

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on January 19, 1995 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Jerry Donaldson, Legislative Research Department
Jill Wolters, Revisor of Statutes
Cindy Wulfkuhle, Committee Secretary

Conferees appearing before the committee:

Larry Welch, Director Kansas Bureau of Investigation
Chuck Sexson, Special Agent Kansas Bureau of Investigation

Others attending: See attached list

Larry Welch, Director Kansas Bureau of Investigation, appeared before the committee to give a briefing on the Criminal History Information Database. The Criminal Justice Information Services Division is under the command of Special Agent Chuck Sexson. There are several different systems included in the Division; Criminal History Record Information Systems, Juvenile Justice Information System and Kansas Incident Based Reporting System. Last year there were over 221,000 record checks. Currently each month there are an average of 6,300 finger print cards, 60% of those are repeat offenders. All records received as of April 1991 are input. He stated that it was true that in the past there had been trouble with the completion of records, timeliness of responses and backlog. These problems should be addressed within 6 months to a year. It is important that the KBI have adequate support personnel to manage data systems and handle the daily demands for record information. All interested parties are working hard to achieve an integrated system. (Attachment 1)

Representative Adkins asked what the Federal Bureau of Investigation's National Crime Information Center contains. Mr. Sexson replied that it contains stolen property records, missing and wanted persons, and maintains criminal history records on a national level for states which do not have their criminal history files automated. The NCIC 2000 will be available in the future and the advanced system will allow the transmission of photographs, images, tatoos, and fingerprints. The Federal Government also has a Interstate Identification Index which contains history of the offenders criminal record. Kansas does not provide information to the Interstate Identification Index but can access it to see other states criminal history database.

Representative Garner stated that at seminars he had been to the Federal Government stressed that all states need to get on the same system and start communicating. For the past four years there has been the issue of Kansas needing to have a uniform criminal database, that courts can't communication with the Department of Corrections. He questioned if this is going to be accomplished and, if so, what is the time frame. Mr. Welch replied that it is difficult to give a time frame without knowing what kind of resources they will have to work with. Representative Garner commented that it's frustrating from the Legislatures standpoint, although enough money has probably not been provided, that in this age of computers a database can't just be setup and the information input and it would be ready to go. Mr. Welch made the statement that this could be done, but it's not that simple. The systems have to be integrated so that they talk to each other. The issue now is how to access other agencies to get information to and from them.

Chairman O'Neal asked if the Legislature could expect the Criminal Justice Coordinating Council to come before the committee with a specific proposal during the 1995 session which would get the database on line. Mr. Welch commented that he would go back to the Council and express the Chairman's desire to have the database online by the end of the session. Chairman O'Neal asked if there was a turf battle going on, a lack of resources to buy the terminals, trouble with finding communication software that enables the various types of computers talk to each other or are there technical impediments to accomplishing what needs to be accomplished. Mr. Welch responded that he doesn't know if there are any technical impediments, but there are different systems written on different programs. He doesn't foresee any turf battles but the effort to get everyone headed in one direction has been a tough job and it's still not done.

The Chairman asked if there has been an agreement that the KBI will continue to be the central repository for the information from which other law enforcement agencies access or is there something else being planned.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY, Room 313-S-Statehouse, at 3:30 p.m. on January 19, 1995.

He asked what is it going to take to get the database moving. Mr. Welch explained that it was his opinion that with an effort by all parties and financial support, it can be done. This is the most critical issue facing the KBI and therefore, effort has been taken to make this the KBI's number one priority.

Chairman O'Neal asked if there was anything that this committee could do to help the process. Mr. Welch responded that they could put their full support behind the KBI in continuing to be the central agency for handling the database.

Chairman O'Neal asked if he was familiar with the proposed bill that would create a Crime Free Hotline with a toll-free number, and was that something the state needed. Mr. Welch replied that he was aware of this bill and the KBI currently has a 1-800 number that works well. The only difference is that this would have a reward for the information if used to convict the offender.

The committee meeting adjourned at 4:30 p.m. The next committee meeting is scheduled for January 23, 1995

HOUSE JUDICIARY COMMITTEE GUEST LIST

DATE: January 19, 1995

NAME	REPRESENTING
Matt Jordan	KBA
Jackie Cochran	KSC
Myrna March	KSC
CHARLES SEXSON	KBI
LARRY WELCH	KBT
Amy Howell	Intern
Jim Howell	—
Kim Clark	KCPAA
Paul Shelby	OJA
WAUT DARLING	Ks DIVISION OF BUDGET
Jan Johnson	KDOC
JILL CRUMPACKER	GOVERNOR'S OFFICE LEGISLATIVE LIASON
Diane Whitworth	Division of the Budget
Scott M. Alsup	Div. of Budget
Kathie Sparks	" " "
Ashy Smith	Koch Crime Commission
MARTIN SEBY	" " "
William M. Watson	" " "
JEFF LEWIS	KDOC



LARRY WELCH

DIRECTOR

KANSAS BUREAU OF INVESTIGATION
DIVISION OF THE OFFICE OF ATTORNEY GENERAL
STATE OF KANSAS



CARLA J. STOVALL

ATTORNEY GENERAL

TESTIMONY OF
LARRY WELCH, DIRECTOR
KANSAS BUREAU OF INVESTIGATION
BEFORE THE HOUSE JUDICIARY COMMITTEE
JANUARY 19, 1995

The Criminal Justice Information Services Division of the KBI has the responsibility of managing the Criminal History Record Information System (CHRI), Juvenile Justice Information System (JJIS), and the Kansas Incident Based Reporting System (KIBRS). In addition, the division also provides 24 hour communications support for the Automated Statewide Telecommunications and Records Access Network (ASTRA). These services, combined with the Data Processing Unit, comprise the state's Central Record Repository for criminal justice information.

The CHRI system is maintained by the Adult Records Unit which is staffed by six identification technicians and twelve records support personnel. The Records Unit utilizes the Automated Fingerprint Identification System (AFIS) to scan fingerprint cards and create an image database for the search of latent fingerprints. This unit is responsible for the maintenance of criminal history files, automation of the records and processing requests for information. CHRI currently houses 656,727 adult records and processes an average of 6,300 new arrests per month. In FY94 the Records Unit processed 221,614 requests for criminal history record information.

The JJIS was developed in 1983 and retains records on juvenile offenders and children in need of care. The juvenile database currently has 138,000 records, with an average monthly increase of 1,300 reports. The Juvenile Unit is comprised of seven support personnel who maintain the JJIS, respond to record inquiries and enter data from disposition reports and journal entries submitted by the courts and prosecutors.

The KIBRS program was implemented in 1985 to provide more concise and accurate reporting on the nature and extent of crime occurring in Kansas. In 1993 the system was revised to meet the requirements of the National Incident Based Reporting System (NIBRS), and to develop a linkage between the adult and juvenile databases. KIBRS is maintained by the Crime Data Information Center which is supported by five full time employees .

The ASTRA network is monitored by ten support personnel assigned to the Communications Unit. ASTRA was established by the Kansas Legislature in 1968 as a means for criminal justice agencies to communicate with each other and access state and national databases, state drivers license and vehicle registration files, stolen property files, wanted and missing persons, and criminal history records. All transactions transmitted to or from ASTRA terminals (260 in Kansas) are passed through the law enforcement switcher housed at the Division of Information Systems and Communications (DISC).

House Judiciary
1-19-95
Attachment 1

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A link is currently being designed to connect the law enforcement switcher with the KBI's computer which houses criminal history record information. Once that link is operational, authorized ASTRA and terminal agencies nationwide will have direct access to Kansas criminal history information through the national Interstate Identification Index (III). The link to III is expected to be completed in the 1995 calendar year. The Adult Records Unit is in the process of automating records for access through III.

The ASTRA system also provides access to the National Crime Information Center (NCIC) which is maintained by the FBI. This database contains stolen property records, missing and wanted persons, and maintains criminal history records on a national level for those states which do not have their criminal history files automated. NCIC also acts as a pointer system for those states with automated records.

In 1998 the FBI is planning to upgrade NCIC to allow the transmission of both text and imagery, such as photographs, signatures, tattoos and fingerprints. This new technology, and the fact that the ASTRA switcher will no longer be supported after March 1995, will require an evaluation and probable replacement of the hardware and software necessary to meet the ASTRA users needs.

During the past two years the Information Services Division has been greatly affected by a number of changes in the criminal justice system. In July 1993 the state implemented sentencing guidelines which brought about a change in the way dispositions were reported to the Central Record Repository. At that time, the method of recording dispositions went from a charge specific format to a case specific format. This required computer programming changes at the KBI and resulted in a major departure from the previous method of disposition reporting. The Adult Records Unit is adjusting to the new format, but spends an inordinate amount of time interpreting dispositions and building the criminal history abstracts. The need for human intervention to ensure that automated records are accurate and complete has resulted in delayed responses to record inquiries.

The Brady Law and a variety of concerns for child protection has resulted in a significant increase in record checks requested by criminal and non-criminal justice agencies. In FY94 the Adult Records Unit processed 114,650 record inquiries from non-criminal justice and 106,964 inquiries from criminal justice agencies. The increased number of record requests placed an additional load on the records staff.

In the January 1995 Legislative Post Audit report, Reviewing the Implementation of the Kansas Sentencing Guidelines Act, it was pointed out that prosecutors and the courts were concerned about timely responses to record inquiries and completeness of the criminal history abstract. The KBI acknowledged the unacceptable delays in record check responses and has taken steps to speed up the process. The first initiative was to fill eight existing vacancies in the division. All but three positions have been filled and new personnel have been committed to the reduction of existing backlogs.

The second initiative was a change in the work flow to reduce the number of times a record is handled. All new arrests and requests for criminal history information will result in complete automation of the affected record. This will facilitate the steady development of fully automated and quality controlled records. The quality records will form a database as the foundation for direct

computer access by criminal justice agencies. The database will expand as records are reviewed and updated. Data processing efforts will continue to develop the integration of juvenile records into the automated system. This will streamline the search of juvenile records for the purpose of updating adult criminal histories.

As a result of these initiatives, the criminal justice record checks have been reduced to a four week backlog. All negative record inquiries have been processed and are up-to-date. The division is committed to the reduction of backlogs and more timely response to record inquiries.

It is important to mention the need for adequate support personnel to manage data systems and handle the daily demands for record information. The KBI has requested that nine Special Projects positions be upgraded to FTE status in FY96. We are also appealing the Division of Budget recommendation that two of the Special Projects positions be eliminated in FY96. Most of the Special Projects positions are for a second shift in the Juvenile and Adult Records Units. It has been difficult to implement and maintain the evening shift when the positions are funded year-to-year. Individuals are generally seeking positions with greater stability and will, too often, depart when they find more permanent employment. **Full staffing is critical to the maintenance of a second shift and overall reduction of current backlogs.** The agency is also requesting an additional Programmer Analyst position for the Data Processing Unit and a Compliance Auditor for the Communications Unit.

In regard to the completeness of records, a comprehensive training program should be developed to orient law enforcement agencies, prosecutors and the courts to the arrest and disposition reporting system. Lack of disposition reporting, and even arrest information, has been a problem that precedes the current sentencing guidelines. In an effort to maintain complete records, the KBI will move ahead with plans to generate a delinquent disposition report. These reports will be forwarded to agencies with a request for the missing information.

The KBI has worked closely with the Kansas Sentencing Commission and the Department of Corrections to develop the current criminal history record system. KSC personnel have been helpful in the automation of juvenile records and review of journal entries. DOC and KBI data processing staff have worked together to develop the transfer of journal entry information into the KBI database.

Finally, the KBI is working with the Criminal Justice Coordinating Council to develop a state plan for the improvement of criminal justice records. Federal funding is available to states that have approved plans and can demonstrate a need for assistance. The National Criminal History Improvement Program (NCHIP) was funded by Congress to automate state criminal history databases and promote full participation in the Interstate Identification Index (III), National Instant Check System (NICS), Integrated Automated Fingerprint Identification System (IAFIS), and the National Incident Based Reporting System. In conjunction with the state's plan, the KBI will submit a proposal to CJCC for the use of federal funds to enhance the Central Record Repository.