

Warrant and Disposition Management

Observations and Recommendations Report: Kentucky E-Warrant System and Disposition Management Processes

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Introduction

In June 2012 a team from the National Center for State Courts (NCSC)¹ and SEARCH, the National Consortium for Justice Information and Statistics² facilitated a site visit to Frankfort, KY to conduct a business process review and baseline needs assessment of the Kentucky e-warrant system and disposition management processes. Over the 4-day site visit, the NCSC/SEARCH team met with representatives from the Kentucky State Police (KSP), the Kentucky Administrative Office of the Courts (AOC), Kentucky Department of Corrections and two elected jailers from Fayette County and Stock County.

This report is the result of the business process review and baseline needs assessment of arrest and disposition management and reporting processes in Kentucky. The assessment sought to (1) review the e-warrant system and (2) identify issues with business and technical processes related to disposition reporting. The intent of this report is to provide KSP with the observations and recommendations from the NCSC/SEARCH team to assist with the development of the improvement plan. In addition to the recommendations below, KSP should work with AOC to develop a Service Specification Package (SSP) for the extraction of electronic disposition information and the transfer of that information to Kentucky's computerized criminal history system. As necessary and upon request, the NCSC and SEARCH stand ready to assist KSP and AOC develop SSP's.

Background

Over the past eight years, Kentucky experienced technological gains related to law enforcement and criminal justice information sharing. The Kentucky Open Portal System (KYOPS) program, headed by Kentucky's Justice and Public Safety Cabinet, is a collection of applications for criminal justice information sharing. KSP developed KYOPS to assist law enforcement agencies in collecting data and submitting it for the "Crime in Kentucky" report³. KSP provides KYOPS at no cost to any requesting law enforcement agency. KSP also provides KYOPS training on this system at no cost. The original purpose of KYOPS was to serve two important law enforcement needs; (1) a data collection system for agencies that may or may not have their own records management system, (2) the ability to query all data contributed to the repository. KYOPS expanded into an essential tool for criminal justice agencies within Kentucky. KSP provides KYOPS to assist with data collection; it includes built-in edits for consistent, reliable data. With a statewide scope, agencies can quickly find criminal justice information even if the information is not from their local jurisdictions.

To meet the needs of law enforcement and criminal justice, KSP continues to expand and enhance the applications under the KYOPS umbrella. Applications available from KYOPS include:

¹ The National Center for State Courts: <http://www.ncsc.org/>

² SEARCH, The National Consortium for Justice Information and Statistics: <http://www.search.org>

³ To obtain a copy of the latest "Crime in Kentucky" Report see: <http://www.kentuckystatepolice.org/data.htm>

- E-Crash – collision reporting
- E-Citation – criminal and traffic citations
- E-NIBRS – National Incident Based Reporting
- E-Intelligence – field intelligence reporting
- E-Courtesy Notice – traffic warnings
- Professional Stop – demographic information
- E-Dispositions – disposition information for law enforcement from the courts

KYOPS includes a master name index across applications, which makes it easy to find individuals that have contact with the criminal justice system in the past. The applications are user-friendly and wizard-based, making it easy for users to enter the information correctly, query needed information and ultimately share that information. For example, a citation is available to the court system within 20 minutes of submission by the officer. KYOPS improves officer efficiency by reducing the amount of time required to complete collision, crime and citation reports.

Kentucky established some business procedures for law enforcement officers and booking agents that improves the flow of criminal justice information. Each and every arrest starts with a citation; booking agents require that the citation is complete and produced at booking. Kentucky Revised Statutes (KRS) require that each and every booking include a mug shot and fingerprints. The booking agency transmits these to the Automated Fingerprint Identification System (AFIS)⁴ via KSP. Once the booking agent receives the positive identification and arrest tracking number from AFIS, then they proceed with entering the booking information into their jail management system (JMS). A copy of the citation goes to the court along with the subject. The court process determines the disposition.

Kentucky has a unified court system; all criminal courts utilize a central courts management system (CMS). The AOC manages and supports the CMS. Each respective court records disposition information into the CMS, which AOC uses to provide the information to create a daily file of disposition for KSP to import into the CCH. The e-disposition application on KYOPS allows law enforcement officers with the ability to report disposition information to KSP.

The criminal justice partners in Kentucky work hard to improve the flow of information and utilize technology to their advantage. They continue to establish business processes and procedures that help ensure that stakeholders can find the information they need when they need it. As good stewards of information, the Kentucky stakeholders strive to take advantage of ways to improve.

Observations

This section provides the NCSC/SEARCH team observations and analyses with regard to warrants and disposition project with Kentucky. These are based on documentation that was reviewed and on-site discussions with managers and staff from the Kentucky criminal justice stakeholders. The observations

⁴ http://www.fbi.gov/about-us/cjis/fingerprints_biometrics/iafis/iafis

and analysis include general observations pertinent to the statewide information sharing and the key discussion topics from interviews during the site visit. The next section of this report provides recommendations that address these observations.

Information Sharing Governance

Kentucky criminal justice agencies have a formal governance structure for multi-agency information sharing strategy development and decision-making called the Criminal Justice Council⁵. However, they are not utilizing it. Kentucky justice stakeholders indicated that current support of the KYOPS initiatives are the result of informal relationships and agreements among stakeholders.

Following this informal governance structure has resulted in justice stakeholders developing agency-specific applications or data extracts to share information among partners. While this has resulted in successful integration efforts, these tend to be limited in scope and have little visibility across stakeholders. These tend to be exchanges directly between systems. Had a formal governance structure been in place to promote global strategies, justice partners might have developed a more coordinated and effective information sharing environment—one that reaches across jurisdictional, political, and organizational boundaries.

Stakeholders recognized and acknowledged that the lack of a formal governance structure has reduced the visibility of information sharing decisions and limited communications between justice partners. They feel that working outside of the formal governance structure is producing results without weighing down projects with overhead. The relationship between KSP and AOC is strong and this informal approach has produced effective results. However, some jurisdictions see greater improvement when they have a formal avenue for communications, prioritization, cooperation with broader participation and consensus.

Electronic Warrants

An accomplishment that KSP and their criminal justice partners achieved is the creation of the e-warrants system. E-warrants is an application that law enforcement officers can access to determine if an individual has an active warrant in Kentucky. The system is easy to use, comprehensive and utilized by nearly 100% of the law enforcement agencies in Kentucky. The E-warrant system is a model system, it provides users with a user-friendly tool to enter, retrieve and clear warrants.

One limitation with the e-Warrants application is that it only contains in-state warrants. The Kentucky stakeholders do not want the e-Warrants system to automatically post warrants to the National Crime Information Center (NCIC). The reason for this drawback is because of NCIC⁶ requirements to “pack” warrant records and validate them on a regular basis. Law enforcement agencies in Kentucky do not have the resources to meet all NCIC requirements to monitor the NCIC wanted persons database, validate all warrants and ensure that they fully populate records with all of the fields required by NCIC

⁵ See KRS 15A.040 and KRS 15A.075

⁶ <http://www.fbi.gov/about-us/cjis/ncic/>

for warrants that are only needed within Kentucky. However, if a Kentucky law enforcement agency wishes to utilize the NCIC warrant system, they still have the ability to do so through their interface with the Law Information Network of Kentucky (LINK).⁷ KSP is working with the FBI to allow for the electronic transfer of E-Warrants into NCIC.

Disposition Reporting

A unique statute in Kentucky⁸ places the responsibility of disposition reporting on the officer who arrested the subject. While the intent of this statute is to ensure that dispositions match the correct offender, it is an extremely difficult task for law enforcement officers to accomplish. Once an officer has made the arrest and submitted charges to the prosecuting attorney, it is impractical for them to continue tracking the case as their primary responsibilities have been fulfilled.

Included in this statute is the ability of the Secretary of Justice to adopt administrative regulations that are necessary to safeguard the accuracy of criminal history records. The Secretary of Justice can create administrative regulations that will allow the courts to report disposition information on behalf of the arresting law enforcement agency. This is taking place to a degree as AOC provides a daily FTP⁹ file of dispositions to KSP for consumption into the CCH.

AOC provides a daily file of circuit court dispositions to KSP for the criminal history repository (CCH). Currently, this disposition file contains structured data provided in a text file; it does not include edits and requires manual processing by KSP. E-disposition provides law enforcement officers with a tool to provide disposition data of charges appearing on a citation. Transferring data from the e-disposition interface for inclusion into the CCH is a manual process. This process is inefficient and needs to be automated and/or improved.

Information Retention Policies

AOC and KSP have different information retention policies. As cases age this becomes an issue as the judgment making up a disposition may no longer exist. This practice causes issues as information for a long-time offender may be inaccurate when a user purchases a name-based background check from AOC and compares the dispositions to a matching rap sheet from the CCH. This also becomes an issue when NICS checks are run and firearms sales are based upon incorrect information.

Fingerprinting

Kentucky jailers do not fingerprint each and every offender for each and every arrest. Jailers and their staff indicated that they know they are required to fingerprint a subject each time that person is arrested. They assume it is for identification purposes; therefore they do not always fingerprint repeat offenders that they know.

⁷ <http://www.lrc.state.ky.us/kar/502/040/010.htm>

⁸ <http://www.lrc.ky.gov/kar/502/030/020.htm>

⁹ FTP = File Transfer Protocol http://en.wikipedia.org/wiki/File_Transfer_Protocol

The issue with not fingerprinting for each arrest cycle is not a matter of identification; it is a required piece of the process to ensure the correct matching of subjects, arrests and dispositions. Upon arrest, the arresting officer brings the subject to a police station or jail for processing, in advance of appearing before a magistrate or other judicial officer for a bail bond review. The term processing, simply means having one's fingerprints and photographs taken. The fingerprint process itself is important because jailers not only record the arrested person's fingerprints, but also capture information surrounding the arrest, and it is this information that is stored in the Interstate Identification Index (III)¹⁰. It is also critical to update the individual's information with the latest, most up-to-date biometric and demographic details to assist in future identification by others.

Matching Dispositions to the Criminal Record

KSP repository staff spends an inordinate amount of time with manual information matching. The disposition file provided by AOC does not always have enough information to match dispositions to the arrest record. According to the KSP repository staff, they need to manually match about 40-60% of the dispositions they receive on a daily basis. They utilize the citation number, arrest date on the citation along with name and date of birth to help them match dispositions to criminal records.

The automated procedure that processes the AOC disposition file does not include any reporting tools. The KSP repository staff would like an exception report that provides them with a way to look at only the dispositions that do not automatically match. Currently, they need to look at all of them.

AOC receives a nightly listing from the CCH that includes the day's arrests, included in the record is the State Identification Number (SID) and citation number. AOC tracks these through the CMS, but due to changes in charges through the prosecutorial process and other reasons the final file of dispositions from AOC does not always match the arrest charges that are pending disposition in the CCH.

Recommendations

Based on the observations and analysis documented in the sections above, the NCSC/SEARCH team recommends the following actions for continued information sharing improvements through the Kentucky Criminal Justice System.

Effective Governance through Communications

KSP and AOC should discover a way to ensure broader stakeholder involvement. Currently, KSP and AOC business and technical staff are working together, but they do not have executive management involvement for expenditures, priorities, and executive level support. KSP and AOC staff indicated that the formal governance structure tended to be more burdensome than helpful. However, they also recognized the need for executive level commitment to sustain the current momentum of the criminal

¹⁰ For more information on National background checks see: <http://www.fbi.gov/about-us/cjis/background-checks>

justice information sharing projects, and also provide leadership; define scope and authority; and provide guidance on technical environments, policies, and solutions.

The Kentucky justice information stakeholders should establish a decision-making structure that includes clearly defined roles and responsibilities. Effective governance between information sharing partners is established by providing opportunities for executive level participation through; task/project focused workgroups and widespread involvement of user. Developing a justice integration governance charter is a common activity for multi-jurisdictional technology efforts. This process collectively defines the framework for subsequent initiatives, and typically identifies the scope, stakeholders, decision-making structure, and policies for integration efforts. With the completion of a governance charter, the Kentucky justice information stakeholders will have the foundation and the forum to plan, implement, manage and communicate their future integration efforts.

AOC and KSP should make a concerted effort to reach out to their user communities to enable users to get voices heard. They should develop a communications plan to keep decision makers informed. The communications plan should outline the communication strategy for their information sharing projects. It identifies whom to communicate with, what to tell them, and how often. A communications plan effectively keeps users and stakeholders informed, involved, and current with the progress of the projects.

In addition to communications from KSP and AOC to the user community, there should be more formal ways for the user community to become involved in issue identification, driving solutions and the decision making processes. Noting the recommendation above, this “formalized way” should not become a bureaucratic process, but one where users feel welcome to the table and allowed to actively engage in the process.

Build upon Success through Strategic Planning

KSP and AOC should continue to build upon successes, such as e-warrants and e-disposition. KSP and AOC have a list of projects to tackle together, they should develop a strategic plan to prioritize and focus these projects and tasks. A strategic plan is an effective tool to establish the overall scope of any information sharing initiative. Given the variety of issues Kentucky stakeholders raised during the site visit meetings, NCSC/SEARCH recommend they document the program’s purpose, intent, and near-term objectives in a formal strategic plan.

Strategic plan development can often be seen as a pro forma exercise and result in an ineffective and often unused document. However, when properly developed, a strategic plan serves as an effective communication, project management, and governance tool. The enterprise-wide information sharing strategic plan should describe the information at an appropriate level so that a wide audience (e.g., funding sources, elected officials, and non-justice stakeholders) can easily understand the correlation between policy and technology. It can be difficult to convey this relationship; therefore, it is important to follow a proven strategic planning methodology.

Strategic planning is an excellent way to engage all stakeholders in “active governance.” A facilitated strategic planning process will capture the challenges faced by the Kentucky criminal justice stakeholders by clearly identifying internal and external factors affecting the environment. The plan will help identify and prioritize information sharing needs and help position the stakeholders to advocate for future information sharing changes. Consequently, strategic planning influences numerous aspects, including:

- The information and services to share among stakeholders.
- The organizational design and roles needed by the initiative.
- The performance goals established throughout the initiative.
- The resources needed to reach those goals and, consequently, how much money is needed to procure resources. In the end, the goals determine the content of various budgets.
- Ultimately, developing a strategic plan will enable the stakeholders to:
 - a. Develop clearly articulated goals and objectives.
 - b. Assess current and needed capabilities.
 - c. Define capability gaps that prevent goals and objectives from being achieved.
 - d. Create consensus and support among diverse stakeholders.
 - e. Clarify the scope of priority activities.
 - f. Provide a project management mechanism to assess progress and accountability.

The benefits associated with a well-crafted, comprehensive strategic plan are worth the investment. Stakeholders can complete the strategic planning process relatively quickly. It does require a significant investment by all stakeholders, but this should extend only over a couple of weeks. The benefits of having a plan that promotes cooperation, addresses the needs of the enterprise, creates ownership and accountability, communicates goals and objectives and builds a strong cohesive team far outweighs the time it takes to develop it.

Strategic plans are “living” documents and should be reviewed, refined, and updated on a periodic basis. Periodic review helps the agencies and their customers and stakeholders to assess the status of program progress; identify and adopt new priorities; reprioritize existing priorities; and plan for the next phase of program activities. By reviewing project progress periodically, changes to the plan will be potentially less significant “course corrections,” rather than major changes in direction.

Retention Schedule Collaboration

AOC and KSP need to work together on a strategy that ensures their differing retention schedules do not negatively impact their diverse missions. This may involve aligning their retention schedules or providing case details to fill any potential information gaps. In addition, KSP and AOC should collaborate on the background checks to share the burden and revenue generated by providing a more complete criminal history record. This will allow the two agencies to focus on their core business functions while providing a single source of complete, accurate and aligned information to the customer.

Improve the Quantity of Fingerprints

KSP does a good job working with users on improving the quality of fingerprints – they need to improve the quantity by explaining to booking officers why it is important to fingerprint for each and every arrest. While working with the booking officers it is important to understand their work realities and help them with solutions that ensure the greatest likelihood of capturing the fingerprint. Quite often the reason stated is how busy it can get and how staff can be overwhelmed with work. One recommendation is to find facilities that have overcome this issue and highlight them in communications with user and when providing training to booking officers.

Since it is conceivable that a person may lie about their name, address or date of birth to conceal a criminal past, they will not be able to lie about their fingerprints. This is one reason fingerprinting is so important. Another reason is to match criminal histories across jurisdictional boundaries, providing a full criminal history to law enforcement improves officer and public safety. In addition, as was mentioned above, an opportunity to improve the criminal record with current, higher quality data is always a benefit to the entire criminal justice process.

Develop the Citation as a Service to help Improve Disposition Reporting

KSP should develop the Citation as a service that provides a “control #” for every arrest that is used throughout the entire criminal justice process. The electronic citation in KYOPS is a great starting point for this service. KSP should develop a web service in KYOPS that law enforcement agencies can use to automate when they submit citation information to AOC and KSP. KYOPS can send the citation, with the assigned “control #” as soon as it is available in KYOPS. The web service will provide an interface to AOC that will receive messages from KYOPS. It will accept messages in a standard format described by AOC that contains citation information. Other web services will route information to the CCH. KSP will provide AOC with a service specification that they can use to automate the submission of citation and resulting disposition information to KSP.

The citation service will:

- Provide a consistent “control #” for matching records throughout the entire process with the goal to get AFIS fingerprint results back to the right people at the jail in a timely way and improve disposition reporting.
- Enable the automatic exchange of critical law enforcement information between law enforcement agencies and state and Federal agencies from the citation through the point of booking and final disposition.
- Provide complete, accurate, and timely information to AOC and KSP for use by law enforcement agencies at all levels, including regional task forces, jailers and beat cops.
- Create a single source of information that is a 2-way exchange of information to match citations, arrests and dispositions
- Other members of the criminal justice process such as prosecutors, corrections and so forth can also utilize this service.

- The service should include error tracking and reporting that will ultimately improve the disposition acceptance rate because the “control #” will be used throughout the entire process.

Conclusion

It has been the NCSC/SEARCH project team’s pleasure to work with the dedicated, professional people associated with criminal justice information sharing in Kentucky. The stakeholders were very willing to discuss not only what they are doing well, but also any shortcomings they saw, and to provide suggestions for improvement.

In order to implement the recommendations in this report, the stakeholders will need to work together and commit to making near- and long-term improvements. After the initial communications plan and strategic planning processes are in place, stakeholders should then address specific disposition reporting priorities. The leadership and cooperative attitude exhibited by the criminal justice partners will be a foundational building block for the statewide effort to establish good information sharing practices and process improvements.

The NCSC/SEARCH team attempted to provide some insight and guidance that the stakeholders can use to continue improving essential information sharing services. The recommendations in this report are not a cure-all. The intent is to offer suggestions for improvements that should allow the stakeholders to define, and then focus on, its mission.

The NCSC/SEARCH team appreciates the opportunity to be of assistance in working with the Commonwealth of Kentucky, and is prepared to provide further support as needed. The team is available to assist with strategic planning or information sharing initiatives, or to assist individual justice stakeholders with other technology/information sharing projects.