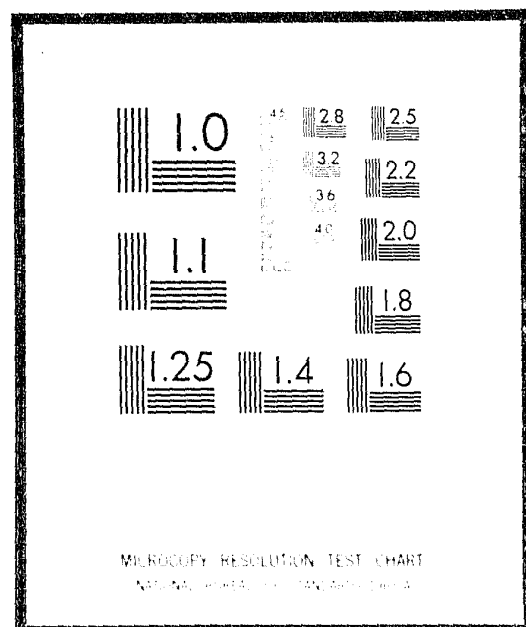


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WASHINGTON, D.C. 20531

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6/9/76

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COMPREHENSIVE CRIMINAL JUSTICE DATA SYSTEMS:

PARTICIPATION BY STATE SUPREME COURTS

By

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This project was supported by Grant Numbers 73TA-99-0006, 72DF-99-0047, and 75DF-99-0031 awarded by the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U. S. Department of Justice, under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Points of view or opinions stated in this document are those of the author and do not necessarily represent the official position or policies of the U. S. Department of Justice.

ABSTRACT

The development of comprehensive criminal justice data systems requires a mutual cooperation of all parties involved in the criminal justice system. As a separate branch of government, State Supreme Courts are generally reluctant to participate in the development and operation of a comprehensive criminal justice data system unless they can remain independent of executive branch agencies, maintain their own data processing facilities and release only selected data. State Supreme Courts would share a criminal case information system only if the responsibility for such an operation rested solely with the Judiciary or with a State Commission composed of equal representation from all branches of government.

State Supreme Courts are protective of the security and privacy of criminal justice information. In order to protect this information, State Supreme Courts would restrict the release of most criminal case and offender-based data to judicial personnel and agencies directly involved in the trial and appeal process. State Supreme Courts are most apprehensive about the release of almost any court-generated data, especially any information which would enable other agencies to derive judicial statistics.

In recent years attention has begun to focus on issues of security and privacy with respect to comprehensive data systems. In the area of criminal justice, proposed Federal legislation¹ and the promulgation of the Law Enforcement Assistance Administration (LEAA) guidelines² are forcing states to investigate the merits of comprehensive data systems. A key element in this process will be the role taken by State Supreme Courts.

Of primary concern to the state judiciary is the preservation of judicial independence provided by constitutional separation of powers and the maintenance of the courts as impartial arbitrators. Since courts must consider not only their relations to law enforcement agencies, but also to defendants and the defense bar, the courts must organize their data processing activities in a manner that neither align nor appear to align the courts with law enforcement agencies to the detriment of defendants.

Conversely, courts are rapidly being projected into the twentieth century regarding organizational structure, management information and data transfer. Presiding judges increasingly must make administrative decisions relating to caseload management and the release of court statistics to non-judicial personnel. In most states this decision-making process is predicated upon large quantities of data which need to be assimilated in a short period of time, thus necessitating computer capabilities. Since data processing facilities dedicated entirely to court matters are expensive in terms of purchase, maintenance and staffing, and shared capacities with executive agencies needing the same or similar data are frequently available, State Supreme Courts are now

trying to determine the extent to which state courts should involve themselves in the exchange of computerized information and the sharing of data processing facilities.

Present Design and Research

The issues concerning State Supreme Court involvement in comprehensive criminal justice data systems are exceedingly complex, and as such, tend to confound efforts to determine current predilections or to project future activity. Furthermore, just as State Supreme Courts are protective of their independence as a separate branch of government, the judiciary is reticent to express an opinion in matters on which they will likely be called upon to make a legal decision.³

Three major issues provide the framework for the current research. First, the advisability of whether State Supreme Courts should share data processing facilities and information with other criminal justice agencies is currently being debated. Inherent in this regard is the question of determining which parties should have sole or shared responsibility for the operation and management, policy decision-making, and monitoring of a comprehensive data system. Second, State Supreme Courts will have to become involved in deciding the types of data which should be contained on criminal case information systems. In conjunction with data selection, the courts may have to determine which types of agencies or personnel should be permitted unrestricted access to computerized criminal justice information. Third, State Supreme Courts are encountering the debate about whether and under what conditions offender-based

records should be removed from data processing systems or completely expunged. Also involved are the questions of whether incomplete criminal case records should be removed from all files and whether individuals should be allowed to inspect and challenge all data contained in their personal files.

A questionnaire was developed which investigated these questions to some detail. To provide relevant supplementary information, questions were also included which probed into the structure of individual court systems and the data processing arrangements utilized by the State Supreme Courts.

The questionnaire was mailed to the Chief Justice of each of the fifty states. The cover letter was from the Secretariat of the Conference of Chief Justices. It stated that the study was devised by staff of the Council of State Governments at the behest of the Chairman of the Conference.⁴ Less than a month later, at the 1974 Annual Meeting of the Conference of Chief Justices, the Chairman of the Conference twice stated his support of the project and encouraged other Chief Justices to complete and return the questionnaire. Twenty-two states responded to the original mailing and verbal encouragement. At the request of the Executive Council a second questionnaire was mailed to the remaining states, accompanied by a letter signed by the new Conference Chairman. Thirteen additional states responded to the second mailing. After a telephone follow-up eight more states submitted their questionnaire, bringing to a total of 43 the number of states responding.

Computer Facilities and Management

Responses to the questionnaire appear to have been influenced by the structure, facilities and procedure currently in operation in the court systems of the responding states. Three states indicated that a computerized record of criminal case information is not needed. In all three instances, the states are sparsely populated and experience an exceedingly low incidence of crime. Another six states indicated that such a computerized record would be of undetermined or questionable value. All other respondents stated that a computerized record of criminal case information was both necessary and desirable.

States which already maintain their own data processing facilities for operational management and case information analysis purposes evidenced very little enthusiasm in sharing data processing facilities with other agencies such as police departments or correctional agencies. Only one state in this category would consider such an arrangement. However, of the states in which the State Supreme Courts share data processing facilities with other agencies from the executive or legislative branches of government, 54 per cent expressed willingness to continue this arrangement. Those states in which the State Supreme Courts are interested in having computer capabilities, but currently do not have access to any facilities of this nature, are even more willing (58 per cent) to share data processing facilities. These statistics would indicate that willingness of State Supreme Courts to share data processing facilities is, to a great extent, a function of the computer arrangements already in operation within the

state, mediated by an obvious preference for internal operation and control of data processing facilities exerted solely by the State Supreme Court.

The sharing of computer facilities does not preclude State Supreme Courts from refusing to share or transfer computerized court-generated criminal case information with other agencies. All states which either have a unified court system or currently have data processing capabilities (or fall into both categories) would be willing to release selected computerized court data. Of the states which are neither unified nor currently have data processing facilities, 67 per cent would not permit the transfer of any criminal justice case information to any non-judicial agency. All states which responded that they currently permit direct transfer of selected information indicated that they would be willing to continue this arrangement. Nine states stated that their State Supreme Courts do not currently permit the direct transfer of any criminal justice case information to any non-judicial agency. Two of these states do not have any computer facilities and both states would be willing to both share data processing facilities and release all court data. These facts would suggest that states without experience in data processing or unified administration either are not cognizant of the difficulties which might result from the release of all court data or they are so interested in gaining computer capabilities that they would be willing to compromise in the area of data transfer. Although all states responded that they would at least be willing to release selected court-generated criminal case information to non-judicial agencies, only 39 per cent of the respondents would be

willing to share a data processing system for criminal case information. Sharing such a system would require allocation of responsibility for (1) operation and management, (2) policy decision-making, and (3) monitoring. In no instance did any respondent indicate that the state legislature or a private agency or foundation (on a contract basis) should assume any of these responsibilities. The State Supreme Courts also did not appear to favor relinquishing any responsibilities to the State Executive Branch, either under the jurisdiction of the State Police or the State Department of Corrections or in a separate department or agency developed for this purpose. Responses tended to be about equally divided between placing these responsibilities solely with the State Supreme Court or solely with a State Commission composed of equal representation from the Judicial, Legislative and Executive Branches of government. Replies slightly favored the State Commission over the State Supreme Court for policy decisionmaking and monitoring related to the comprehensive data system, but the State Commission was definitely the most popular choice for operation and management responsibilities. One state offered the suggestion that courts, police and corrections each individually assume the responsibility for their own system operation whereas the responsibility for all decisions relating to a comprehensive data system should rest with a committee composed of representatives from each group.

The question of responsibility for a comprehensive data system automatically raises the question of separation of powers between the Executive and Judicial Branches of state government. Courts are not willing to permit non-judicial agencies complete freedom to access and

use of judicial data. However, courts also are reticent to assume responsibility for a system over which they not only do not have complete control, but concerning which they may soon have to make judicial decisions as an impartial arbitrator. Although a State Commission might appear to be the most viable alternative, the Massachusetts decision, Opinion of the Justices on H. No. 5293, raises the question of whether an interbranch Commission would be Constitutional.

Record Maintenance and Access

State Supreme Court data processing arrangements and responsibility allocation for a comprehensive data system would affect, to a large extent, the type of files which are contained on criminal case information systems. Since this is another area replete with Constitutional implications, questionnaire respondents were asked to complete an extensive section by indicating what types of agencies or personnel should have unrestricted access to specific types of criminal offender based data. The types of data listed varied in their relationship to the courts, but corresponded very closely to the data components included in the Offender Based Transaction Statistics/Computerized Criminal Histories (OBTS/CCH) formats.⁵ The data types included;

- | | |
|-------------------------------|--|
| 1. Court Case Number | 11. Conviction Offense |
| 2. Defendant's Name | 12. Prosecutor's Reason for Change of Charge |
| 3. Fingerprint Classification | 13. Interim Dispositions |
| 4. Aliases | 14. Terminal Disposition |
| 5. Judge | 15. Bail Status |
| 6. Prosecuting Attorney | 16. Warrants Issued |
| 7. Defense Attorney | 17. Initial Plea |
| 8. Courtroom Assignment | 18. Final Plea |
| 9. Jury Utilization | 19. Arrest (Date) |
| 10. Original Charge | |

- 20. Arraignment (Date)
- 21. Indictment (By Type and Date)
- 22. Preliminary Hearing (By Results and Date)
- 23. Trial Termination (By Trial Type and Date)
- 24. Continuances (By Reason, Requestor and Date)
- 25. Motions (By Type, Requestor, Rulings and Date)
- 26. Appeals (By Type, Requestor, Rulings and Date)
- 27. Sentence (By Type and Date)
- 28. Custody Status
- 29. Release Status (Probation and Parole)
- 30. Witnesses (Police and Other)
- 31. Complainants
- 32. Past Offenses
- 33. Background Information (Age, Sex, Race, Employment Status, Residential Status, Marital Status, etc.)
- 34. Medical and Psychiatric Reports (Confidential)
- 35. Behavioral and Attitude Reports (Confidential)
- 36. Social Security Number
- 37. Police Intelligence Information (Information Not Fully Substantiated Nor Resulting from Public Hearings)

As might be expected, State Supreme Courts were most willing to provide access to the court case numbers, but least willing to release police intelligence information.

After reordering the data in conjunction with response frequency, a general pattern appears to develop. State Supreme Courts would first release information of public record. This would include the defendant's name, the conviction offense and the sentence. The next grouping is more related to the field of corrections. Within this nexus are release status, custody status, past offenses, final pleas and terminal disposition. Closely following the correctional grouping is information used by the police and prosecutor, including indictment, arraignment, aliases, warrants, and bail information. Next comes information relating to internal court processing or intermediate court actions, such as motions, continuances, interim dispositions and courtroom assignment. The final grouping contains items of a more sensitive nature. In addition to police intelligence information, this category includes confidential reports and the prosecutor's reason for change of charge.

TABLE I
MEAN ACCESS RATES TO COMPUTERIZED CRIMINAL CASE INFORMATION BY SCORE OF AGENCY^a

TOTALS ^b	1219	1204	1156	1137	1085	1067	1052	1022	978
Employment Agencies (EA)	19	11	7	7	7	4	4	7	4
Retail Credit and Loan Agencies (RC)	19	11	7	11	7	4	4	7	4
NO One (NO)	0	0	0	0	0	0	0	0	4
Highway Department (HW)	22	22	15	7	11	4	7	7	7
Mass Media (MM)	19	15	11	7	11	7	7	11	4
General Public (GP)	19	15	19	11	11	7	7	11	4
Social Service Agencies (SS)	41	44	19	50	15	19	11	11	7
Research or Educational Institution (RO)	30	22	19	22	19	15	15	19	15
Federal Government (FG)	59	67	59	52	48	63	48	41	41
Parole Services (PL)	85	85	78	85	89	67	78	59	67
Individual Offender (IO)	67	67	59	56	52	52	59	56	56
Corrections Department (CD)	82	85	93	85	85	74	85	63	74
Probation Services (PB)	93	93	93	96	93	85	85	63	74
Police Department (PD)	93	93	96	100	100	93	93	85	93
State Appellate Court (AC)	89	89	89	89	85	85	85	89	82
Defense Attorney (DA)	93	93	96	96	82	96	89	96	85
State Supreme Court (SC)	100	100	100	100	93	96	93	100	89
State Court of Limited Jurisdiction (LC)	96	96	100	100	93	96	93	100	89
Prosecuting Attorney (PA)	96	96	100	100	89	100	96	100	89
State Court of General Jurisdiction (GC)	100	100	100	100	96	100	93	100	93
Court Case Number	100	100	100	100	96	100	93	100	93
Defendant's Name	100	100	100	100	96	100	93	100	93
Sentence	100	100	100	100	96	100	93	100	93
Conviction Offense	100	100	100	100	96	100	93	100	93
Release Status	96	96	100	100	89	100	96	100	93
Terminal Disposition	100	100	100	100	96	100	93	100	93
Custody Status	93	93	100	100	96	100	93	100	93
Final Plea	100	100	100	100	96	100	93	100	93
Past Offenses	93	93	100	100	96	100	93	100	93

	GC	PA	LC	SC	DA	AC	PD	PB	CD	IO	PL	FG	RO	SS	GP	MM	HW	NO	RC	EA	TOTALS ^b
Aliases	82	89	82	78	82	70	100	85	82	56	78	59	4	11	4	4	4	0	4	4	974
Trial Termination	100	93	96	96	85	82	85	67	67	48	59	41	15	11	11	7	4	0	4	4	974
Background Information	82	89	82	78	89	70	70	82	78	52	78	41	22	15	7	7	11	7	7	7	974
Prosecuting Attorney	100	100	100	100	89	93	82	67	56	52	56	30	7	7	7	7	4	0	4	4	963
Arrest Date	93	100	93	93	93	85	93	56	48	56	48	44	15	11	7	7	4	0	4	4	952
Warrants Issued	96	96	93	89	82	82	93	59	52	48	44	59	15	7	4	7	7	0	4	4	941
Arraignment Date	100	100	100	96	96	89	89	44	41	56	37	37	15	11	7	7	4	0	4	4	937
Bail Status	96	100	96	96	96	85	93	52	37	56	30	48	11	7	7	7	4	0	4	4	930
Indictment	100	96	96	96	93	85	85	44	44	59	37	37	11	7	7	7	4	0	4	4	919
Defense Attorney	96	93	96	96	93	89	67	63	52	52	52	26	7	7	7	7	4	0	4	4	915
Original Charge	89	96	96	85	93	82	89	56	44	56	44	30	19	7	4	4	4	4	4	4	907
Appeals	100	89	100	100	85	93	56	44	41	52	33	26	15	7	7	7	7	0	4	4	870
Preliminary Hearing	93	93	89	93	89	82	70	41	33	52	33	30	15	11	7	7	4	4	4	4	852
Initial Plea	96	96	93	93	89	85	63	33	30	52	30	26	15	7	7	7	4	4	4	4	837
Courtroom Assignment	89	82	85	82	82	74	63	52	37	56	41	26	15	11	15	11	4	4	4	4	833
Interim Dispositions	85	85	82	85	82	78	63	52	33	44	30	33	15	7	7	7	4	11	4	4	811
Continuances	96	89	93	89	82	74	52	33	26	44	26	22	15	11	7	7	4	4	4	4	782
Judge	93	70	89	96	67	85	48	44	44	41	41	26	4	7	4	4	0	4	0	0	767

	GC	PA	LC	SC	DA	AC	PD	PB	CD	IO	PL	FG	RO	SS	GP	MM	HW	NO	RC	EA	TOTALS ^b	
Motions	96	89	93	89	85	74	44	30	26	44	22	15	15	7	7	7	4	4	4	4	4	759
Complainants	85	89	82	78	82	70	82	30	19	52	19	19	15	7	7	7	4	7	4	4	4	759
Witnesses	85	89	85	78	82	70	78	26	22	52	22	19	11	4	4	4	4	11	4	4	4	752
Fingerprint Classification	56	63	56	52	56	48	100	59	63	41	59	56	4	4	4	4	4	0	4	4	4	733
Prosecutor's Reason for Change of Charge	70	93	74	70	78	63	63	37	26	44	30	19	15	11	7	7	4	7	4	4	4	726
Social Security Number	56	63	52	52	59	44	67	56	48	41	52	41	7	22	4	4	4	22	7	4	4	704
Medical and Psychiatric Reports	78	59	74	67	56	67	33	59	48	33	52	26	4	0	0	0	0	15	0	0	0	670
Behavioral and Attitude Reports	74	59	70	63	59	63	33	56	48	30	48	19	4	0	0	0	0	19	0	0	0	644
Jury Utilization	85	56	70	82	48	63	26	22	22	37	19	26	19	7	7	4	4	11	4	4	4	615
Police Intelligence Information	7	37	7	4	22	4	59	7	7	11	7	11	0	0	0	0	0	37	0	0	0	222
TOTALS ^b	3259	3219	3185	3133	3014	2830	2789	2130	1900	1837	1819	1367	500	411	214	256	207	178	170	163		

^a These rates are based on the percentage of State Supreme Courts which indicated that a specific agency should have unrestricted access to a particular type of information.

^b Numbers given in columns and rows may not sum to given total due to rounding error.

The ordering of all the data elements, however, is not consistent with the above pattern. In fact, certain glaring inconsistencies are present. State Supreme Courts exhibit little reticence in revealing an individual's background information. On the other hand, State Supreme Courts appear to be very conservative about the release of almost any court-related data. For instance, courts exhibit a great reluctance to release the name of the presiding judge. Although some court-related data (such as courtroom assignment and jury utilization) may be of minor significance to other agencies, information relating to such items as motions and initial pleas are frequently used by other agencies. Furthermore, the respondents even were hesitant to release statistics relating to the original charge. This would indicate that State Supreme Courts will continue to be very hesitant about participating in any jointly administered criminal case information system wherein other agencies can access or derive judicial statistics.

Relative access to criminal offender-based data by agencies divides into rather predictable categories. Greatest access is permitted to those agencies actively involved in the system of conviction and appeal. The trial court of general jurisdiction is ranked as having the greatest access to the most information. Since many of the items are generated by the trial court, this distinction is consistent. The prosecuting attorney can receive more information than any of the three remaining court levels (Supreme Courts, Lower Courts, and Appellate Courts). This order probably is a consequence of the role played by the prosecutor in the conviction process. It is noteworthy, however, that the State Supreme Courts did not avail themselves of complete access to all data.

The two remaining agencies in this category are the defense attorney and the police department. Both these groups are active participants in the trial process.

The second category contains two diverse types of groups. The first group relates to state agencies participating in the processes of sentencing and rehabilitation. Foremost in this division are the court-related probation services, followed by corrections departments and parole services. These agencies need criminal offender-based data in order to fulfill their manifest functions of rehabilitation and supervision. The second group contains both the individual offender and the Federal government. Although the individual is represented by his or her defense attorney, the presence of the offender in this category indicates some recognition on the part of State Supreme Courts that individuals should have access to their own files. The access ranking of the Federal government is probably due to a general recognition that offender information and criminal history statistics must be released to the National Criminal Information Center (NCIC) under the auspices of the Federal Bureau of Investigation (FBI) in order that police may continue to utilize FBI information services for apprehension, identification, and previous conviction information. The fact that state respondents did not favor releasing greater quantities of data to the Federal government probably reflects a widespread recognition that information, once entered on the Federal system, can no longer be updated or edited by state agencies.

The third access category represents public interests and includes groups such as research or educational institutions, retail credit or

loan agencies, employment agencies and the mass media. Two state agencies are included: highway departments and social service agencies. It is noteworthy that the State Supreme Courts consider the access interests of the general public and the mass media to supercede the interests of state highway departments. Retail credit or loan agencies and employment agencies rank below the entry indicating that "no one" should be able to access the file. Although research and educational institutions and social service agencies fare better than other entries in this category, responses show that State Supreme Courts do not favor providing them with much more information than would be available as a matter of public record. The low-ranking position of the mass media indicates a general rejection of any policy which would release judicial statistics and criminal offender-based information to the press.

States responding to the questionnaire added four more items to the types of data which should be included in criminal case information systems. The four items were (1) time for hearing, (2) time for case disposition, (3) prior habeas corpus applications on past conviction proceedings, and (4) pre-sentence investigation reports. Because other states could not respond to these items, they were not included in the general analysis.

Record Removal and Expungement

The accumulation of information records on criminal offenders and the computerization of this data raise the question of whether files should be inspected, edited or removed. State Supreme Courts evidenced

relatively strong support for allowing individuals to inspect and challenge all data contained in their personal criminal case information files.⁸ This is consistent with the responses recorded in the previous section. Although courts support the right of an individual to inspect and challenge his or her personal file for the purpose of correcting erroneous information, they do not express as strong a predilection to remove from the files (at the option of the local court) criminal case arrest records which are not followed by court disposition. Not only does the presence of these files leave records in an incomplete status, but they also may unduly prejudice future criminal processing related to the individual involved.

Two items on the questionnaire probed possibilities for the elimination of criminal offender-based information records at some specific time after an individual has been released from the criminal justice system. Only 53 per cent of the respondents agreed that these records should eventually be removed from data processing systems, and still fewer respondents were willing to completely expunge the records, even if this option remains solely at the discretion of the local court.

The responses to the above questions indicate a mild, general tendency of State Supreme Courts to preserve criminal case information records. This trend is most apparent in instances where the data would be completely destroyed, less operational where access to the data would be severely limited, and least manifest where the validity of the data is questionable.

TABLE 2

STATE SUPREME COURT RESPONSE TOWARD THE INSPECTION AND REMOVAL OF CRIMINAL CASE RECORDS^a

	AGREE (%)	NEUTRAL (%)	DISAGREE (%)	TOTAL ^b (%)
Expungement of Criminal Case Records	47.1	17.6	35.3	100.0
Removal of Computerized Criminal Case Records	53.1	31.3	15.6	100.0
Removal of Incomplete Criminal Case Records	61.8	11.8	26.5	100.0
Inspection of Individual Criminal Case Records	77.1	14.3	08.6	100.0

^aThis table reflects only percentage distribution since the limited number of respondents undermines the validity of further statistical analysis.

^bTotals vary due to rounding error.

Conclusions and Implications

The development of comprehensive criminal justice data systems enables criminal justice personnel to make educated and reliable decisions relating to individual offenders, rehabilitation programs, criminal apprehension, and case processing. Such systems, however, require the mutual participation and cooperation of all parties involved in the criminal justice system. State Supreme Courts are being encouraged to join this effort, even though they reside in a different branch of government from other criminal justice agencies. Because of their prescribed role, courts must decide to what extent and under what conditions they would be willing to participate in the development, operation and direction of comprehensive data systems. The current data suggest that State Supreme Courts will be reluctant to participate in these systems unless they can remain independent of Executive Branch agencies. Courts can be expected to make every effort to support an arrangement whereby State Supreme Courts maintain their own data processing facilities and release only selected data to other agencies. If the courts were to share a data processing system for criminal case information with non-judicial agencies, responses indicate that State Supreme Courts would accept the arrangement only if the responsibility for such a system rested solely with the judiciary or with a State Commission composed of equal representation from all branches of government.

One of the primary considerations deterring State Supreme Courts from participating in comprehensive data systems is the security and privacy of criminal justice information. The courts would oppose the release of

most case processing information to non-judicial personnel. The responses also indicate that the courts would tend to favor restricting access to criminal offender-based data to agencies directly involved in the trial and appeal processes, with limited access granted to rehabilitation agencies, the individual offender, and the Federal government. Although State Supreme Courts would secure comprehensive data systems by restricting access to criminal offender-based data, they are less inclined to provide individuals who have been released from the criminal justice system the privacy afforded by removing offender records from the data system or expunging them completely. However, the state courts are strongly in favor of allowing individuals the rights to inspect and challenge the content of their personal files.

State Supreme Courts are protective of their Constitutional mandate as a separate branch of government. They are wary that participation in a comprehensive criminal justice data system might set a precedent for reducing the separation of powers or control in state government, and the courts are reluctant to expose the judiciary to interference, monitoring or evaluation by agencies representing other branches of government. However, factors of efficiency, economy and improved access to non-judicial criminal history information may well overcome this reluctance, providing that adequate Constitutional protections are provided in the organizational development of a comprehensive criminal justice data system.

FOOTNOTES

1. At the time the study commenced bills submitted by Senator Ervin (S.2963) and Senator Hruska (S.2964) were pending in the United States Senate.
2. LEAA released their Criminal Justice Information Systems - Proposed Regulations (39 Fed. Reg. 5636) in February, 1974. Since that date six hearings have been held (four in Washington, D.C. and two in San Francisco) and LEAA has incorporated this information into a second draft of the guidelines.
3. The Commonwealth of Massachusetts has already provided a precedent in these matters. In the Opinion of the Justices on H. No. 5293, the Supreme Judicial Court ruled that a bill providing for an electronic data processing and telecommunications commission and department which would centralize and operate all of the electronic data processing and telecommunications services needed by all branches of the government of the Commonwealth is unconstitutional because the proposed agency would be antithetical to the notion of separation of powers, even though the commission was to be composed of equal representation of the Governor, the President of the Senate, the Speaker of the House, and the Chief Justice of the Supreme Judicial Court.
4. The Conference of Chief Justices is an organizational affiliate to the Council of State Governments and the Council of State Governments provides all secretariat services required by the Conference of Chief Justices.
5. National Advisory Commission on Criminal Justice Standards and Goals, Criminal Justice System, Washington, D.C.: U.S. Government Printing Office, 1973, pp. 98-101.

END