Robust Criminal Justice System Data Sharing: A Toolkit for 12 Smart Practices for Prosecutors

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Introduction

Criminal justice data has been appropriately termed the "lifeblood of the justice system."[1] The flow of such data is essential to good decision making by the key actors in the criminal justice system whether it occurs at the investigative, charging, pretrial, adjudicative, or sentencing and incarceration stages of a criminal case. Throughout all of these stages, prosecutors need timely access to accurate data that is frequently held by other system partners in order do their jobs effectively. Data sharing is particularly critical for prosecutors who engage in problem efforts within the community, or who are attempting to implement the community prosecution and evaluation components of the "High Performance Prosecution Model".[2] Similarly, other criminal justice system partners such as the police, judges, jail staff, probation and parole officers, and defense attorneys also need access to data held by prosecutors and their other partners to do their jobs effectively.

Over the past two decades, prosecutors and other criminal justice partners have made significant progress in electronically sharing essential criminal justice data. That progress has been fueled by U.S. Department of Justice funding and technical support for data sharing, growing awareness of the importance of sharing data, the development of improved technologies for records and document management and the electronic sharing of data, and improved experience with

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[1] See Scott Came, A Service-Oriented Architecture Primer for Executives: Why You Should Care, SEARCH Technical Brief, SEARCH (Sacramento, CA: March 2009) pg. 1. Available at: http://www.search.org/files/pdf/SOA-WhyExecsShouldCare.pdf.

[2] See Steven Jansen & Robert Hood, A Framework for High Performance Prosecutorial Services, Prosecutor's Report #3, Association of Prosecuting Attorney's Inc. (Washington, DC: 2011). Available at: http://www.apainc.org/files/DDF/APA%20High%20Performance%20%20Framework%20FINAL.pdf. The analysis of criminal justice data is critical to effective problem solving in the community and plays an important role in enabling evaluation of the effectiveness of such problem solving efforts.

automating and re-engineering business processes to facilitate data sharing. Those improvements, however, have been uneven and are anything but universal for many prosecutors' offices throughout the country.[3]

While some offices are already well-positioned to electronically share data, many still lack or struggle with this critical task. Some offices suffer from rudimentary or inadequate systems that hardly meet their most basic business needs, let alone operate as a platform for sharing data with others. Some lack systems altogether and are left to rely primarily on the systems of their criminal justice partners or on paper-driven processes. Still others employ a confusing mix of paper-driven and automated processes. And even where a records management system and the capability of data sharing is in place, some offices are thwarted by potential partner agencies that have these same kinds of problems.

Despite the critical importance of sharing data, there are several other impediments to the free flow of accurate data to and from prosecutor's offices.[4] Many partnering agencies, and even prosecutor's offices themselves, maintain an insular or "agency only" approach to data management instead of looking at data from a "system wide" or "enterprise" perspective. Differing agency values on data security and the right of access to data causes information to get "siloed" within an agency, making it inaccessible to others who need it. Partnering agencies also frequently enter the same kind of data into their systems in different ways and using different

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[3] A limited sample survey of prosecutor's offices conducted by APA in early 2013 confirmed that broad variations exist in terms of prosecutor's satisfaction with their record's management and data sharing capabilities and that nearly 43% graded their capability to share data as either poor or failing.

[4] For a more detailed discussion, see Scott Came, A Service-Oriented Architecture Primer for Executives: Why You Should Care, SEARCH Technical Brief, SEARCH (Sacramento, CA: March, 2009) pp. 2-3. Available at: http://www.search.org/files/pdf/SOA-WhyExecsShouldCare.pdf.

formats, causing inefficiency through unnecessary redundancy while creating multiple

opportunities for data errors to occur. Finally, and most critically, even if the data is shared, it

may not be shared on a timely basis because of differing agency capabilities or priorities with

respect to when such data is actually delivered.[5]

Despite these challenges, implementing a robust criminal justice data sharing program has been

identified as one of the four key components to prosecutors delivering high-performance

prosecution services to our nation's communities.[6] Such programs are usually based on the

capability to successfully design and implement multiple data sharing projects. Designing and

implementing a criminal justice data sharing project can be a daunting task for prosecutors in the

face of limited data sharing technology expertise, constrained fiscal and personnel resources, and

competing demands. But ultimately, it is a path that we as prosecutors must travel if we hope to

more effectively protect public safety and improve neighborhood livability in our nation's

communities.

This guide is offered as a toolkit of principles, lessons learned, and practice pointers specifically

designed to help assist prosecutors in developing a robust electronic data sharing program with

their criminal justice system partners and implementing their data sharing projects in a more

productive, less stressful, and hopefully less time-consuming and expensive way.

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[5] One agency's sense of timeliness may not be the same as another's. Exchanges can be made in real time, daily, or periodically dependent upon the business needs of an organization.

[6] See Steven Jansen & Robert Hood, A Framework for High Performance Prosecutorial Services, Prosecutor's Report #3, Association of Prosecuting Attorney's Inc. (Washington DC: 2011). Available at: http://www.apainc.org/files/DDF/APA%20High%20Performance%20%20Framework%20FINAL.pdf.

**12 Smart Principles of Developing and Implementing
An Electronic Criminal Justice Data Sharing Project**

1. **Recognize that a key prerequisite to engaging in a robust data sharing effort is possession of a functional case management system capable of both sending and receiving criminal justice data**

Although this may seem an obvious point, a necessary foundational element to electronic data sharing is ensuring that each of the relevant criminal justice partners has access to or possession of a functional computerized records management system that is capable of electronically sharing data. If that capability does not exist at all within a prosecutor's office, an essential first step to electronic data sharing is procuring such a system, which is a major undertaking and beyond the scope of this document.[7] Fortunately, however, there are excellent resources available that can help you through the process of planning for, procuring, and managing such technologies.[8] Even if a system is already in existence, it needs to be configured with the necessary hardware and software so that the systems can "talk" to one another.

This can be particularly challenging when your criminal justice partners are operating on different technology platforms or when the partnering agencies are in different stages of

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[7] In early discussions that eventually led to the Seattle Justice Information System (SeaJIS) Program, it became clear that the Municipal Court, the Seattle Police Department, and the Seattle City Attorney's Office that prosecuted city misdemeanors had vastly different capabilities in terms of records and data management systems. While the police and the court had legacy mainframe-based systems, the City Attorney's Office lacked any system and relied on paper-driven processes and only limited access to the court's system for preparing materials for court calendars. Their first step to advance data sharing was to purchase such a system.

[8] For example, see Kelly Harris & William Romesburg, Law Enforcement Tech Guide: How to plan, purchase, and manage technology (successfully!), U.S. Department of Justice, Office of Community Oriented Policing Services (Washington DC: 2002). Available online at: http://www.cops.usdoj.gov/Publications/lawenforcementtechguide.pdf.

replacing their core business systems.[9] Fortunately, however, modern middleware-based technology solutions can bridge the gap between these disparate systems and allow for a given agency's data exchanges to be replaced without the need to disturb data exchanges with other agency partners. And some vendors even provide suites of services that can meet the record management and data sharing needs of multiple criminal justice agencies within a single platform.

> **Practice Pointer:** The replacement of core operating systems within a criminal justice agency cannot take place in isolation if you hope to share data with your justice system partners. Although agency business needs must ultimately drive such a project, effective communication and coordination with those partners can actually help to advance those business needs and improve the state of data sharing. It can also encourage an "enterprise" perspective rather than an "agency only" approach to information technology.

2. **Agree on a vision, scope, business case, and governance structure for your data sharing efforts, and document and memorialize them in a written project charter**

When launching a cross-agency data sharing effort, it is critical that agency partners craft a shared understanding of the vision, scope, business case, and governance structure for the data sharing project so that these critical components are memorialized and can be used to help drive the project forward.

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[9] During the course of the SeaJIS Project from 1998-2009, the Seattle City Attorney's Office obtained and eventually significantly upgraded its records and document management system, the Seattle Police Department replaced its core RMS and CAD systems, and the Seattle Municipal Court and the King County-run local jail explored replacing their aging case and records management systems. Although these activities were driven by the business needs of each agency, effective communication about their activities was critical to keeping their systems aligned and capable of sharing data. The ultimate example of that communication was the placement of City Attorney's Office and Municipal Court representatives on the steering committees of the Seattle Police Department's RMS and CAD replacement projects, and Police Department and City Attorney's Office representatives on the steering committee of the Municipal Court's RMS replacement project.

- A project's *vision* is the desired end state or ultimate condition that a project seeks to achieve. A project's vision is critical because it defines what the project's ultimate goal is and will set the standard of how the value and successful completion of the project will be measured.

- A project's *scope* describes the sequence of specific goals and objectives that need to be accomplished to reach a desired end state. A project's scope is critical because it helps to define which deliverables are expected from the project, which will be deferred, and which are completely beyond the project. It also helps to identify the time, money, staff, and other resources needed to complete the project. Although scope can change during the life of the project, such alterations should follow a regular "change management" methodology to avoid "scope creep" and ensure that adequate resources are aligned with project deliverables.

- A project's *governance structure* lays out the management framework for the project, including roles and responsibilities for the project's executive sponsors, its steering committee of relevant stakeholders, and its project manager. The governance structure is critical because it identifies who has decision making and oversight authority for various aspects of the project.

> **Practice Pointer:** The vitality of a project's steering committee is dependent upon having stakeholder representatives that are both sufficient familiar with the project and their own organization's technologies, business processes, and resources, and the actual authority to commit their organization's resources to the project. Both business and technology representatives of the respective stakeholder agencies should be involved and can be assigned to appropriate subcommittees (such as business rules, technology, and security) and users.

- A project's **business case** lays out the economic justification for committing time, money, staff, and other resources to the project and provides the basis for policy maker and funder support for the project. The business case is critical to ensuring that these resources remain committed to the project for a long enough period of time for it to be completed.

Failure to pay adequate attention to these critical components can lead to failure of the project. Resources are available to help you write an effective project charter.[10]

3. <u>**Utilize business process modeling (BPM) tools to help you understand and map how information flows between you and your criminal justice partners, eliminate duplicative processes and procedures, and identify opportunities for automation or re-engineering**</u>

Prosecutors' offices, like most of their criminal justice partners, employ a complex series of processes to accomplish the work of the agency, including those specifically involved with sharing criminal justice data with other justice system partners. Remarkably, however, such processes are often not well documented, subjected to continuous re-examination, or shared outside of the involved agency. Business process modeling (BPM) tools can bring clarity and transparency to such processes, identify redundancies, and set the stage for re-engineering or automating them.[11] Such tools can also identify how and when documents are used in a business process and what potential data elements within them could be shared.

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[10] See Kelly Harris & William Romesburg, Law Enforcement Tech Guide: How to plan, purchase, and manage technology (successfully!), U.S. Department of Justice, Office of Community Oriented Policing Services (Washington, DC: 2002), pp. 51-61. Available online at: http://www.cops.usdoj.gov/Publications/lawenforcementtechguide.pdf.

[11] Automating a business process refers to taking a process that was formerly manual or paper driven, and accomplishing it through a technology-aided solution as is. Re-engineering a business process refers

> **Practice Pointer:** A business process map can give you a clear graphical representation of your business processes in a way that mere words cannot. Just as a "picture is worth a thousand words," such a map identifies redundant steps and inefficiencies that exist, highlights the time sensitivities of data transfers, and can aid in re-engineering processes. It can also show you where documents and data elements are involved in a workflow and assist development of actual code to facilitate such sharing.

BPM tools can be found for free via the Internet, purchased as part of BPM software "suites," or sometimes provided by BPM vendors.[12] For additional information on BPM, see Law Enforcement Tech Guide: How to plan, purchase, and manage technology (successfully!) by Kelly Harris and William Romesburg.[13]

Once you either possess and understand the use of such tools or obtain them through a business process analyst vendor, you can apply them to your business processes. This is usually done with the help of a working group that includes both business and technology representatives of an agency and has a thorough working knowledge of an agency's business processes. A common result of such an exercise, when matched up with a business process map of your partnering

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to making transformative changes to the business process itself (i.e., changing the way business is done), which may be aided by a technology-based solution.

[12] For a good list of BPM resources, including free tools available on the Internet, see Benjamin Krause, Free Project Management Tools, Issue Brief 11, U.S. Department of Justice, Office of Community Oriented Policing Services (Washington, DC: July 2012). Available online at: http://www.search.org/files/pdf/IssueBrief_11_FreePMTools.pdf.

[13] Kelly Harris & William Romesburg, Law Enforcement Tech Guide: How to plan, purchase, and manage technology (successfully!), U.S. Department of Justice, Office of Community Oriented Policing Services (Washington, DC: 2002), pp. 67-75. Available online at: http://www.cops.usdoj.gov/Publications/lawenforcementtechguide.pdf.

agencies, is the discovery of duplicative or inefficient processes or sub-processes. For example, if you were to examine the business processes connected to the initiation of a criminal filing across the police, prosecutor's office, court, and jail systems, you would likely find that several different people or groups of people are involved in entering the same defendant information—name, date of birth, residential address, state identification number, and other identifying data—into their own systems, when a single person or group entering the data once may suffice and reduce the risk of error. Business process mapping can help you identify such duplication and allow you to "reinvest" the duplicated services into other value-added activities.

4. **Employ sound project management techniques and skills to drive your project to success**

Successful planning and implementation of a data sharing project requires the skills of a project manager that is familiar with the art and science of project management. Such a person can be obtained by tasking someone within the organization that has such skills, "borrowing" such a person from one of your partnering agencies or elsewhere within the jurisdiction's agencies, hiring someone from the outside specifically for the task, or contracting for a vendor-supplied project manager.

It is not unusual in the public sector, particularly in challenging fiscal times, to task someone within the organization to manage such a project even though they may lack formal project management training or experience. The effectiveness of these "accidental project managers" is dependent upon their individual skill, ability, determination, and even luck, which often leads to

inconsistent results.[14] Fortunately, however, the skills, techniques, and tools of project

management are not difficult to acquire and learn. More formalized project management training

is available online through local colleges and universities, and in conjunction with vendor-

supplied project management software and training.[15] Free project management tools supporting

the work of project managers are also available online.[16]

> **Practice Pointer:** It is highly useful for both key members of the data sharing
> project's steering committee and the project manager to have received
> training in the art and science of project management. Several members of
> the Seattle Justice Information Sharing (SeaJIS) Steering Committee had the
> good fortune of attending a day-long training on Project Management for IT
> Projects as part of one of SEARCH's national data sharing conferences. The
> common frame of reference regarding project management and its
> methodology that was acquired from this training enabled the steering
> committee and the project managers of the various phases of the SeaJIS
> Program to work together more effectively in planning and implementing
> these projects.

5. **Be aware of the pros and cons of a commercial-off-the-shelf (COTS) technology solution as opposed to relying on technology that is developed in-house or with the assistance of a vendor**

Commercial-off-the-shelf (COTS) vendor-supplied products can be a solution to both your

records management system and data sharing problems. COTS products can have significant

advantages over "self-built" products, including the potential of shifting the risks of project

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[14] See Benjamin R. Krause, The Accidental Project Manager, Issue Brief 8, SEARCH (Sacramento, CA: June 2012), p 2. Available online at: http://www.search.org/files/pdf/IssueBrief_8_AccidentalPM.pdf.

[15] For free online training resources, see Kelly Harris & William Romesburg, Law Enforcement Tech Guide: How to plan, purchase, and manage technology (successfully!), U.S. Department of Justice, Office of Community Oriented Policing Services (Washington DC: 2002). Available online at: http://www.cops.usdoj.gov/Publications/lawenforcementtechguide.pdf.

[16] See Benjamin R. Krauss, Free Project Management Tools, Issue Brief 11, SEARCH (Sacramento, CA: July 2012). Available online at: http://www.search.o+rg/files/pdf/IssueBrief_11_FreePMTools.pdf.

development to the private sector, reducing the time and costs of delivering technological change, and increasing reliability and stability due to implementation with multiple clients.

However, these products are not without risks. Vendors can go out of business or make business decisions to no longer support an obsolete or little-used product; commercially provided products may contain increased security vulnerabilities; and market-based designed systems may not meet the specific business needs of a specific client and encourage the tendency to have technology drive the business instead of business needs driving the technology. Although some of these risks can be mitigated contractually and by other means, these risks are well worth keeping in mind when weighing the relative value of vendor-provided systems versus "self-built" or "built with the assistance of a vendor" systems. For an excellent discussion of the buy or build issue, see Chapter 7 of Law Enforcement Tech Guide: How to plan, purchase, and manage technology (successfully!).[17]

> **Practice Pointer:** One of the challenges of adapting a COTS product is making sure that it can be customized to meet the business needs of the organization. Such customization can significantly increase the time and cost of such an implementation but can work to produce a better product. In such a circumstance, the key to success is to conduct a careful analysis of the "fit and gap" of the product, and then to fill those gaps that are affordable with the budget and essential to the business functionality of the system. In some circumstances, further customization can be deferred to a later point as budget becomes available.

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[17] Kelly Harris & William Romesburg, Law Enforcement Tech Guide: How to plan, purchase, and manage technology (successfully!), U.S. Department of Justice, Office of Community Oriented Policing Services (Washington DC: 2002), pp. 103-107. Available online at: http://www.cops.usdoj.gov/Publications/lawenforcementtechguide.pdf.

6. **Adapt technologies to advance solutions to your business needs**

An issue related to Principle #5 above is the notion that business needs should drive an

organization's use of technology, not the other way around. This principle, however, is just as

applicable to a project when it is "built inside" as when it is provided by an outside vendor.

There is a natural tension between technologists who see a preferred technical solution to a

business problem and business users who are going to ultimately have to use that solution.

Keeping these technical solutions aligned with what users are capable of and willing to use is of

key importance, which is why end system user groups should be involved early and often in data

sharing projects. Their involvement should span the duration of the project, including during

end-user training and project completion.[18]

> **Practice Pointer:** One of the key subcommittees of your project's steering
> committee should be your end users. Early and often engagement of end users
> will be critical in documenting your business processes, developing system-
> functional requirements and new business processes, assessing potential
> technology solutions, and preparing staff and training them on the use of the
> new technologies. A guaranteed recipe for project failure is resistance or
> unwillingness by end users to embrace and use the new product.

7. **Consider the viability of an incremental approach to development of a data sharing
    project as opposed to an all-at-once "grand solution"**

Because of the cost and complexity of a data sharing projects and the length of time it can take to

complete one, consider the value of implementing a project incrementally, in phases rather than

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[18] For more on the importance of involving end users and a user's committee in your management
structure, see Kelly Harris & William Romesburg, Law Enforcement Tech Guide: How to plan, purchase,
and manage technology (successfully!), U.S. Department of Justice, Office of Community Oriented
Policing Services (Washington DC: 2002), pp. 29-30, 192-193. Available online at:
http://www.cops.usdoj.gov/Publications/lawenforcementtechguide.pdf.

as a single grand project. Ideally, highly complex projects would have long-term dedicated

staffing, generous and secure funding, and unwavering policy maker and funder support;

however, that rarely exists in the real world. Over time, project staff can move on to other

employment opportunities or be reassigned to other projects. Competing demands, changing

priorities, and fiscal stress can result in reallocation of budgetary and personal resources

supporting a project. And project sponsors, policy makers, and funders can easily grow impatient

while facing pressures to "show results" within the time frame of an election cycle. Large-scale,

high-cost projects may also induce "sticker shock" at a time when project benefits seem remote

and far off in the future.

Time can often be your worst enemy, and all other things being equal, the more complex the

project, the longer the time line for project completion becomes. Longer timelines significantly

increase the risks of turnover of key project staff or the loss of policy maker and funder support

for a project. Phasing allows for the project to be split up into smaller, more manageable pieces

that are more expeditiously delivered, are easier to fund, and provide ample opportunities for

"interim" successes that will further fuel support for the project. As each phase comes to fruition,

the next phase can be kicked off with the benefits of lessons learned and future risks assessed

and resolved.[19]

> **Practice Pointer:** The potential impacts of long project timelines cannot be underestimated. During my involvement with the SeaJIS program, multiple changes of political leadership occurred at the Mayor level, within the City Council, and at the City Attorney's Office. The police chief and chief judge also changed; as did who was involved within the project teams. Each of these changes brought risks to the institutional memory and continuity of the SeaJIS Program and necessitated bringing newcomers up to speed. One way to mitigate these risks is to complete project phases as rapidly as is reasonably possible.

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8. Build metrics and performance measures into your data sharing activities, and evaluate and report on those outcomes to relevant internal and external stakeholders

It is not enough to complete a great data sharing project. Public sector leaders are also called upon to prove the effectiveness of their efforts. We live in an age of performance measures, and concerns over the cost and effectiveness of public sector ventures are of paramount importance to project sponsors, project funders, the media, and the public. Metrics and performance measures generate the raw numbers through which we can evaluate the utility and cost effectiveness of a data sharing project and share those results with these important stakeholders. The good news is that there are great resources available for helping project managers to design metrics and performance measures for data sharing projects and avoid pitfalls.[20]

> **Practice Pointer:** Do not underestimate the power of sheer numbers when reporting on the outcomes of your data sharing efforts. Being able to say that 15,000 cases were electronically initiated, or 400,000 data elements were shared electronically without the need for manual re-keying, can be a powerful statement about the utility of your data sharing efforts. Let the numbers speak for you.

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[20] See Bob Roper and Terri Sullivan, Measuring the Success of Integrated Justice: A Practical Approach, SEARCH (Sacramento, CA: September, 2003, updated/reissued 2004), pp. 5-20. Available online at: http://www.search.org/files/pdf/PerformanceMeasures.pdf.

Performance measures and metrics should be tied to the original goals of a project and should be

built in early in the project. They should be relevant, quantifiable, and collectible. For example,

if one of the goals of a data sharing project is to reduce duplicated efforts within a business

process, metrics can measure the amount of staff hours that were spent inputting data both before

and after the project, identifying person hours saved per data entry transaction. Applying the

average hourly wage for persons doing the work, a cost savings estimate for the changed process

can be calculated.

Finally, once outcomes are determined, they should be regularly reported to both internal and

external stakeholders. Providing such feedback internally improves the morale of those who

helped make the project successful, and encourages future collective action. Providing such

feedback externally can help to cement financial support for maintaining the initiative or funding

future data sharing projects by project sponsors and funders.

9. **Understand the legal framework of your data sharing efforts and how criminal records privacy, public records disclosure, public record retention, and public contracting are affected by the laws of your jurisdiction**

Understanding the statutory framework that regulates access to, release of, and sharing of

criminal justice data can be a complex undertaking. State laws frequently distinguish between

conviction and non-conviction data in terms of what kinds of criminal justice data can be shared

and with whom. Federal and state law imposes other significant limits on what can be shared in

light of privacy rights. State laws also frequently regulate the length of time that such

government records must be maintained. Public disclosure laws vary broadly in terms of the

process and time for requesting and obtaining information, what kinds of information can be

released to the media and the public, and what exemptions and exclusions exist.

The civil divisions of prosecuting entities, or your local city or county attorneys, are particularly

well suited to provide assistance in these areas because of the lawyer/client relationships they

frequently have with partnering agencies, their subject matter expertise, and the civil litigation

expertise they possess. Other resources to help you address privacy and civil rights concerns in

the context of developing your criminal justice data sharing system are also available online.[21]

To the extent that your data sharing efforts involve the purchase of goods or services, public

contracting statutes and your local jurisdiction's public bidding ordinances and policies are also

frequently implicated. Such statutes, ordinances, and policies will dictate under what

circumstances you may make a straightforward purchase, employ a public competitive bidding

process, or "sole-source" a project. Fully understanding the applicable purchasing rules will

enable you to prepare requests for proposals (RFP) when required and avoid embarrassing

setbacks due to defective RFPs and competitive bidding challenges. Once again, the civil

divisions of prosecuting entities, or your local city or county attorneys, are particularly well

suited to provide assistance in such areas because of the subject matter and the civil litigation

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[21] See Privacy, Civil Rights, and Civil Liberties: Policy Templates for Justice Information Systems, U.S. Department of Justice, Global Justice Information Initiative (Washington, DC: February, 2008). Available online at: http://www.jmijustice.org/resources/other_pubs/privacy-civil-rights-and-civil-liberties-policy-templates-for-justice-info/view.

expertise they possess. Other resources to help you with the procurement process are available online.[22]

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Practice Pointer: Because of the many legal complexities that can arise within your data sharing efforts, it is frequently useful for your project steering committee to include subject matter legal experts or to have a legal subcommittee. Adding appropriate lawyers to your steering committee or subcommittees can help navigate these issues more effectively, and tasking the same set of lawyers with such an advisory role can ensure continuity of knowledge of the project and its issues among these lawyers.

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10. Pay critical attention to data sharing security, business continuity, and data recovery issues

A full discussion of security issues for sharing criminal justice data is well beyond the scope of this document. But suffice to say, system security should be of paramount concern in data sharing projects, particularly those involving web-based services. Failure to secure systems can lead to data tampering, breaches of personal privacy, and potential civil liability for the release of information protected by your jurisdiction's privacy laws. Fortunately, there are good online resources available to help you understand the issues connected with securing your networks and establishing effective policies to help manage and reduce security risks.[23]

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[22] See Kelly Harris & William Romesburg, Law Enforcement Tech Guide: How to plan, purchase, and manage technology (successfully!), U.S. Department of Justice, Office of Community Oriented Policing Services (Washington DC: 2002), pp.173-184. Available online at: http://www.cops.usdoj.gov/Publications/lawenforcementtechguide.pdf.

[23] See Kelly Harris and Todd Shipley, Law Enforcement Technical Guide for Information Technology Security: How to Assess Risk and Establish Effective Policies- A Guide for Executives, Managers, and Technologists, U.S. Department of Justice, Office of Community Oriented Policing Services (Washington DC: 2006). Available online at: http://www.search.org/files/pdf/ITSecTechGuide.pdf.

Business continuity and disaster recovery refers to your ability to continue to do business and recover if your primary data sharing technologies or other systems fail. Most effective data sharing efforts plan for such contingencies and provide alternative means of continuing the business process until systems can be restored. However, it is not enough to merely take steps to ensure the continuity of your network connections. You should also consider how you shall gain access to your systems if a terrorist attack or natural disaster separates you from your workspace. Advanced planning can help you to ensure that business continuity is not disturbed in the face of such disasters, and such planning should be part of your broader emergency management planning protocols.

> **Practice Pointer:** During the 2001 Nisqually earthquake, the Criminal Division of the Seattle City Attorney's Office, the city's misdemeanor prosecuting entity, was forced from its offices for nearly a week due to damages inflicted by the earthquake. Operations had to be resumed in an adjacent city facility. Advance disaster planning, however, allowed the office to quickly resume such operations with minimal impacts to the criminal justice system. The middle of a disaster is not the time to start thinking about such issues.

A final issue worth keeping in mind is that as the business processes of criminal justice partners become more tightly bound and dependent on each other through electronic data sharing, the risks associated with system failure become more widely felt. That fact should not cause you to forego the benefits of what such sharing can do for you. It should only cause you to think about and plan for how such processes will function if you or one of your partners "goes dark." A

prudent course is to ensure that alternative contingency plans are in place, including even a return to manual processes, if necessary.

11. **Build your criminal justice data sharing efforts under the auspices of a broader criminal justice coordinating council or committee**

A hallmark of the American political system is the highly fragmented nature of the division of political authority that exists at the local, county, and state level. The criminal justice system is no exception to this pattern. Decision making and funding are highly decentralized, and the resulting myriad of independent and sometimes competing players in the criminal justice system can make collective action to improve the operations of the system and set policy a difficult challenge.[24] Without effective communication and cooperation across system partners, criminal justice data sharing efforts are difficult if not impossible to achieve.

In many jurisdictions, however, a key vehicle for addressing criminal justice system policy issues is the use of a multi-agency criminal justice coordinating committee (CJCC), which is "an inclusive term applied to informal and formal committees that provide forums in which a large number of key justice system agency officials and other officials of general government may discuss justice system issues."[25] Such an entity may include key leaders from the institutions and agencies involved in or supporting the criminal justice system, and it may include representatives

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[24] See Aimee Wickman, Barry Mahoney, M. Elaine Borakove, Improving Criminal Justice System Planning and Operations: Challenges for Local Governments and Criminal Justice Coordinating Councils Justice Management Institute (Denver, CO: 2012), p. 7. Available online at: http://www.jmijustice.org/resources/CJCC/improving-criminal-justice-system-planning-and-operations-challenges-for-local-governments-and-criminal-justice-coordinating-councils.

[25] See Robert C. Cushman, Guidelines for Developing a Criminal Justice Coordinating Committee, National Institute of Corrections (Washington, DC: 2002), p. 1. Available online at: http://static.nicic.gov/Library/017232.pdf.

from your jurisdiction's law enforcement agencies; prosecuting entities; the courts (including county, city, felony and misdemeanor, and juvenile); probation and parole; local jailing facilities (pre- and post-adjudication); public defense and private counsel; public health and social services organizations; and funding entities.

CJCCs have the capability to improve the operations of the criminal justice system and can play a key role in the development of an integrated criminal justice information system.[26] To see three case studies of how different jurisdictions used a CJCC in the context of developing a data sharing program, see Aimee Wickman, "The Criminal Justice Coordinating Council Network Mini-Guide Series: Three Approaches to Integrated Data Systems."[27]

> **Practice Pointer:** Creating a criminal justice coordinating council can be highly beneficial to your efforts at sharing criminal justice data. The King County Regional Law Safety and Justice Committee (RLSJC), a county-level CJCC that Seattle's SeaJIS Program members were a part of, played a critical role in the success of SeaJIS. The RLSJC was one of the first entities in the region to identify data sharing as a key criminal justice system priority, and it directly assisted the program's development because of the King County Jail's involvement as the city's local jailer. The existence of the RLSJC also helped improve city and county coordination of data sharing projects and federal grant funding opportunities that supported them.

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[26] Aimee Wickman, Barry Mahoney, M. Elaine Borakove, Improving Criminal Justice System Planning and Operations: Challenges for Local Governments and Criminal Justice Coordinating Councils, Justice Management Institute (Denver, CO: 2011). Available online at: http://www.jmijustice.org/resources/CJCC/improving-criminal-justice-system-planning-and-operations-challenges-for-local-governments-and-criminal-justice-coordinating-councils.

[27] Aimee Wickman, The Criminal Justice Coordinating Council Network Mini-Guide Series: Three Approaches to Integrated Data Systems, Justice Management Institute (Denver, CO: February, 2013). Available online at: http://www.jmijustice.org/current-projects/CJCCMiniGuideIntegratedData.pdf.

12. Recognize that the vast majority of work connected to a data sharing project is not technology related at all

Going into a data sharing effort, there may be a tendency by some to believe that such a project is all about the technology and that project success is simply a matter of purchasing the right hardware and software, configuring the right servers and switches, and ensuring that the system remains live. Nothing could be further from the truth.

Under the auspices of the King County Regional, Law, Safety, and Justice Committee, representatives of the SeaJIS Program conducted a site visit to examine the award-winning Los Angeles Consolidated Criminal History System. During the site visit, Judge Kenneth Chotiner, the head of the project's steering committee, offered a key "lesson learned" from LA's eight-year, $7,000,000 data sharing project. He observed that most of the work involved in delivering a data sharing project is not technology related at all; instead, it is much more about building an appropriate project team of relevant stakeholders, negotiating rights of use and access to the system, and understanding and reevaluating the utility of your business processes. These issues are by and large policy issues, not technology questions. Judge Chotiner estimated that as much as 85% of such a project's time was spent on these and other policy questions rather than questions centered on technology.[28]

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[28] See also Terry Sullivan and Michaela Mathews, Case Study Series–Metro/Davidson County, Tennessee, Criminal Justice Information System: Project Overview and Keys to Success, SEARCH (Sacramento, CA, Feb. 2003), p. 11. "Most issues are political, not technical." Available online at: http://www.search.org/files/pdf/TN_CaseStudy.pdf.

Amir Holmes of SEARCH put it another way in writing about lessons learned from the

groundbreaking data sharing efforts of the State of Delaware:

> "Technology is not the obstacle to integrating justice information systems.
> Clearly, the real difficulty is attaining the necessary leadership, commitment
> and cooperation of key representatives of the criminal justice community.
> Often, people in different agencies have different ideas of how projects
> should move forward; they have different personal and political agendas,
> and they are more focused on their own agency needs than on the system as
> a whole. Moreover, the justice community suffers from a general distrust
> among its members. While many want to benefit from enhanced information
> sharing, they are hesitant to give up control of their information."[29]

Although it may be hard to identify exactly how much of a given project may not be technology

related, it is safe to say that the vast majority of your time and effort will center upon policy

questions.

Conclusion

No brief guide can possibly address all of the issues that are involved in building a robust

criminal justice system data sharing program. However, it is our hope that this toolkit will

provide important "food for thought" and useful resources to those who are seeking to plan and

implement such efforts. Without question, such sharing can lead to more accurate and timely

data, better criminal justice system decision making, more efficient use of limited resources, and

improved public safety results. Prosecutors can and should play an important leadership role in

such efforts and are ideally situated to help bring them to fruition. As prosecutors, it is important

that we seize the mantle of technology as we fulfill our obligations to do justice, sanction

criminal wrongdoing, protect public safety, and improve the livability of our nation's

communities. Robust criminal justice data sharing is an important means to those ends.

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[29] Amir Holmes, Case Study Series–Delaware Criminal Justice Information System: The Evolution of Integration, SEARCH (Sacramento, CA: Fall/Winter 2001), p. 10. Available online at: http://www.search.org/files/pdf/DE%20case%20study.pdf.

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