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Integrated Criminal Justice Technologies: An Introduction

J. Clark Kelso
University of the Pacific, McGeorge School of Law

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Criminal justice systems around the country are at a critical crossroads in the development and use of information and communication technologies. Decisions being made right now and during the next year will set the course for the next twenty years. Will we have an integrated system in which everyone who routinely works with the criminal justice system (including law enforcement, social services, schools, courts, prosecutors, public defenders, corrections, probation and parole offices) has easy, cheap and quick access to accurate and relevant information? Or, will we have what Chief Justice Ronald M. George of the Supreme Court of California calls the Electronic Tower of Babel, where every agency and player in the justice system is technologically equipped but, because of uncoordinated planning, everyone is technologically isolated from each other?

I. YESTERDAY'S VISION IS HERE TODAY

For fifteen years, I've been writing and speaking on how technology can fundamentally change the way we manage information in the justice system. In these prior publications, I've always spoken of a vision for the future and where technology would be in the very near future. Elements of that vision are probably familiar to most readers by now, and parts of that vision were incorporated into the California Judicial Council's futures report, *Justice in the Balance—2020* (1994).[1]

A. Paperless Reports, Filings and Records

Beginning with the police report completed in the field on a laptop, and all the way through the system to corrections, probation and parole, all information will be stored and shared electronically among all criminal justice system agencies, taking into account an agency's need-to-know and privacy concerns. The criminal justice system agencies include: all law enforcement departments, prosecutors, public defenders, the private defense bar, the state trial courts, the state appellate courts, corrections, probation, parole, and the federal courts. The improved effectiveness of the entire system will make California a safer place to live, and the

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    1. CALIFORNIA JUDICIAL COUNCIL, REPORT OF THE COMMISSION ON THE FUTURE OF CALIFORNIA COURTS, JUSTICE IN THE BALANCE—2020, at 101-14 (1994).

cost savings in terms of paper and time wasted will easily reach into the tens of millions of dollars.

B.   *Virtual Presence*

Using interactive video communication technology, physical appearances will be replaced with electronic appearances. For example, nearly all arraignments will be conducted remotely using this technology. Counsel will no longer need to be physically present in the courtroom to argue non-evidentiary motions. Law enforcement will benefit by being able to remain longer in the field.

C.   *Frequent and Routine Telecommuting*

The traditional commute to and from the office will increasingly vanish as employers and employees learn how to be equally productive in a home office as in a downtown office building. Visions for the future are not particularly threatening because they are, by definition, tomorrow's problems—something for the next generation to confront. As recently as four years ago, I would have agreed that we still had some breathing room for deliberative, strategic planning.

That breathing room has evaporated. In the last four years, we have seen quantum leaps forward in computer and communication technologies. Desktop computers now have processing power and data storage capacity equivalent to that possessed by mainframe computers from as little as twenty years ago. With the abandonment of DOS in favor of a windows-based environment, there is an increasing convergence in the look and feel of major software programs. The combination of increased computing power, advances in data transmission, and attractive graphics interfaces resulted in an explosion of Internet use, whetting the public's appetite for greater access to government databases (an appetite to which government agencies are quickly responding with thousands of web sites) and conditioning the public to expect government to make efficient use of information technology.

With these advances, the vision for the future has become the reality of today. A few examples from California will make the point:

1) Criminal record information is now widely available to law enforcement around the State and in the field through, for example, the Violent Crime Information Network (VICINS), Statewide Integrated Narcotics System (SINS), and Western States Information Network (WSIN). These systems are scheduled for integration with California's largest criminal justice system, the California Law Enforcement Telecommunications Systems (CLETS).

2) The previously time-consuming process of confirming someone's identity through their fingerprints is now being streamlined into a five to fifteen minute process that can happen in the field using Live Scan technology.

3) County social workers working in the child welfare services division now have a statewide system to help them track their cases.

4) Trial courts in Alameda, Riverside, Orange, San Francisco and Ventura counties are implementing "paperless" technologies.

5) Video arraignments and virtual presence are routinely employed in counties around California.

6) Telecommuting has become an accepted and widely followed policy both in the public and private sectors.

Some of the most significant technological hurdles—the supposed incompatibilities of databases and communication protocols—have been resolved creatively by the industry. The. Internet and windows-based platforms have established a common ground for users. In addition, sophisticated programs dubbed "middleware" create user-friendly interfaces between vastly different databases with vastly different data structures. Once again, this is not tomorrow's technology. A fully integrated justice network—linking together law enforcement, jail management, prosecuting attorneys, defense attorneys, judges, court clerks, probation, and corrections—is up and running in Oklahoma, and its success has jurisdictions nationwide taking notice.

II. IT'S ABOUT GOVERNANCE

The issues now are not technological. The issues are those of governance, accountability, responsibility, and budgets. The issue is one of leadership.

We should not underestimate the difficulty of resolving these governance issues. There is more here than turf wars between competing bureaucracies. There are serious structural, policy and budget questions.

Over the course of the last year, I have worked with California state and local leaders to promote coordinated technology development in the criminal justice system. As part of this effort, we created an Intergovernmental Coordinating Council ("ICC") which is a part of the McGeorge School of Law's Institute for Legislative Practice. I am the Director of the ICC, and its membership includes representatives from the Governor's office, the Attorney General's office, the Legislature, the Office of Criminal Justice Planning, law libraries, the State Public Defender, the Chair of the Judicial Council's Court Technology Committee, the League of California Cities, and the California State Association of Counties.

These efforts at the state and local level have been matched by similar efforts around the country. Most importantly, under the leadership of Attorney General Janet Reno, the United States Department of Justice has actively begun to coordinate information sharing and collaborative technology development among federal, state and local justice agencies. The first major event was a two-day "Intergovernmental Meeting on Integrated Criminal Justice Systems, Information, and Networks" held in Washington, D.C. in March 1998, sponsored by the Department of Justice's Office of Justice Programs (which administers billions of

dollars of grants and funding to state and local justice agencies). The ICC represented California at this meeting, which was attended by representatives from seven other states (Colorado, Indiana, Michigan, New York, North Carolina, Pennsylvania, and Texas). The discussions at the conference focused on governance issues, such as the need for executive sponsorship in planning, implementation, and ongoing system management, the need for technical assistance and training during all phases of system development, the need to set benchmarks, conduct evaluations, and document best practices. The Office of Justice Programs has sponsored two subsequent meetings to bring together criminal justice leaders from other states with a goal of ultimately developing a strategic plan to coordinate the use of justice technologies among federal, state and local agencies to further the fight against crime.

In this issue of the *McGeorge Law Review,* we have two articles on this important topic. The first article reprints a speech given by Attorney General Janet Reno on May 13, 1998, at Government Technology's Justice and Public Safety in the 21st Century Conference.[2] She makes the case for building integrated criminal justice information systems that span the criminal justice system. The second article,[3] by Paul Kendall and Anne Gardner, explores in greater detail how this important local, state and federal initiative can be funded and coordinated by the Office of Justice Programs. Kendall and Gardner set forth a roadmap for congressional action to endorse and support integrated criminal justice system technologies. I encourage you to read the articles carefully and to consider how you can contribute to this important effort.

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2.   Janet Reno, *Justice and Public Safety in the Twenty-First Century,* 30 MCGEORGE L. REV. 5 (1998).
3.   Paul F. Kendall & Anne Gardner, *Legislation: A New Design for Justice Integration,* 30 MCGEORGE L. REV. 9 (1998).