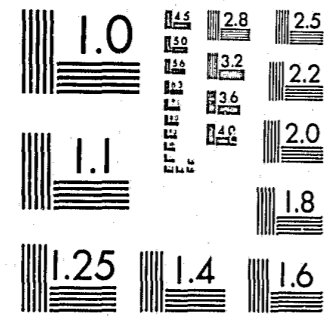


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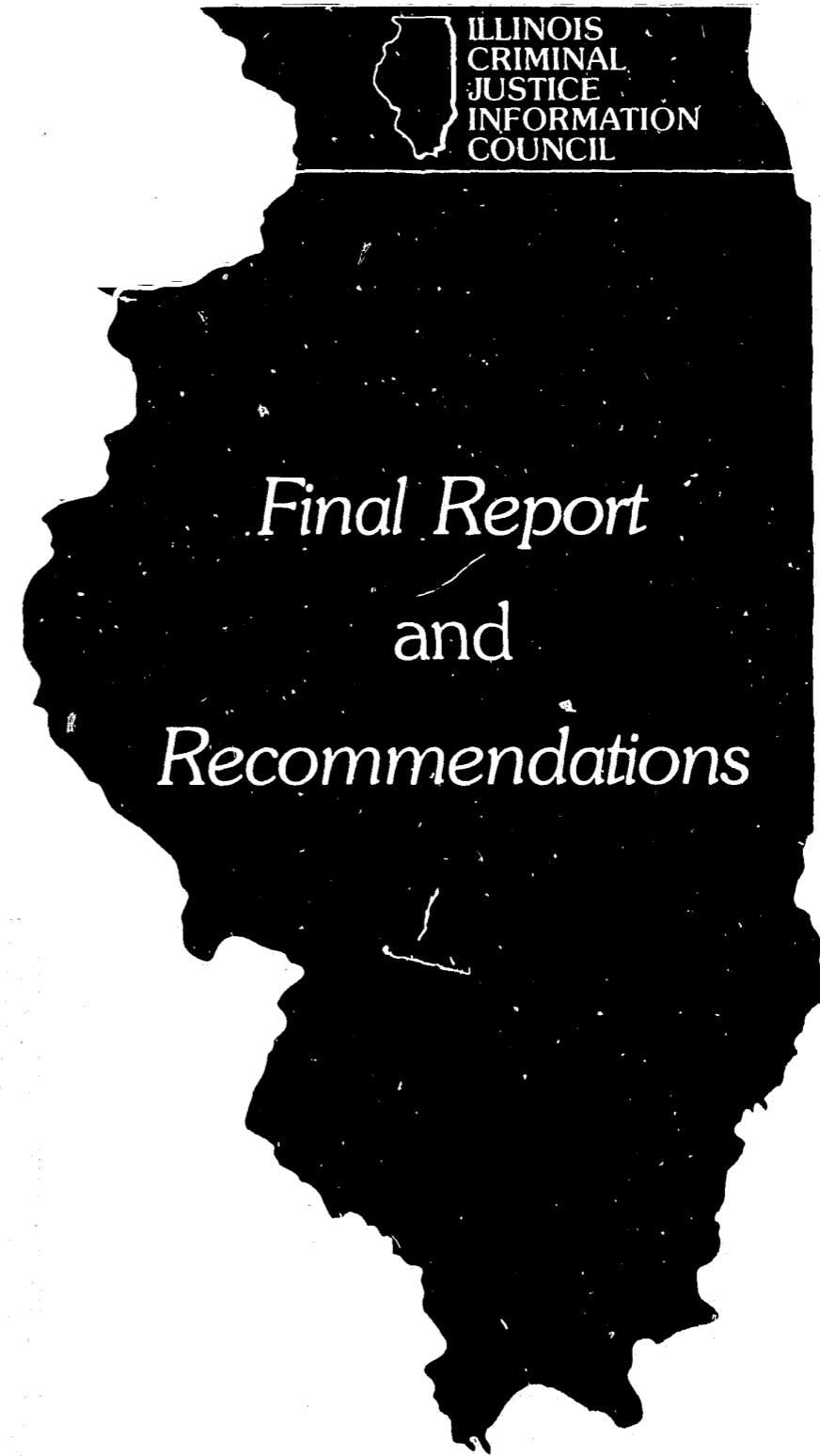
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ILLINOIS
CRIMINAL
JUSTICE
INFORMATION
COUNCIL

*Final Report
and
Recommendations*



ILLINOIS
CRIMINAL
JUSTICE
INFORMATION
COUNCIL

120 South Riverside Plaza
Chicago, Illinois 60606

FINAL REPORT AND RECOMMENDATIONS OF THE
ILLINOIS CRIMINAL JUSTICE INFORMATION COUNCIL

Council Members

William Gould, Chairman

James Sprowl, Vice Chairman

Charles Gruber

Donald Hubert

James Jack

Arthur Lindsay

The Honorable Michael Mihm

Council Staff

J. David Coldren, Director

Paul Fields, Secretary

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National Institute of Justice

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**ILLINOIS
CRIMINAL
JUSTICE
INFORMATION
COUNCIL**

120 South Riverside Plaza
Chicago, Illinois 60606

William Gould
Chairman

March 16, 1983

The Honorable James R. Thompson
Governor of the State of Illinois
Room 207 State Capitol Building
Springfield, Illinois 62706

Dear Governor Thompson:

It is with great pride and pleasure that I submit the attached Final Report and Recommendations of the Illinois Criminal Justice Information Council, summarizing five years of study of criminal justice information systems issues in Illinois.

While our findings and recommendations should speak for themselves, there are a few major conclusions which we would especially like to emphasize.

First, the Council's legislative proposal, entitled the "Criminal History Record Information Act," (also attached) would significantly alter existing law and information practices in Illinois. Criminal justice agencies would be held accountable for the quality of the information which they collect, maintain, and disseminate, and all criminal history record information (except for non-conviction information older than a year) would be publicly available through the Bureau of Identification, within two weeks of request, for a reasonable fee.

The Council had great difficulty in resolving the inherent conflict between those who advocate in favor of opening criminal records to the public and those who would keep them closed. The Council has chosen, quite frankly, a reasonable and workable compromise between the two positions. Access to non-conviction information more than one year old should be limited to law enforcement purposes and to those persons or government agencies having a legitimate need to know it.

Second, ambiguities in the current disposition reporting law need to be eliminated to assure the timely delivery

The Honorable James R. Thompson
March 16, 1983
Page 2

of accurate and complete criminal history record information to criminal justice officials.

Third, the Department of Law Enforcement's Computerized Criminal History (CCH) System is in need of major modifications and upgrades to ensure efficient entry of data and to support the daily decisions of the system's users and managers.

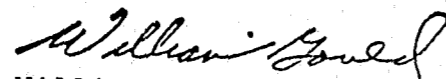
Fourth, the CCH System should contain complete records on all active offenders. This objective has never been realized and represents a major shortcoming in the current system. The Department of Law Enforcement should establish mandatory criteria for accomplishing this goal.

Fifth, there must be a mechanism directly responsible to the Office of the Governor for reconciling competing budgetary, management, and operational demands of the justice community. The Illinois Criminal Justice Information Authority should consider coordinating a state criminal justice budget for the purpose of transforming sound public criminal justice information policies into cost-effective public programs

Finally, we would be remiss if we did not take this opportunity to thank the many cooperative and dedicated state and local officials and citizens of the criminal justice community who have assisted the Council over the years.

As always, it has been an honor for the Council to serve you and the People of Illinois.

Respectfully submitted,



William Gould
Chairman

cc: James Sprowl, Vice Chairman
Charles Gruber
Donald Hubert
James Jack
Arthur Lindsay
The Honorable Michael Mihm
J. David Coldren, Director
Paul Fields, Secretary

Enclosure

ACKNOWLEDGMENTS

We want to thank the many cooperative and dedicated State and local officials and citizens who have assisted the Illinois Criminal Justice Information Council over the years.

In particular, we wish to give special recognition to the Criminal Justice Information Systems (CJIS) Division of the Illinois Law Enforcement Commission; the Illinois Department of Law Enforcement's Division of Support Services (especially Deputy Director Sam Nolen, Bureau Chief Gary McAlvey, and Assistant Bureau Chief John Loverude); Winifred Lyday of the Administrative Office of the Illinois Courts; and James Murphy, Legal Advisor to the Peoria Police Department.

FINAL REPORT AND RECOMMENDATIONS OF THE
ILLINOIS CRIMINAL JUSTICE INFORMATION COUNCIL

Introduction

When Governor James R. Thompson established the Illinois Criminal Justice Information Council in November 1977, he asked the seven members:

- To develop uniform statewide policies for criminal justice information;
- To monitor the data quality and operations of criminal justice information systems;
- To provide an effective forum for the protection of individual rights to privacy and to ensure the security of criminal history record information;
- To promote coordination among criminal justice agencies for the orderly development of data leading to the more efficient management of law enforcement efforts; and
- To advise and to make recommendations to the Governor and General Assembly on policies relating to criminal justice information systems.

This Final Report and Recommendations was specifically written to apprise the Governor and the Council's successor agency -- the Illinois Criminal Justice Information Authority -- more fully of the Council's work. It was also drafted to provide the criminal justice community with a brief and readable report, highlighting the major issues studied by the Council for five years, and summarizing how those issues have been resolved. Basically, this Final Report and Recommendations describes what the Council accomplished; what problems it uncovered; and what problems yet remain.

Background

The middle 1970's marked an era of constant change and challenge for the criminal justice community. Federal funds for criminal and juvenile justice programs were flowing and new acronyms and "buzz words" were in vogue. There was money aplenty, especially for OBTS (Offender-Based Tracking System), for CCH (Computerized Criminal History), for OBSCIS (Offender-Based State Correctional Information System), for SJIS (State Judicial Information System), and for SAC (Statistical Analysis Center). In Illinois, the Illinois Law Enforcement Commission was responsible for seeing that these monies were properly allocated and spent. The Criminal Justice Information Systems (CJIS) Division of the Commission was established to coordinate the development and implementation of federally-funded criminal justice information systems.

With the federal funds came federal regulations in 1975. And with these federal regulations came a new jargon -- CHRI (criminal history record information); privacy and security; SCR (state central repository); accuracy and completeness; mandatory query before dissemination; annual audit; access and review; and the need to know -- to name but a few.

With the federal CJIS regulations came specific requirements for the collection, maintenance, and dissemination of criminal history record information (better known as criminal records or "rap sheets"), and with these regulations also came specific responsibilities. The states had to submit a Criminal History

Record Information Plan in June 1976, describing how they intended to comply with the federal regulations, and by March 1978, the states had to certify that they had, in fact, complied.

The Department of Law Enforcement's Bureau of Identification, located in Joliet, is the Illinois state central repository for criminal history record information concerning felonies and Class A and Class B misdemeanors. In October 1975, Illinois adopted a disposition reporting law which required that all state's attorneys report to the Department of Law Enforcement whether or not criminal charges were filed and that all clerks of the circuit courts report the final disposition of those charges that had been filed.

Under the Illinois CHRI Plan, the Illinois Department of Law Enforcement stated it would establish procedures to audit the accuracy of the data which it entered in its Computerized Criminal History (CCH) System. The Department also said that it would monitor local criminal justice agencies to ensure their compliance with the federal regulations. In response to the age-old question, "Who audits the auditor?", the Illinois Criminal Justice Information Council was created to audit the procedures, policies and criminal history recordkeeping practices of the Department of Law Enforcement.

Illinois soon became recognized as the national leader in guaranteeing that its citizens would be able to review, correct, and challenge the contents of their own criminal history records. The Council was the administrative appeal body for individual

challenges to the accuracy and completeness of criminal history record information.

In addition, there were federal guidelines calling for the states to establish Statistical Analysis Centers to improve the quality and availability of criminal justice data and mandating that an independent advisory council oversee the work of each state's SAC. Governor Thompson instructed the Council to provide policy direction to the Illinois Statistical Analysis Center in his Executive Order #7 (dated November 18, 1977).

By the 1980's, the pipeline full of federal dollars was emptying, and the Illinois Law Enforcement Commission's responsibility to plan and disburse the funds for criminal and juvenile justice programs in Illinois was abating; while, at the same time, the Commission's responsibility to coordinate the design, development and implementation of criminal justice information systems was expanding rapidly. As a result, Governor Thompson ordered the reorganization of the Illinois Law Enforcement Commission and the Council. The General Assembly agreed with his plan and enacted conforming legislation (the Illinois Criminal Justice Information Act) which created the Illinois Criminal Justice Information Authority on January 1, 1983. On that same date, the Act abolished the Council and called for the phasing out of the Commission by April 1, 1983.

The Illinois Criminal Justice Information Authority is comprised of key state and local representatives of the criminal justice community. It has been given the relevant, combined powers of both the Commission and the Council.

FINDINGS AND RECOMMENDATIONS

Access and Dissemination

In 1978, the Council began studying the issues involved with gaining access to and disseminating criminal history records in Illinois. From a series of public hearings, the Council learned that the federal regulations governing the collection, maintenance, and dissemination of criminal history record information had the effect of throwing long-established information practices into turmoil. Some law enforcement agencies in Illinois, along with their counterparts throughout the nation, tended to overreact to the federal requirements, and they drastically changed their dissemination policies. For example, some agencies refused to provide military recruiters with criminal background information about new recruits. Others stopped providing private security companies with information they had been supplying for years. Some agencies stopped the flow of information to the media and to private corporations. Some agencies even went so far as to refuse to share information with other criminal justice agencies in the State.

During the course of these public hearings, the Council documented numerous other problems regarding criminal history recordkeeping practices. For example:

- While criminal history record information is widely accessible to some persons, there is no single set of minimum guidelines guaranteeing uniform access to the public. Similarly, there is no minimum standard restricting public access to sensitive information.

- Some felony and Class A and B misdemeanor information that should be collected by the Department of Law Enforcement is either not reported because of ambiguity in the current disposition reporting law or cannot be recorded by the Department because fingerprints have not been taken.
- The Department of Law Enforcement does not release criminal history record information for research purposes.
- Non-law enforcement government agencies often have difficulty gaining access to criminal history record information which they need to administer their statutory duties.
- There are at least three different legal standards in Illinois: state law applies to the Department of Law Enforcement only; federal regulations apply to the recipients of federal funds and to the information maintained by the Department of Law Enforcement; and there are no state statutes regulating the dissemination of information maintained by local criminal justice agencies.
- The police department of the City of Chicago has developed a complex matrix just to determine whether or not a request for criminal history record information may be granted.

These and other problems led the Council to conclude that current laws in Illinois relating to the dissemination of criminal history records are confusing and difficult to administer and convinced the Council that a comprehensive, statewide program for the uniform collection, maintenance, and dissemination of criminal history record information is sorely needed.

The Council's recommended solutions to these problems are contained in proposed legislation which calls for uniform access and dissemination policies applicable to all state and local criminal justice agencies. (The Council has issued a separate, annotated report entitled "The Criminal History Record Information Act.")

The proposed CHRI Act represents, in the Council's opinion, a workable compromise between competing interests. First, there is the need for government agencies to collect and disseminate information about the people with whom they come in contact. Second, there are the constitutional rights of individuals to be free from improper intrusions into their privacy and reputations. And third, there is the public's right to be informed fully about the official actions of criminal justice agencies as well as elected and appointed officials.

The concepts underlying the Council's proposed CHRI Act are based on two major principles. First, all criminal history record information (except for non-conviction information more than a year old) should be made available to the public through the state central repository. However, the paramount concern of the Council was that the accuracy and completeness of this information must be guaranteed to the fullest extent possible. Therefore, the Council's general position in favor of open records is inextricably linked to the quality of the data found in the CCH file. The Council's position would be altered by the presence of "bad data" in the file.

The second principle is that government agencies must be held accountable for the accuracy and completeness of the data which they collect, maintain and disseminate. The Council concluded that certain sovereign and tort immunity concepts have outlived their usefulness and that individuals should be able to redress their damages effectively against an agency (but not an

individual official) for any dissemination of erroneous information.

The problem which proved most perplexing to the Council was its attempt to reach a balance between the concerns of those who argued in favor of unrestricted access to all criminal history record information and those who would limit all access to law enforcement agencies and those who could demonstrate a "need to know." Finding both of these positions unsatisfactory, the Council proposed a compromise solution. Non-conviction information would be open to the public for one year following an acquittal or non-conviction. After one year, however, this information would be restricted to law enforcement agencies and to those establishing a legitimate need to know the information.

The Council determined that the one year period of accessibility would be sufficient in most cases to ensure the ability of the press and others to investigate official conduct and misconduct and to air the facts. However, a longer period of accessibility would begin to expose an individual who was not convicted of any crime to potential damage to his or her reputation.

Admittedly, there could be occasional anomalies which could undermine the one year compromise period reached and cause those in favor of total access to advocate lengthening it. For example, the recent Gacy murders and cyanide-laced Tylenol poisonings both involved the dissemination of non-conviction information well over one year old to an anxious and fearful public.

In spite of this, the Council supports a compromise position that uniform criteria should be established limiting access to non-conviction information more than one year old to law enforcement agencies and to those persons or agencies demonstrating a legitimate need to know the information.

Other major positions taken by the Council in the CHRI Act include:

- Encouraging the sharing of information between government agencies;
- Establishing uniform procedures for disseminating criminal justice information to the public; and
- Actively encouraging full enforcement of the Act by the Attorney General and private citizens when its provisions are violated, while at the same time providing disincentives to discourage frivolous suits filed merely to harass government agencies.

Another problem noted by the Council involves the present inability of the Department of Law Enforcement to enforce the 30-day disposition reporting period on local state's attorneys and clerks of the circuit courts. While the current law sets this time period there are no penalties for its violation, nor is there any enforcement mechanism. In order to solve this problem, the Council chose a "carrot and stick" approach. That is, if the local agencies report the required information to the Department accurately and within the mandated time period, then the State will act as a guarantor and indemnify the local agencies should there be any damages awarded for erroneous dissemination at a later date. But, if the local agencies take longer than the prescribed periods in which to report, then they stand on their own and must suffer any consequences that result from their delay.

The Council also held hearings on the topic of destruction of original records, commonly referred to as "expungement." During the course of this public testimony, several problems were brought to the Council's attention, which led the Council to conclude that the current law with respect to destruction of non-conviction information is ineffective.

First, the state central repository does not carry out the automatic return provision found in the current law regarding non-conviction information. Instead, it requires a court-ordered petition for expungement before removing the information from its files. Moreover, automated information is not truly destroyed; only the indices to the information are destroyed.

Second, the current expungement law applies only to the records of the Department of Law Enforcement, the arresting agency, and the courts. It does not address information maintained in the files of state's attorneys, county jails, probation offices, and other criminal justice agencies. Thus, the purpose of destroying the total existence of a criminal history record is never fully implemented even under present law in Illinois.

Third, the Council received testimony that the courts are not destroying the court records relevant to an arrest as is required by the current law, but rather they are impounding the records from public view on the theory that the "separation of powers" doctrine prevents the General Assembly from legislating the destruction of court documents.

Fourth, the current expungement law inadvertently promotes the maintenance of more complete criminal history records (of persons with prior convictions) at the local level rather than at the state level. This policy works in opposition to state law establishing a central state repository for such information.

In conclusion, the Council gave great deference to its perception that a criminal history record consists of notations of formal public events such as an arrest, trial and sentencing, all of which, because of their public nature, give rise to very little, if any, justification for confidentiality or secrecy. Thus, the Council's policy generally favoring open access to criminal history records is based on the principle that the CHRI Act merely regulates public records, maintained at public expense, which relate to public proceedings.

*** Recommendations for Access and Dissemination:**

1. A uniform policy governing access to and dissemination of criminal history record information should be legislatively adopted and applied to all state and local criminal justice agencies throughout the State.
2. Accurate and complete criminal history record information (except for non-conviction information which is more than one year old) should be available to the public through the state central repository, within two weeks of request and for a fee.
3. Non-conviction information more than one year old should be available only to criminal justice agencies and those government agencies and persons establishing a legitimate need to know it.
4. The individual should be guaranteed the right to review his or her own criminal history record and to have it corrected.
5. The individual should have effective redress of damages for the dissemination of erroneous criminal history record information about him or herself.

6. The expungement of original criminal history records, as required by current law, should generally be prohibited.

Data Quality Control

Another major concern of the Council over the past five years has been with the quality -- the accuracy and the completeness-- of data maintained in criminal justice information systems. This concern evolved from both the Council's responsibility to audit the recordkeeping practices of the state central repositories and from its study of access and dissemination issues. The Council concluded that there can be no justification for maintaining in any database, manual or automated, factually incorrect data or data which omits crucial facts. Criminal justice decision makers -- police, state's attorneys, judges, probation officers, and corrections officials -- rely heavily on the quality of criminal history record information provided to them. For example: 1) the lives and safety of police officers in the field are dependent upon knowing if a suspect has a propensity for past violence; 2) state's attorneys make bail recommendations to the court and make charging decisions based on an offenders past record; and 3) criminal history record information, particularly the record of past convictions, is vital to judges in making bond and sentencing decisions. Thus, the years of study have convinced the Council that the delivery of timely, accurate and complete criminal history record information to criminal justice decision makers is essential to the protection of society and the delivery of justice.

The Council has also emphasized the importance of data quality because of its direct link with dissemination issues. To the extent that the State CCH System can guarantee that it will

report complete and accurate information, then the potential damage to an individual's reputation will be minimal. Moreover, accuracy and completeness are equally important to criminal justice officials, because they are responsible for vital decisions affecting the liberty of individuals, the victims of crime, and society as a whole. Their decisions can be no better than the quality of the information provided to them at the time of decision making. These factors led the Council to conclude that there is no justification for the maintenance of inaccurate or incomplete information by government agencies in criminal history record systems.

The audits and public hearings conducted by the Council have demonstrated that the most pressing data quality issue for the criminal justice community today is completeness, not accuracy. The Council found that even the best records in the CCH System (often erroneously referred to as "CCH complete" records) are missing disposition information in more than half the records of arrest since 1976. The immediate correction of this situation should be the highest priority of the criminal justice information community.

The Council also found numerous instances where information which should be available from the Department of Law Enforcement is not in the CCH System. For example:

- As many as 19,000 arrests each year may not be referred for prosecution. In some four to eight thousand of those cases, this police disposition may never be reported to the Department of Law Enforcement and the arrest remains pending on the CCH System.

- Some state's attorneys do not report to the Department the fact that they may screen a case and decide not to file charges. This could affect as many as 10,200 felony arrests each year.
- Similarly, there are about 40,000 situations each year where criminal cases have been initiated by indictment, notice to appear, or summons, and the dispositions cannot be recorded by the Department because there are no fingerprints or document control numbers related to an arrest which can link the conviction information to a particular offender.
- Some circuit clerks may not report when orders of supervision or probation have been successfully terminated or when they have been revoked or modified by resentencing.
- There is no statutory requirement for correctional facilities to report to the Department when they have received or released a convicted offender.
- The Department may not learn when convictions have been overturned or vacated or when sentences have been modified by the appellate courts.

These facts emphasize the point that disposition reporting is dependent upon local officials and agencies, and is not the sole responsibility of the Department of Law Enforcement.

Another problem which the Council has characterized as a "potential time bomb" deals with automated disposition reporting by computer tapes rather than by manual forms. Currently, two circuit courts -- Cook and DuPage Counties -- report court dispositions by magnetic tape, and several more circuits have (or will have) this capability in the very near future. When a disposition is entered in the CCH System in this manner there is no source document in the Department's files against which the accuracy of the information posted can be corroborated. The only original documentation is in the paper files of the local court. Since the counties with large record volumes have obviously become

automated, the Department of Law Enforcement needs to develop a mechanism to audit the data entry and data verification procedures of the local circuit clerks. In this manner, the Department will gain control of the situation, will be able to gauge the quality of the data being reported to it in an automated fashion, and will develop the ability to correct errors in the information being reported to it.

Finally, the Council has noted the current manner in which state's attorneys report dispositions to the Department of Law Enforcement. If charges are filed, the current practice is to have the state's attorney fill out the top part of a manual form and then forward it to the clerk of the circuit court, who enters the final court disposition in the case. Since a final court disposition averages between eight and nine months statewide, the Department's receipt of the state's attorneys' dispositions are far too late for two reasons. One, the state's attorney's decision to file charges is received by the Department far in excess of the 30 day requirement of the current statute, and two, this late reporting of information renders it impossible for the Department to know what dispositions are and are not actually delinquent. The Council encourages the Department to change the current forms so that prosecutors will mail a copy of charges filed or not filed directly to the Department and not forward the form to the clerk for submission at a later date.

* Recommendations for Data Quality Control:

1. Criminal justice agencies should be held accountable for the accuracy and completeness of the criminal history record information they collect, maintain and disseminate.
2. Loopholes in current legislation should be eliminated so that all formal events in the criminal justice system regarding major offenses are reported directly to the Department of Law Enforcement in a timely, accurate, and uniform manner, especially with respect to those offenses not initiated by an arrest.
3. The Department of Law Enforcement should audit local agencies -- particularly those reporting information in an automated manner -- for the accuracy and completeness of the information which they submit.
4. Current disposition reporting forms should be modified so that state's attorneys report their decisions whether or not to file charges directly to the Department of Law Enforcement.

Data Management Review and Standards

In addition to monitoring the criminal history recordkeeping practices of the Department of Law Enforcement over the years, the Council has also reviewed the Department's recordkeeping policies and procedures for technical and general compliance with federal and State laws. The Council conducted two full and formal audits of the Department and issued reports containing its findings and recommendations. The staff was also well underway with a third audit (which it should continue to complete under the Authority) when the Council adjourned in December 1982.

The first audit, incidently, was also the first audit conducted anywhere in the nation of a state central repository and covered the period from March 16, 1976 through June 30, 1979. The Council's second audit was for Fiscal Year 1980.

As a result of this audit process, the Council reached some significant conclusions:

- The CCH System is in need of major redesign.
- The Department of Law Enforcement has not complied with the federal requirement to audit representative samples of local criminal justice agencies.

Over the years, huge backlogs of historical arrest fingerprint cards and current manual disposition information had accumulated to the point where, in 1980, it took the Department more than 60 days to respond to a request for criminal history record information. At last report to the Council, the turnaround time had been drastically reduced to less than 10 days, and the

backlogs which once approached 150,000 records combined have been completely eliminated.

Another major concern of the Council dealt with the management and use of the CCH System itself. In its application for federal money, the Department of Law Enforcement said it would not computerize each and every one of its records on file. Instead, it would automate only those records of active offenders. Thus, when information is reported to the Department concerning a first offender, an automated record would be created as would all subsequent information. If, however, the person is a repeat offender, then the Department said that it would go back to its manual files and capture all the previous information as well as all future data. The Council found that this objective has never been realized and represents a major shortcoming in the current system. The Council concluded that criteria for the mandatory conversion of the whole jacket files of all active offenders need to be established in order to have complete records of all active offenders on the CCH System.

Another major shortcoming documented by the Council is that the CCH System does not permit the efficient and contemporaneous entry of disposition information. The system cannot post information: 1) when corresponding arrest information has not been previously entered in the system, and 2) when information is received by the Department out of the normal sequence (police first, prosecutor second, courts third, corrections last). Thus, the recording of court disposition and custodial information is

dependent upon the prior recording of arrest information. This information cannot be entered into the CCH System when it is received by the Department. For all practical purposes, it is lost to the system and, hence, to all criminal justice personnel.

The Council also encouraged the Department to take advantage of the computer whenever possible to accomplish tasks that would otherwise be done manually. The Council recommends against some current manual practices of the Department. For example, manual transcripts are disseminated for "CCH incomplete" records. The preparation of manual transcripts is time-consuming and counterproductive to efforts to maximize the benefits of an automated system.

* Recommendations for Data Management Review and Standards:

1. The complete records of all active offenders should be on the CCH System.
2. The CCH System should be enhanced to improve its efficiency and should be modified to permit the entry of all information as it is received by the Department of Law Enforcement.
3. Use of the automated CCH System by the Department of Law Enforcement should be encouraged, and use of manual information should cease as soon as possible. This will also enhance data quality and auditability.

Security

Under the federal CJIS regulations, each of the states is required to have legislation or, in the absence of legislation, regulations approved by the Governor ensuring the security of criminal history record information and systems. At the time of the creation of the Council, the State of Illinois did not have such legislation or regulations. In order to be in technical compliance with the federal regulations, the Council's very first order of business was to adopt state security regulations which simply require all criminal justice agencies receiving federal funds for the collection, maintenance, or dissemination of criminal history record information to comply with the requirements of the federal regulations. These state security regulations are currently on file with the Secretary of State.

At the time of the adoption of these regulations, however, the Council fully intended to study, review, and adopt comprehensive regulations more suited to the Illinois criminal justice information environment. The Council felt from the outset that the federal requirements, in some instances, were overly technical and not practical to the efficient and cost-effective operation of criminal justice information systems in Illinois. For example, taken literally, the federal regulations would prohibit the current practice of disseminating criminal history record information over telephone lines and would require a criminal justice agency to have the ability to hire and fire personnel employed by a contractual janitorial service.

The Council did hold at least three sets of public hearings and did issue a general policy statement on security. Unfortunately, the Council ran out of time before it could draft specific regulations for public review.

On the other hand, the Council conducted two security audits of the Department of Law Enforcement and found, in 1981, that:

"The Department of Law Enforcement's security procedures are inadequate in that a) the Department has no backup facilities for its manual record system (containing approximately 720,646 records), and b) its master fingerprint files (containing approximately 1,566,900 records), manual jacket files, manual name index files, and manual dissemination log books are vulnerable to fire and/or other types of physical disasters."

Since that time, the Department of Law Enforcement has begun a phased-in microfilming program. The Council's concern with security, however, has always been twofold. First, original historical documents dating back to 1931 and all master fingerprint cards are invaluable and irreplaceable resources which must be microfilmed to protect against disaster. Second, all records of active offenders should be automated, backed up, and stored off-site. This approach enhances the capability of the CCH System (as discussed above), while also providing for the complete security of the information. In addition, this approach is economically preferable to the installation of Halon-type fire extinguishing systems and to microfilming records that could be automated instead.

* Recommendations for Security:

1. Both criminal justice information and the systems in which it is maintained are valuable commodities to the criminal justice community. Where criminal justice information is automated, duplicate system files capable of guaranteeing backup and recovery should be maintained in a secure off-site location.
2. The Council recommends that the Department of Law Enforcement develop a program to ensure the security and effective backup of its CCH System. This program should develop a schedule based on priorities, and should include: a) the conversion of all alphanumeric information found in the records of persons currently active within the criminal justice system into machine-readable form; b) the conversion to microfilm of all non-alphanumeric data on active persons; c) the review of the manual files and removal or destruction of all records that are not required by law to be maintained, in conjunction with a program for the microfilming of all criminal history record information for secure off-site storage.

Coordination of Agencies and Policies

One major refrain running throughout the testimony provided by both the Department of Law Enforcement and local criminal justice agencies is the lack of sufficient resources to get the job done. In a time of cut-back management, this is not surprising.

The Council repeatedly heard testimony which revealed a lack of coordination and communication among state and local agencies. For example, the Council's audit findings were one basis upon which the General Assembly provided the Department of Law Enforcement with additional staff positions beginning in Fiscal Year 1982. After the Department received authorization for those new positions, however, the Council was surprised to learn that months had elapsed and the positions still had not been filled, ostensibly due to bureaucratic problems and red tape. This delay, along with documented backlogs and the need to reduce processing times, was of vital concern to the Council, and prompted the Council to resolve in the fall of 1981, that:

"any and all steps necessary, including emergency measures, should be utilized immediately by all agencies under the jurisdiction of the Governor to provide the Bureau of Identification with the manpower currently needed to accomplish the goals of the Criminal Records Plan [of the Department of Law Enforcement]."

This and other similar situations demonstrated to the Council the need to coordinate criminal justice programs, especially at the state level. The Council felt that coordination could best be served by an agency independent of the criminal justice community

and reporting directly to the Governor. The need for coordination and consolidation of resources is obvious with respect to the review of corrections, law enforcement, and judicial information budgets. However, as the example cited above illustrates, it also includes other Executive branch agencies, such as the Department of Central Management Services and the Bureau of the Budget.

The Council concluded that there must be a mechanism by which the Governor can reconcile the competing budgetary, management, and operational demands of the justice community. Such an agency should be an independent "spokesagency" charged with coordination and planning and should have a strong voice in designing an overall criminal justice information budget plan.

Obviously, this agency should reflect the views of both state and local level agencies, as well as the various police, courts, corrections, prosecutors, and defense disciplines, victims, witnesses and the general public.

* Recommendation for Coordination of Agencies and Policies:

There should be an independent government agency reporting directly to the Governor and consisting of key representatives of the criminal justice community. This is vital to the process of transforming sound public criminal justice information policies into cost-effective public programs.

The Illinois Statistical Analysis Center

Under the federal Comprehensive Data Systems (CDS) Guidelines, the Illinois Statistical Analysis Center (SAC) was established in 1977 for the purpose of improving the quality and availability of criminal justice data and data analysis in Illinois and to promote the practical application of statistical techniques, data manipulation, and data presentation to criminal justice decision makers and users of Illinois criminal justice data.

As SAC's advisory body, the Council reviewed SAC's work at every Council meeting. SAC has successfully tested and developed statistical and computer packages and published easy-to-use guides for general consumption. The Council has encouraged the development of research projects over the years, including the following reports:

- Violent Crime in Illinois
- Patterns of Change in Chicago Homicide
- Illinois Crime Trends: 1972-1981
- Rural Crime in Illinois

SAC has developed and demonstrated new methodologies especially adapted for use by the criminal justice community in such areas as seasonality, time series analysis, and description of crime patterns.

In addition, the Illinois SAC has assisted in the design of the Police Information Management System (PIMS) and the Rapid Automated Prosecution System (RAPS) and has served as the auditing

arm of the Council. In fact, the computer-assisted auditing techniques being tested in the Council's third audit of the Department of Law Enforcement were developed by SAC. Moreover, SAC prepared publications of direct assistance to the Council with respect to its review of access and dissemination (Estimating the Number of Persons with Records of Arrest in the Illinois Labor Force) and its review of data quality control and management issues (the Correctional Institutions Management Information System (CIMIS) Operations Report and the CIMIS Data Survey Report for the Cook County Department of Corrections).

Most impressive to the Council has been SAC's dedication to communicating through the use of easy-to-understand graphics. The Council believes that a recently-proposed project combining the capability to search incident-based data found in PIMS with those of computerized addressing and mapping will be a major breakthrough in investigative techniques for law enforcement agencies.

In short, the Council concludes that the Illinois Statistical Analysis Center is an entity which has proven itself capable of useful research and analysis on a variety of issues impacting the whole criminal justice system. The work of the Illinois SAC has been of great assistance to local criminal justice agencies, municipalities and the public.

* Recommendation for the Illinois Statistical Analysis Center:

The Illinois Criminal Justice Information Council recommends that the Illinois Criminal Justice Information Authority continue to support the work of the Illinois Statistical Analysis Center and to utilize the research staff to work on criminal justice problems and to help coordinate the activities of the Authority.

ISSUES STILL UNRESOLVED

At the Council's last regular meeting it discussed several issues still left "hanging fire." Yet, because of their critical nature, these issues should not be forgotten by the Authority. The following represent significant information problems still confronting the criminal justice community today which, for a variety of reasons, the Council did not complete or did not begin to address. The Council strongly recommends that the study of these issues should be given serious attention by the Authority.

Bail

A major concern of the public and criminal justice officials (and often given much attention by the media) involves "bail crimes" or crimes committed by persons already awaiting trial for one crime, being rearrested, while out on bail, for allegedly committing another. Current Illinois law is quite clear that bail shall be revoked for the commission of a forcible felony while on bail. (Ill. Rev. Stat. chapter 38 section 110-6.) While existing law and the newly endorsed Constitutional Amendment address the public's revulsion with bail crime, implementation of the laws is dependent upon having an information delivery system in place and operational. Such a system does not currently exist today. In large metropolitan areas, it is not unusual for the assistant state's attorney and judge setting bond to be completely unaware that the same defendant is out on bail in another case.

*** Recommendation to the Authority:**

The Criminal Justice Information Authority should address the need for a bail reporting information system sufficient to meet the requirements of current laws and the new Constitutional Amendment.

Redesign of the CCH System

The Council has documented several deficiencies with the current design of the CCH System. The Council concluded that the CCH System should permit the entry of all data as it is received by the Department of Law Enforcement. The CCH System should support efficient data entry and management needs. The Law Enforcement Agencies Data System (LEADS) should be upgraded to be capable of supporting the generation of full CCH transcripts automatically to local agencies rather than the summary transcripts which are presently supplied. Also, the Illinois Department of Corrections' Correctional Institutions Management Information System (CIMIS) should be able to interface with the CCH System so that custodial disposition information can be reported automatically rather than in the manual fashion being used today.

*** Recommendation to the Authority:**

The Criminal Justice Information Authority should review and approve any redesign of the CCH System. Such design should include the capability to interface with the criminal justice information systems of the Illinois Department of Corrections and Administrative Office of the Illinois Courts, as well as with local automated police, sheriff, and prosecution systems.

Justice Information Systems Standards

In its early years, the Council reviewed the CJIS Standards of the Illinois Law Enforcement Commission and made recommendations for their modification. This was a time-consuming and laborious process which the Council never completed. Given that the CJIS Standards were drafted in 1975 and were based on a national report issued in 1972, a reexamination of Illinois' guidelines for information systems is long overdue. Moreover, the State of Illinois also needs to develop juvenile justice information systems to help officials cope with the increasing criminal activity of young offenders. While Illinois' standards for adult records systems may be outdated and in need of revision, no Illinois standards exist for the operation of juvenile justice information systems.

*** Recommendation to the Authority:**

The Criminal Justice Information Authority should set standards regarding both adult and juvenile justice information systems. The need for juvenile justice standards is particularly pressing.

Coordination of Agencies and Policies

The Council supports the creation of the Illinois Criminal Justice Information Authority by the Governor and General Assembly because the policy providing for an independent agency reporting directly to the Governor and consisting of key representatives of the criminal justice community is a sound one. The Council's faith in this belief has already been substantiated independently

by the State of New York. The \$75,000 study written by the Liman Commission made recommendations similar to those found in the Illinois Criminal Justice Information Act creating the Authority, including a recommendation which explicitly proposes giving the power to review criminal justice budgets to an agency other than the traditional Division of the Budget (Bureau of the Budget in Illinois).

The Council hopes the Authority will review carefully the suggestions made in this Final Report and Recommendations of the Illinois Criminal Justice Information Council and will also review carefully the work of the Liman Commission's Recommendation to Governor Hugh L. Carey Regarding the Administration of the Criminal Justice System.

*** Recommendations to the Authority:**

1. The Illinois Criminal Justice Information Authority should foster communications among and between local and state criminal justice agencies and law enforcement, prosecutorial, judicial, and custodial disciplines.
2. The Illinois Criminal Justice Information Authority should review the concept of whether or not the Authority should design and coordinate the state criminal justice information budget and coordinate the implementation of programs with other agencies of the Governor, especially regarding personnel hiring, equipment, data processing, and other management needs and concerns.

Security

As stated above, the Council did not establish state security regulations which address both automated and manual criminal history record information and systems.

*** Recommendation to the Authority:**

The Illinois Criminal Justice Information Authority should establish standards for the security of criminal justice information systems in Illinois.

Automated Disposition Reporting

In June 1981, the Council learned that the Department of Law Enforcement could not post court disposition information from Cook and DuPage Counties, even though it was being reported by the clerks on computer tapes. This problem is particularly significant for two reasons: 1) these two counties represent about half of the number of court dispositions reported in the State, and 2) other jurisdictions wanting to report to the Department in an automated fashion are being asked to wait until the problem can be resolved.

After further investigation, the Council learned that the problem had festered for nearly seven years. This testimony led the Council to conclude that there was a communication problem between the state and local agencies involved, and a special Subcommittee on Automated Disposition Reporting was formed to get the agencies moving again.

The Council attempted to foster interagency communication at a wide variety of levels from the agency heads down to the agency staffs. The Council noted that the problem has not yet been fully resolved and, based on the report of the Subcommittee, will probably be one of those problems that is never entirely solved.

Currently, the Department of Law Enforcement is working with the Office of the Clerk of the Cook County Circuit Court to accept misdemeanor information by automated tape. The number of misdemeanors that are now being entered into the CCH System has increased at a rapid rate compared to a year ago. The problems that have been identified involve missing document control numbers; no matching identifiers; and no originating arrest documents. These problems block the entry of roughly half the dispositions supplied by the Office of the Circuit Clerk to the Department.

Automated entry of Cook County felony information is awaiting resolution of the misdemeanor problem, since the channels for capturing the information are identical. In the meantime, the Department reports that it is up-to-date with reported Cook County felony dispositions, which are being entered manually.

Progress with DuPage County tapes has slowed because of the Department's heavy recent emphasis upon Cook County. About half of the DuPage County dispositions cannot be posted due to erroneous document control numbers, cases originating without an arrest, and improperly reported arrest information.

Based on its review of the situation, the Council concluded that much of the problem arises because the Department of Law Enforcement cannot presently furnish local automated agencies with documentation necessary for reporting dispositions in an automated fashion. As a result, the Council specifically requested that the Department devise a schedule which will state the date by which it will be prepared to deliver system specifications for automated disposition reporting to local agencies.

* Recommendations to the Authority:

1. The Illinois Criminal Justice Information Authority should request the Director of Law Enforcement to develop a time table within which the Bureau of Identification will provide, to any agency required to report automated dispositions, the specifications and details concerning how that information is to be reported to the Department.
2. The Criminal Justice Information Council recommends that, as a high priority, the Illinois Criminal Justice Information Authority should consider establishing a coordinating committee, independent of the agencies involved, to continue the work of the Council's Subcommittee on Automated Disposition Reporting.

Data Audit Techniques

The current audit for Fiscal Year 1982 has received federal funding because of the staff's innovative approach to computer-assisted auditing. The Council felt disappointment at its inability (in the first two audit reports) to describe with any certainty the quality of the records maintained in the CCH database. Therefore, the Council asked the staff to develop new strategies and audit techniques so that the Council's third audit report could contain definitive statements on the accuracy and completeness of the CCH database.

The staff has complied with the Council's request in two ways. First, with the help of the Department of Law Enforcement, programs and techniques were developed to have the computer analyze the completeness of certain fields in each computerized record, and thus generate a report based upon a 100% sample. In addition, the staff developed a methodology where data in the Illinois Department of Corrections CIMIS could be used to cross-audit the CCH System. The cooperation of the Illinois

Department of Corrections in this endeavor has been requested by the Council. This cross-check will verify the accuracy and completeness of both systems. Future audits might include police (PIMS and UCR), courts, and prosecutorial (RAPS) systems as well.

*** Recommendation to the Authority:**

The Illinois Criminal Justice Information Authority should continue to support the development of state level research and analysis, particularly with respect to new audit techniques for automated criminal justice information systems.

Access and Dissemination

The Council has documented in great detail the issues surrounding the access to and dissemination of criminal history record information in Illinois and has drafted an annotated report in the form of a legislative proposal.

*** Recommendation to the Authority:**

The Illinois Criminal Justice Information Authority should take the lead in endorsing, introducing, and seeing enacted the CHRI Act proposed by the Criminal Justice Information Council.

CONCLUSION

The Council consisted of five private citizens, a downstate police chief, and a federal judge. Over a five year period, the Council managed to hold 21 regular meetings, 5 special meetings and 4 subcommittee meetings, due in large part to the help of the staff of the CJIS Division of the Illinois Law Enforcement Commission, to the good will and cooperation of agencies such as the Department of Law Enforcement, the Illinois Department of Corrections, the Circuit Clerks of Cook and DuPage Counties, and the Administrative Office of the Illinois Courts, and to the kind hospitality of many officials in Peoria County. Yet, through it all, the Council persevered -- listening to people, asking questions, seeking suggestions, looking for solutions -- all the time gaining credibility.

One citizen may have described the Council best when he talked about following the Council's work since its inception. "Based on the manner in which the Council has proceeded over the years," he said, "the Council has done a great deal to restore my confidence in citizens' panels to deal with complicated issues."

In retrospect, the Council wishes it could have accomplished even more. There are many technical issues remaining to be addressed and which by the Council's own estimation may take years to solve.

The Council's most important contribution, undoubtedly, has been to provide a truly public forum for debate. It has also been a facilitator, making suggestions and encouraging government agencies to communicate and to continue with their work.

Perhaps the Council's greatest strength has been its near total independence from the system which it attempted to coordinate and its lack of direct stake in the status quo.

The responsibility for coordinating the use of information in the criminal justice system now passes to the Illinois Criminal Justice Information Authority -- an agency vested from its outset with great potential and prestige. The Council has identified much in the criminal justice information system that needs improvement, and with the Authority continuing where the Council left off, even more can be accomplished.

With this hope, the Council wishes the Authority every success!

SUMMARY OF THE COUNCIL'S RECOMMENDATIONS

Recommendations for Access and Dissemination:

1. A uniform policy governing access to and dissemination of criminal history record information should be legislatively adopted and applied to all state and local criminal justice agencies throughout the State.
2. Accurate and complete criminal history record information (except for non-conviction information which is more than one year old) should be available to the public through the state central repository, within two weeks of request and for a fee.
3. Non-conviction information more than one year old should only be available to criminal justice agencies and those government agencies and persons establishing a legitimate need to know it.
4. The individual should be guaranteed the right to review his or her own criminal history record and to have it corrected.
5. The individual should have effective redress of damages for the dissemination of erroneous criminal history record information about him or herself.
6. The expungement of original criminal history records, as required by current law, should generally be prohibited.

Recommendations for Data Quality Control:

1. Criminal justice agencies should be held accountable for the accuracy and completeness of the criminal history record information they collect, maintain and disseminate.
2. Loopholes in current legislation should be eliminated so that all formal events in the criminal justice system regarding major offenses are reported directly to the Department of Law Enforcement in a timely, accurate, and uniform manner, especially with respect to those offenses not initiated by an arrest.
3. The Department of Law Enforcement should audit local agencies -- particularly those reporting information in an automated manner -- for the accuracy and completeness of the information which they submit.
4. Current disposition reporting forms should be modified so that state's attorneys report their decisions whether or not to file charges directly to the Department of Law Enforcement.

Recommendations for Data Management Review and Standards:

1. The complete records of all active offenders should be on the CCH System.
2. The CCH System should be enhanced to improve its efficiency and should be modified to permit the entry of all information as it is received by the Department of Law Enforcement.
3. Use of the automated CCH System by the Department of Law Enforcement should be encouraged, and use of manual information should cease as soon as possible. This will also enhance data quality and auditability.

Recommendations for Security:

1. Both criminal justice information and the systems in which it is maintained are valuable commodities to the criminal justice community. Where criminal justice information is automated, duplicate system files capable of guaranteeing backup and recovery should be maintained in a secure off-site location.
2. The Council recommends that the Department of Law Enforcement develop a program to ensure the security and effective backup of its CCH System. This program should develop a schedule based on priorities, and should include: a) the conversion of all alphanumeric information found in the records of persons currently active within the criminal justice system into machine-readable form; b) the conversion to microfilm of all non-alphanumeric data on active persons; c) the review of the manual files and removal or destruction of all records that are not required by law to be maintained, in conjunction with a program for the microfilming of all criminal history record information for secure off-site storage.

Recommendation for Coordination of Agencies and Policies:

There should be an independent government agency reporting directly to the Governor and consisting of key representatives of the criminal justice community. This is vital to the process of transforming sound public criminal justice information policies into cost-effective public programs.

Recommendation for the Illinois Statistical Analysis Center:

The Illinois Criminal Justice Information Council recommends that the Illinois Criminal Justice Information Authority continue to support the work of the Illinois Statistical Analysis Center and to utilize the research staff to work on criminal justice problems and to help coordinate the activities of the Authority.

Issues Still Unresolved:

1. The Criminal Justice Information Authority should address the need for a bail reporting information system sufficient to meet the requirements of current laws and the new Constitutional Amendment.
2. The Criminal Justice Information Authority should review and approve any redesign of the CCH System. Such design should include the capability to interface with the criminal justice information systems of the Illinois Department of Corrections and Administrative Office of the Illinois Courts, as well as with local automated police, sheriff, and prosecution systems.
3. The Criminal Justice Information Authority should set standards regarding both adult and juvenile justice information systems. The need for juvenile justice standards is particularly pressing.
4. The Illinois Criminal Justice Information Authority should foster communications among and between local and state criminal justice agencies and law enforcement, prosecutorial, judicial, and custodial disciplines.
5. The Illinois Criminal Justice Information Authority should review the concept of whether or not the Authority should design and coordinate the state criminal justice information budget and coordinate the implementation of programs with other agencies of the Governor, especially regarding personnel hiring, equipment, data processing, and other management needs and concerns.
6. The Illinois Criminal Justice Information Authority should establish standards for the security of criminal justice information systems in Illinois.
7. The Illinois Criminal Justice Information Authority should request the Director of Law Enforcement to develop a timetable within which the Bureau of Identification will provide, to any agency required to report automated dispositions, the specifications and details concerning how that information is to be reported to the Department.

END