cognitive and ethics value base
- 4) EBR defined drug intervention and relapse prevention programs
- 5) Community programs with strong norm base for reductions in violence
- 6) Quality educational interventions language, math, science
- 7) Effective triage and diversion

On the face there is some support for the view that while programs in aggregate work it is difficult to define either what component with a program works (was it the personality of

the counselor or the relapse prevention model that made the difference?). In this regard the argument that programs as a whole have had a positive impact on reducing murder and violent can be made given that:

- Technology investment rises from 1994-2000 and then declines;
- Murders rates in major cities fall through the 1990's, then increases
- The observed relationship between criminal justice technology investment and reduction in murder;
- Leavitt (2003) hypothesizes on impact of policing, correctional policies – murder;
- Research on COMPSTAT, CEASEFIRE, incapacitation in reducing violent crime;
- Examples such as New Orleans(1994-9(COPS funding peak)-decreases 70%-then 1999-2007-increases almost 200% as funding declines)
- National murder rates decline as funding increases and then rise as funding after FY 2000 declines.



If we ask the question about what is it we know about the control of violent crime we find a mix of some solid research and argument by anecdote and hypothesis. Success stories regarding the reduction in murder and violent crime rates are a bit suspect because so many cities moved in the same direction during roughly the same general period. Also, the question of translating the observations from 1990's to contemporary strategies is problematic.

IV. A strategy for increased capacity to deploy evidence based research and performance metrics to manage violent crime: a snapshot

It is argued that we need evidence based research and performance metrics to help us reduce murder and violent crime risks has its foundation in practice as well as research. In some cases efforts to control violent crime may be failing because we do not know how to cope with persistent violent crime and murder risks. We really do not know what works well enough to cope with some urban murder patterns. In New Orleans, which continues to suffer from high murder rates(almost 80/100,000) in 2007 for example, a variety of palliatives have been attempted-all grounded in practice and belief, but not research. Since the first quarter of 2006 all of the efforts below have been attempted, yielding a first half murder rate of 2007 almost twice that of 2006.

- National Guard presence-since June, 2006
- LA State Police support-ongoing
- Cooperation vows and definition of procedures between District Attorney and New Orleans Police-ongoing
- Partial Curfew-January, 2007

- Check Point Program-January, 2007
- Use of Orleans Parish Sheriff's Office Deputy to support NOPD patrol-January, 2007
- Increase of Federal Agents (FBI, DEA, ATF, etc.) and task forces-February, 2007-
- Movement of cases to Federal Jurisdiction, February, 2007 (gun and drug cases and a major intervention with strong conceptual promise to reduce homicide rates)
- Increased use of pro-active task force activity-April, 2007
- Increase in Federal law enforcement to 50 agents-May, 2007

The paucity of quality research related to how to cope with violent crime and murder suggests that efforts to reduce persistent murder patterns may be difficult once the most obvious remedies have been attempted.

[Bridging the Gap: policy obstacles](#)

It might be asked why the status of knowledge related to the control of violent crime and murder is at its present state. What are the impediments to building a strong knowledge base related to murder and violent crime and improving it through the use of performance metrics?

1. There is little linkage between long term criminal justice problems and funding in part because NIJ and practice related entities(BJA) have at best a sporadic dialog;
2. Researchers funded by NIJ often ask questions that are difficult to turn in practices;

3. There is little current federally sponsored research related to what is successful in the control of violent crime and there is a need to define out-puts(not outcomes related to the management of violent crime and murder risks;
4. The present structure almost by design separates scientific inquiry from practice; and
5. There is a *gap* between research funded by NIJ and practice efforts funded by BJA.

To remedy this there is a pressing need to integrate research investments with definitions of evidence based research and practice models. There has been minimal payout in terms of NIJ research investments due to the gap between application and research. Also delays in research and the gap within NIJ between science and technology and research and evaluation units may exacerbate these problems. In terms of performance measures and accountability investments in public safety require high level of documentation of effectiveness in terms of outcomes. These will shape future funding priorities as well as assessment of program success. Performance metrics related to the reduction of murder and violent crime are essential if we are to learn what works?

Conclusions and Recommendations: how to learn what works?

In moving forward it is suggested:

- 1) Integration of research and practice models to achieve *evidence based* criminal justice practices in efforts to control violent crime and murder;
- 2) Increased funding related to violent crime and murder. Murder takes more lives than the diseases targeted by NIH at levels 30 times the budget of NIJ;
- 3) Integration of BJA and NIJ mission and goals related to violent crime at Assistant AG levels;
- 4) Insist that grantees (and provide for agency feasible responses) respond to performance measures designed to improve programming and document

outcomes not out-puts related to the reduction of violent crime and murder risks; and

- 5) Insistence on high levels of accountability in funding new programs related to the management of violent crime.

Above all it must be recognized that the science and action phases of a violent risk reduction crime strategy must merge if we are to develop a national model that works. In terms of Congressional policy efforts to bridge these gaps in knowledge and accountability related to the reduction of violent crime and murder risks it might be suggested that:

- 1) **Find out what works:** invest in research related to the management of violent crime
- 2) **Fund what works :** build upon the best of successful programs
- 3) **Find out through performance measures if what we thought would work actually worked :** demand outcome measures if projects are to be continued
- 4) **Focus upon outcomes not outputs:** see if the public investment reduces homicide and violent crime risks
- 5) **Improve action models through research:** see programs as experiments to control violent crime risks
- 6) **Improve research through tests of theory in action:** improve research relevance by targeting the most pressing problem in criminal justice: managing violent crime and murder risks

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Witness Credentials

The witness, Dr. Peter Scharf serves as Research Professor of Criminal Justice and Executive Director of the Center for Society, Law and Justice at Texas State University. Prior to coming to Texas State University he was for 13 years Executive

Director and Founder of the Center for Society, Law and Justice at the University of New Orleans at the University of New Orleans and is currently involved with a national FBI project to introduce intelligence led policing ideas to New Orleans area and other jurisdictions.

Prior to joining UNO in 1995 he served as the Director of Technology and Technical Assistance at the Police Foundation in Washington D.C. where he helped found the BJA Community Policing Consortium, developed the Risk Assessment Management System and served as a primary consultant to the Governor's Report on the Crown Heights Civil Disorder.

Dr. Scharf received his doctoral degree from Harvard University (Lawrence Kohlberg dissertation advisor-“Moral Atmosphere in the Prison”) and is the author of eight published books and numerous other publications, including *Badge and the Bullet*, *Towards a Just Correctional System*, etc.

The Center for Society, Law and Justice (CSLJ) has managed over 8 million dollars in projects funded by the Department of Justice including *Managing Criminal Justice Technologies*, *Art of Performance Measures*, *Gunshot Detection*, *PSN Assessment of the EDLA*, *Managing Law Enforcement Integrity* and a study of PREA prison rape risk factors.

Dr. Scharf has been the subject of major media coverage related to violent crime and murder including PBS, NPR, BBC, NBC, ABC Nightline, NY TIMES, WA POST, CBS, Danish, German, Italian TV, TIME, etc. He is currently conducting research related to the control of murder and violent crime risk, prison rape patterns and new technologies related to new with the potential of reducing homicide risks.



LAW ENFORCEMENT N-DEX

ENHANCING TIMELY DECISION MAKING THROUGH STATEWIDE INFORMATION SHARING



LAW ENFORCEMENT N-DEX INITIATIVE

This session will focus on National Data Exchange (or N-DEX). At the core, N-DEX is a repository of law enforcement incident data. It is a tool that can be used to search, link, analyze and share criminal justice information on a national level. It also allows for law enforcement professionals to detect relationships between people, places, things and crime characteristics, link information across jurisdictions.

Mr. Tim Reid

**Supervisory Special Agent, Law Enforcement N-DEX Unit, CJIS Division
Federal Bureau of Investigations**

Mr. Tim Reid graduated from Montclair State University in Montclair, New Jersey where he earned a Bachelor of Arts degree in Communications. He also received a Certification in Criminal Justice from Seton Hall University, West Orange, New Jersey.

On December 2, 1981, Mr. Reid began his law enforcement career with the Little Falls Police Department, Little Falls, New Jersey, as a patrolman. In October, 1982, he began training at the New Jersey State Police Academy, 100th Class, and graduated in March, 1983. He served as a New Jersey State Trooper in the Netcong and Newton, New Jersey barracks until entering on duty with the FBI on December 1, 1985. After graduating from new agent's training in Quantico, Virginia, in March, 1986, he was assigned to the Dallas Division where he worked on the bank robbery and fugitive squad. After two months in Dallas he was transferred to the Amarillo Resident Agency, Amarillo, Texas where he investigated a variety of matters, including white collar, public corruption, civil rights, bank robberies, kidnappings and drugs.

After 19 years in the Amarillo RA, where he acted as Senior Resident Agent and Principal Relief Supervisor, West Texas RAs, Mr. Reid was promoted to Supervisory Special Agent, Law Enforcement N-DEX Unit, CJIS Division, on March 6, 2005. On November 2, 2005, he was assigned the duties of Acting Unit Chief, N-DEX Unit. On June 9, 2006, Mr. Reid was appointed and promoted by Director Mueller to Unit Chief of the Law Enforcement N-DEX Unit.



AFTERNOON BREAKOUT SESSION

ENHANCING TIMELY DECISION MAKING THROUGH STATEWIDE INFORMATION SHARING



NATIONAL INFORMATION EXCHANGE MODEL (NIEM) STANDARDS

This session will focus on NIEM, the National Information Exchange Model, which is a partnership of the U.S. Department of Justice and the Department of Homeland Security. It is designed to develop, disseminate and support enterprise-wide information exchange standards and processes that can enable jurisdictions to effectively share critical information in emergency situations, as well as support the day-to-day operations of agencies throughout the nation.

Mr. Dave Roberts
Principal, Global Justice Consulting

Mr. Roberts is Principal of Global Justice Consulting, an international consultancy focusing on justice information technology planning, integrated/joined-up justice initiatives, JIEM analysis, and performance management, and Editor-in-Chief of Public Safety IT Magazine. He previously served as Director of the Justice & Public Safety Practice, Global Public Sector for Unisys Corporation, and for 17 years as Deputy Executive Director of SEARCH, The National Consortium for Justice Information and Statistics. He has provided technical assistance to a host of local, state, and national jurisdictions in planning and implementing integrated/joined-up justice information sharing, directed Unisys in development of its IJIS solution, and directed a series of national conferences, including the 2002, 1999, and 1996 Bureau of Justice Assistance/SEARCH Symposia on Integrated Justice Information Systems. Mr. Roberts has served as director of a variety of U.S. federally-funded justice IT projects, including the SEARCH project to identify and model information exchange (Justice Information Exchange Model-JIEM), and a joint Bureau of Justice Statistics/FBI project on NIBRS implementation among law enforcement agencies. He is a frequent speaker on justice information technology and integrated/joined-up justice both in the United States and abroad, is a published author, and holds graduate degrees from the School of Criminal Justice, State University of New York-Albany, and Oklahoma City University.



PM BREAKOUT SESSION

ENHANCING TIMELY DECISION MAKING THROUGH STATEWIDE INFORMATION SHARING



COMMONWEALTH OF PENNSYLVANIA JUSTICE NETWORK (JNET)

This session will provide an overview of the Pennsylvania Justice Network or JNET, which was created to enhance public safety by providing a common on-line environment where state, county, and local officials can access offender records and other criminal justice information from participating agencies.

Ms. Linda Rosenberg
Director, Office of Criminal Justice System Improvements

Linda Rosenberg has 15 years experience managing the development, implementation and integration of complex information technology systems for local, county, state, and federal justice agencies. She has specialized skills in justice automation, information sharing and collaboration and was the former Executive Director of the PA Justice Network.

Ms. Rosenberg currently serves as the Director of Criminal Justice System Improvements for the Pennsylvania Commission on Crime and Delinquency (PCCD). In this capacity, Linda is responsible for the development of statewide criminal justice plans for PCCD's Office of Criminal Justice System Improvements. Work involves determining the needs of the criminal justice system, developing and implementing policies and procedures to improve the operations of the system, and overseeing the award of over fifty million dollars annually in state and federal funds grant funds to improve the operations of PA's justice system.



I-CLEAR & I-CASE UPDATE

ENHANCING TIMELY DECISION MAKING THROUGH STATEWIDE INFORMATION SHARING



ICLEAR & ICASE UPDATE

On January 9, 2004, Illinois Governor Blagojevich and Chicago Mayor Daley announced an exciting new partnership to create the Illinois Citizen and Law Enforcement Analysis and Reporting System (I-CLEAR). The Chicago Police Department (CPD) and the Illinois State Police (ISP) have been working over the past year to develop a partnership that will significantly impact the quality of public safety. This partnership seeks to leverage the existing financial, technological, and human resources of the CPD and the ISP to develop an integrated system for the collection, maintenance, and dissemination of criminal justice data in Illinois.

The I-CLEAR / ICASE project advances the goals of the Governor's Illinois Integrated Justice Information System (IIJIS) Implementation Board. Integrating Illinois' vast criminal justice system provides an important cornerstone to arm our justice agencies with the information they need to solve crimes faster, remove criminals from our streets more quickly and protect the innocent. An effective information sharing strategy that meets the needs of all justice stakeholders will lead to the electronic sharing of critical data – data needed by criminal justice practitioners – in order to improve decision making, enhance the quality of justice in Illinois and, with the proper safeguards, ensure the privacy and confidentiality of the information.

Colonel Michael Snyders

**Deputy Director, Information and Technology Command, Illinois State Police
Chair, IIJIS Planning & Policy Committee**

Colonel Michael R. Snyders is a 21-year veteran of the Illinois State Police (ISP). He was promoted to the rank of Colonel and appointed Deputy Director of the Information and Technology Command on October 1, 2006. Currently, he leads the technology, information, research, criminal history, and strategic management functions of the Illinois State Police. Prior to his present responsibilities, he served as Lieutenant Colonel, second in command, of the ISP Division of Operations where he oversaw patrol, investigation, and intelligence operations. He is recognized as an international expert in the field of criminal patrol interdiction and has provided assistance and training to agencies throughout the United States, Canada, Northern Ireland, and South America. Previously, Colonel Snyders guided ISP in positions which included Lieutenant Colonel who was in charge of the Operation Services Command consisting of Intelligence, Commercial Vehicle, Drug Conspiracy, Technical Services, Medicaid Fraud, and Computer Crimes; Captain who supervised Investigations for Zone 5 in Champaign; and Captain who oversaw District 6 Patrol in Pontiac.



RECOGNITION

ENHANCING TIMELY DECISION MAKING THROUGH STATEWIDE INFORMATION SHARING

The following individuals and organizations made special contributions in making the 2007 Illinois Integrated Justice Information System (IIJIS) Summit a success and the IIJIS Implementation Board gratefully acknowledges their support of this important event, important initiative:

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Clerk of the Circuit Court of Cook County
Vice Chair, IIJIS Implementation Board &
Chair, IIJIS Outreach Committee

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Executive Director of the Illinois Criminal Justice Information
Authority
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