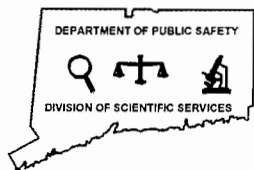




STATE OF CONNECTICUT



DEPARTMENT OF PUBLIC SAFETY OFFICE OF THE COMMISSIONER

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Rep. Michael P. Lawlor, Co-Chairman
Sen. Andrew J. McDonald, Co-Chairman
Judiciary Committee
Legislative Office Building
Hartford, CT 06106

The fifteen different proposals for criminal justice reform that the Judiciary Committee is considering today include a number which have overlap of content. All of the proposals share a common goal of increasing public safety in Connecticut.

Rather than respond individually to the 15 different criminal justice reform proposals before the Judiciary Committee today, the Department of Public Safety would like to identify some specific changes that are in several of the proposals where the agency agrees that change is appropriate. More detailed commentary is included as to the Shield proposal which is included in proposal #4.

In regard to the front end of the criminal justice process or the "charging" aspect, existing burglary statutes should be revised in regard to home invasions that take place when the home is occupied and in regard to home invasions in which the burglar is armed. The violence that occurred in Cheshire makes it apparent that stronger penalties should accompany home invasions that so greatly threaten the lives of the occupants.

Also in regard to charging aspect of the process, a thorough re-evaluation of the state's persistent dangerous offender statutes must be undertaken to ensure that we are responding appropriately to the career criminal. In deciding what changes are appropriate, it is critical to always be asking whether the changes, in actual practice, will enhance public safety. Any discussion of a 'three strikes' law, for example, must include a consideration of whether the public safety value of a policy that is intended to assure incarceration of repeat offenders might be negated by increased violence against police officers and engaging in pursuit by second offenders who feel they have nothing left to lose.

Communications among all criminal justice entities is something that we can do better. In order to make good decisions at time of sentencing and at the time that release is considered, all essential and available information must be readily available to the decision maker. While there may be justifiable debate about what factors most impact risk assessment and how accurately we might ever predict human behavior, we must at least provide the most up to date technology for sharing of known facts by decision makers. A public safety data network with capability of connecting all public safety providers for information sharing is an essential tool to carry out what Governor Rell has correctly identified as the number one priority of government.

The Connecticut Sentencing Task Force, created by public act 06-193, is charged with reviewing sentencing statutes in Connecticut. The work of that task force should be considered by this committee with a goal of making certain that whatever prison beds are available in Connecticut are used first by those who show the greatest potential for violence.

Proposal #4, An Act Concerning Home Invasion, Career Criminals, Community Supervision and Information Sharing Resources, calls for the design and implementation of a comprehensive, state-wide information technology system, to be known as the SHIELD Criminal Justice Information System

There is an extremely important threshold question to be considered in planning the creation of such a system and that is whether it should be internet based. A preferable procedure would be to include this system in a fiber optic based Public Safety Data Network. Public Act 05-161 enabled The Office of Statewide Emergency Telecommunications to initiate a planning process for the creation of an integrated police, fire, EMS and homeland security data network. After discussions with public safety stakeholders and surveys of current systems and needs, consultants were retained. The findings of the consultants are detailed in the report which concludes that cost effective improved data transport services can be implemented while achieving substantial reduced costs through implementation of a fiber optic based network. The office of statewide Emergency Telecommunications is in the process of planning for implementation of fiber optic connectivity for all of the public safety answering points in the state. It is recommended that the committee review the feasibility study report prepared as a result of public act 05-161 and dated January 2, 2007.

The proposed SHIELD Criminal Justice Information System calls for a central tracking, database and a document repository. The proposal only mentions connectivity in one section (g) subsection (1). That section refers to access via the internet. Many of the issues that internet basing of this system would raise will be eliminated if it is developed as a part of a fiber optic based Public Safety Data Network. DOIT would be a possible hub of the fiber optic network so the location of the central repository would not be an issue for the network. Having the SHIELD application ride on a fiber optic based Public Safety Data Network would eliminate any security issue associated with having it on an Internet based system.

The SHIELD proposal, as written, raises a number of immediate procedural concerns: the proposal for “immediate” and in most cases extremely broad based access to the database including, for example, police reports, creates the following concerns: reports include names of victims, juveniles, sometimes individuals who are, or who will become, confidential informants, and the names of subjects of parallel or otherwise related independent investigations. This proposal, if enacted in this form, could put victims and criminal investigators at risk, and it could derail other investigations. A more workable procedure would be that police reports be electronically transmissible to the state’s attorney or chief state’s attorney handling the case. At that point, the state’s attorney would be responsible for redacting some of the problematic information summarized above. Thereafter, the state’s attorney would enter the police report into a database which could be accessed by parole, probation, DOC, and others (if warranted).

The following considerations must also be included in regard to potential development of SHIELD proposal:

1. The SHIELD proposal is aligned with many current concepts and initiatives that are in different developmental stages within the Criminal Justice Community.
 - a. ON-Line Booking – a proposal to have information transferred directly through the AFIS (Automated Fingerprint Identification System) Live Scans and Law Enforcement Records Management Systems into a central repository to then be transmitted to the Court System. This system was originally funded, however, was put on hold because there were no resources available to handle the project.
 - b. Data Sharing Initiatives, at least two projects are currently ongoing for the sharing of law enforcement data between law enforcement agencies. An additional project is ongoing; sharing accident data electronically with DMV and DOT.
 - c. CIDRIS (Connecticut Impaired Driving Records Information System) An RFP was recently developed for this project. This project is intended to electronically capture and transmit DWI violations from the initial stop, through adjudication in the Courts and through the DMV Administration process.
 - d. Offender Based Tracking System (OBTS) – Currently in production, has the ability to track an individual through all aspects (from Court to Corrections).
 - e. COLLECT (Connecticut On-Line Law Enforcement Communications Teleprocessing system) The system is currently undergoing a review to assess what is needed for compliance with the latest NCIC requirements and enhancements.
 - f. Project should be designed in phases, with Phase I being On-Line booking then utilizing the current data sharing initiatives for Phase II, etc.
2. We cannot associate a cost with this project.
 - a. From the beginning, there must be sufficient staff allocated to the project within each agency and a commitment to fully fund not only the associated personnel costs but also equipment refresh and software upgrades

3. There will be considerable policy and procedures to be developed to ensure proper use and avoid any improper disseminations of information.
 - a. Who owns the data?
 - b. How will the data be submitted, modified, cancelled, erased or called back?
 - c. Sub-committee for Policy and Procedures
 - d. Sub-committee for Privacy Policy
 - e. Sub-committee for Sanctions
 - f. Sub-committee to establish guidelines for Public Web Site – (If this is established as a web based system) To protect the SHIELD system, Internet inquiries should not be run directly against the SHIELD database. The committee should evaluate the feasibility of creating a public internet site with data obtained from SHIELD.
 - g. Due to cyber attacks, SHIELD should be available to contributing agencies over the state intranet or state network.
4. Transport Mechanism
 - a. A Statewide Public Safety Data Network would be developed in phases. If COLLECT data lines are utilized, on an interim basis, there would need to be increased bandwidth, which would lead to an approximate 150 % increase in costs to the COLLECT system. There are over 200 agencies with access to COLLECT. By state statute Department of Public Safety is required to pay the circuit cost for all local and university police departments. COLLECT has upgraded all users to T1 (large capacity copper communications line) circuits; the cost of a T1 circuit is 421.00 a month.
5. A committee should evaluate each agency's (Judicial, DPS, State Attorneys, etc) readiness to submit and receive the data.

Proposal #8, An Act Strengthening Criminal Laws Concerning Persistent Offenders, Burglary, the Justifiable Use of Deadly Force and Parole Release, would establish a public registry of parolees. Prior to considering such a legislative mandate, the committee should be aware that the current SOR database is outdated and has very limited capabilities. The cost to replace this system is estimated at \$1.5 million. Obtaining a database to support the additional registration and community notification process envisioned by this proposal would add to these existing information technology needs. Additional personnel would also be required. Based on a population of 2,700, this proposal would require creation of a unit with a minimum of four troopers in the unit with one sergeant and one civilian clerical person, most probably a processing technician. The committee should also be aware that there is currently a lack of sufficient space at DPS headquarters to house such a unit.

Sincerely,

FOR: Cal. House Speaker
John A. Danaher III
COMMISSIONER