Law Enforcement Data Access and Dissemination Project

Final Report

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Submitted To**:**

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Submitted By:

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2015 BJS Final Report on the Law Enforcement Data Access and Dissemination Project

As the Global Justice Information Sharing Initiative (Global) Advisory Committee (GAC) has stated in its strategic plan, "the need for timely, accurate justice-related information sharing is compelling." Not only does every justice and public safety organization require information from other agencies to do their jobs more effectively but there is a rise in the number of other community agencies needing this information for a variety of reasons. The challenge identified by criminal justice researchers in Vermont was the lack of available valid and timely statewide crime data. This existed despite the fact that there are only three automated police records/data systems in the state. These systems and their analytical tools have serious limitations which negate the ability of criminal justice researchers to collect and analyze statewide crime data. In addition, the process for gaining permission for law enforcement to share their data created another challenge.

Introduction

Statistical Analysis Centers (SACs) are state agencies that objectively collect, analyze, and disseminate justice data and are the research arm of the criminal justice system. The Vermont Department of Public Safety (DPS) is the designated SAC for Vermont and they contract with Crime Research Group, Inc. (CRG) to provide SAC services. As a result DPS/CRG are often tasked by law enforcement agencies (LEA), the legislature, other criminal justice agencies, state agencies, and other entities to provide answers to questions regarding crime, crime trends, criminal defendants, victims, and criminal justice practices in Vermont. They are also regularly called upon to evaluate a variety of criminal justice programs, policies, and issues. Often the information needed for this analysis is contained in the records management systems of LEAs.

DPS/CRG regularly encounter two major hurdles when trying to utilize law enforcement data to answer criminal justice-related questions: 1) It is time consuming and costly to gain permission from LEAs statewide to access their data; and 2) It is difficult to extract data from the three computer aided dispatch and records management systems. The latter problem is not only an issue for the SAC; LEAs themselves have difficulty accessing their own data and as a result have difficulty answering their own questions as well as questions from town officials, community groups, state agencies, the legislature, the media, and other groups. The Vermont Statewide Law Enforcement Data Access Project was designed to resolve both of these impediments by establishing a data sharing agreement between LEAs and DPS/CRG which is designed to facilitate the creation of a shared data set or "Flat File" which can be used to answer questions of interest to law enforcement agencies and others.

The VIBRS and Valcour Governance Boards act as the conduits for requests for law enforcement data. For statewide data, researchers needed releases from all 70 LEAs granting permission to access their data, which is a cumbersome and lengthy process. The purpose of this project was to engage justice partners in a collaborative process that produced a standardized practice for information sharing.

The final products:
1. The collaborative development of written policies and protocols that take into account the appropriate access, extraction, use, and dissemination of law enforcement data while safeguarding the privacy and Constitutional rights of individuals, the safety of law enforcement officers, and the confidentiality of open investigations.
2. The development of an analytical data set known as the "Flat File" for research use.

The Collaborative Process

DPS, through CRG, worked cooperatively with the VIBRS and Valcour Advisory Boards and individual law enforcement agencies to develop research protocols to determine: 1) what data contained in the VIBRS and Valcour systems are relevant and necessary for ongoing crime and criminal justice research; 2) what data can be released for research purposes; 3) who will be authorized to access the data; 3) how data will be extracted and formatted for use by researchers; 4) how datasets will be disseminated; and 5) how they will be handled and safeguarded.   CRG facilitated four meetings with representatives from the VIBRS and Valcour Governance Boards.

Law Enforcement Data Sharing (LEDS) Work Group Meeting #1: The Commissioner of the Department of Public Safety opened the meeting and stressed the importance of sharing data and the national trend as evidenced by the White House Police Data Initiative in which the Vermont State Police were participating. In the first meeting the stage was set as CRG reviewed the background of the project, and covered the topics: what data sharing is; reviewed the data that police routinely release including crime statistics, police reports and intelligence; and that different data is released to different requestors based on rules and law. The Work Group reviewed the data that would be released to researchers only as a part of this project: statistical, coded data – no narratives. The Work Group also reviewed the importance of answering questions with data, using data to drive solutions, and the current difficulty in sharing data. Some examples of data use included: regional crime analysis, research on specific topics e.g. responding to people with mental health issues, cost benefit analysis, staffing analysis, and the White House Police Data Initiative. During this first meeting, the Work Group identified issue areas, concerns, and challenges. These included funding, officer safety concerns, confidentiality of some information, case integrity, sensitive information, identifying victims/offenders, governance and authority issues, concern about re-disclosure of the data, liability issues, and expungements.

LEDS Work Group Meeting #2: CRG staff reviewed the information from the first meeting, examined what other states are doing regarding law enforcement data sharing, and discussed public data sets compared to research released though an agreement between law enforcement and researchers. CRG presented a chart/list of data (introduced as the Flat File) that would allow researchers enough information to conduct relevant analysis for the LEAs and for the state. CRG gave case examples for use of the data.

Some of the questions that came up during this meeting included:
- Is CRG compliant with CJIS standards?
- Can CRG provide policies on how data is cleaned and secured?
- Is CRG subject to the public records act?
- If LE gives information to CRG is that information open to a request from media? What keeps the information shared with CRG from a FOIA request or from a requirement that the PDs release that same information to others because they gave it to CRG?
- Does it make a difference if there is a research agreement or a contract between the LE and researchers?

Several issues came to light during this meeting: 1. the LEDS Work Group needed a legal opinion on the issue of public records; and, 2. the Work Group was concerned that CRG, not being a state agency, would not have the same security policies and requirements that DPS has. CRG staff also conducted a literature review regarding law enforcement data sharing.

LEDS Work Group Meeting #3: The LEDS Work Group continued to review the data presented in the Flat File. Some concerns that were expressed at the previous meeting included responding to FOIA/public records requests from others including the media, compliance with court ordered expungements, and security standards for those with access to the data. In this meeting the data list was approved by the Work Group with the caveat that Law Enforcement could block some cases or data from review (e.g., open cases) and except for incident address, the list does not include any Personally Identifying Information (PII). It was determined that CRG would draft a data sharing agreement/MOU for review.

At this meeting the Vermont state archivist who is also the director of the Vermont State Archives and Records Administration (VSARA), a division with the Office of the Secretary of State's (SOS) was invited to join the Work Group to review public records requests, exemptions, and transitory data. The archivist explained that under Vermont state law, all Vermont public agencies (state and local) are responsible for applying efficient and effective management methods for the creation, use, maintenance, retention, destruction, and preservation of records created and received in the course of agency business. She reviewed the history of records management and then suggested the following for this project: (1) law enforcement agencies, both state and local, get familiar with their recordkeeping requirements, including exemptions to public inspection and copying, and update their respective internal records management policies and procedures as needed; and (2) the group explore a data sharing agreement that clearly defines law enforcement records and/or data being shared as part of the project and how copies of the records and/or data will be managed and handled, especially if exempt under Federal or state law.

A couple of key points were made during the discussion: the DPS contract with CRG will guide the data sharing in this relationship and CRG would have separate data sharing agreements with other law enforcement agencies. She suggested that contracts and/or user agreements could be designed so that CRG doesn't release data to the public. Contracts and User Agreements could also spell out purpose of research, how data may be used and whether and with whom data can be shared (note that it is standard procedure for researchers not to give data to anyone else per IRB requirements). "One off" data sets can be destroyed according to the general records schedule for transitory data. The archivist authorizes destruction of transitory records (e.g., something created and used once). Unless the data is already in a specific format, departments and agencies do not have to create something special to respond to a data request. There is no obligation to retain newly-created records. These can be destroyed with permission from contracting agency or under the data sharing agreement. Such records are transitory under public records law.

LEDS Work Group Meeting #4: The Work Group expected this meeting to be the last unless unforeseen issues arose. The Work Group reviewed the information from the prior meeting including the key points of the public records disclosure, review of the flat file, and a discussion about the potential use of the Flat File. The LEDS Work Group reviewed its accomplishments including: the research gathered on the issues, addressing specific concerns, and reviewing what was happening across the country. CRG presented and the Work Group discussed the draft law enforcement data sharing agreement/MOU. In the process of sharing the proposed MOU with LEAs, DPS/CRG expressed their understanding that different LEAs have different data needs and interest levels. Because of this participation in the project should be based on each LEA's assessment of the value of the Flat File for their agency. Agencies who wished to share their data with DPS/CRG through the Flat File and be eligible for analytical services without charge would be asked to sign the MOU stipulating the terms proposed. Agencies that declined to share their data would be excluded from the analysis of LEA data conducted by DPS/CRG. Published reports will refer to the data from non-participating agencies as "Missing."

The Work Group discussed the need for buy-in across the state with all law enforcement agencies and next steps. Law enforcement members of the Work Group requested that CRG develop a business plan to be delivered prior to the next joint VIBRS and Valcour Governance Board meeting on April 6, 2017 that would include the following:

- Data analysis costs
- Any fees that DPS anticipates / including potential hidden costs
- A clear statement of the relationship between DPS / CRG
- Any data leaving DPS would include no identifiers
- That authorization can be pulled at any time
- Next steps and a timeline
- A potential list of priorities
- Statement that no individual officers' names will be released
- That LE agencies are the legal custodians of the data – all data requests go back to LE agency unless advised otherwise
- Examples of products / show some of the reports

The next steps for the VIBRS and Valcour Governance Boards included: 1. reviewing the data sharing agreement/business plan and process; and 2. inviting the Chiefs and Sheriffs to a joint meeting of the Boards to discuss the data sharing agreement/business plan. Provide input to CRG/DPS.

Business Plan: Following the fourth meeting, CRG drafted a Business Plan and an Addendum showing examples of their work. The Business Plan was delivered to the Chief in charge of the joint VIBRS/Valcour meeting and the LEDS Work Group.

VIBRS and Valcour Governance Board Joint Meeting: The VIBRS and Valcour Boards reviewed the Business Plan and attachments at their meeting on April 6. Following the meeting there were a few follow up questions which DPS and CRG answered. The most critical and seemingly most important to law enforcement was a determination of the cost to their agencies. There was ongoing concern about the costs that CRG might charge to answer questions with the data in the Flat File. CRG reassured the agencies that if the question can be answered using only Flat File data then there would be no charge, for example, crime trends in a particular jurisdiction or statewide. If it's a more complicated question (e.g. recidivism) and we have to merge the data in the Flat File with court or criminal history data then there would be a charge.

The other significant issue that came out of the meeting was CRG's compliance with CJIS Security. In response to this, all CRG staff took the CJIS security training through DPS, the contract between DPS and CRG now includes an addendum that covers security and confidentiality, and CRG reviewed and revised its security policies.

Chiefs of Police and Sheriffs' Meeting: Members from the law enforcement Governance Boards presented the Business Plan to the Chiefs and Sheriffs at their meeting on June 1, 2017. Several things were decided at that meeting:

1. VIBRS & Valcour Governance Boards have the authority to speak on behalf of LEAs.
2. There is no objection to sharing the data in the Flat File.
3. The Governance Boards will sign a data sharing agreement with CRG.
4. Specific requests beyond the Flat File will need to go to the Boards.

At one of the Valcour Governance Board meetings, it was agreed that the Valcour agencies would release the Flat File data to CRG. The Valcour Governance Board requested that one of their members extract the Flat File data and send it to CRG. The VIBRS Board for the Spillman agencies met on October 4, and also agreed that the Flat File data would be shared with CRG. All law enforcement agencies in Vermont have agreed to share this data with CRG. This major part of the project has been completed.

The Flat File

Initially, DPS and CRG proposed the development of a series of three analytical data sets for crime analysis by leveraging its expertise with the SEARCH Open Justice Broker Consortium (OJBC). As the project developed, and with the discussions surrounding the flat file, DPS and CRG determined that more analytical data sets could be developed from the creation of the Flat File so the focus shifted to creating the Flat File. Flat File data would be extracted from the Spillman and Valcour CAD/RMS systems. This will be used by DPS/CRG to quickly and objectively answer questions related to crime, calls for service, defendants, and victims. The Flat File was designed so that included fields will enable law enforcement agencies and DPS/CRG to answer many of the questions most often posed.

Rather than local and state LEAs being bombarded with data requests, DPS/CRG is prepared to answer questions of interest to LEAs, as well as queries regarding county, regional, or statewide issues. DPS/CRG are aware of the strengths and limitations of LEA data. As a result of CRG's years of experience working with LEAs around data-driven policing, CRG staff know what questions to ask, what data is required to answer those questions, and how to effectively analyze, interpret, and present the results of that analysis.

The Flat File will be beneficial support to DPS/CRG's active research and policy analysis in its role as the Vermont SAC. The availability of a robust law enforcement data set facilitates the ability of DPS/CRG to undertake important legislative and policy research on behalf of the Vermont criminal justice system and other stakeholders. Having the Flat File in place will reduce the cost of research, shorten timelines, increase statewide coverage and representativeness, and ensure a more accurate and useful product.

For optimum effectiveness the Flat File needed to contain data from the most recent five-year period. To achieve this goal, DPS/CRG proposed the following parameters regarding the creation, content, dissemination, and use of the Flat File:

1. DPS/CRG will be limited to one Flat File request per year. The request will be made on or about March 1st and will be for the previous five years data. The request will be filed with the appropriate CAD/RMS Governance Board who will forward the request to the Office of Technology Management (OTM) at DPS for data processing at no cost to law enforcement agencies.

2. No personally identifying information will be included in the Flat File

3. Only the following CAD/RMS fields will be included in the Flat File:

Administrative Data	Arrest Data
Record #	Arresting Agency
Incident #	County of Arrest
Agency	Date of Arrest
	Arrest Statute
Incident Data	Arrestee Age/Sex/Race
Date & Time	Arrestee Town/State of Residence at Time of Arrest
Incident Type	
Incident Category	**Drug Data**
Street Address*	Drug Involvement
Town of Incident	Drug Descriptions
County of Incident	
Type of Location	**Victim Data**
Type of Property	Victim Age/Sex/Race
Value of Property	Victim/Offender Relationship
Weapon Data	Victim Injury
Bias Motivation	
Case Disposition	Circumstance Codes
Clearance	

* Numerical street addresses may only be released with the written permission of the owner of the data.

4. Only cases determined by a law enforcement agency (LEA) to be closed will be included in the Flat File.

5. LEAs may exclude individual records and/or categories of cases from being included in the Flat File.

6. DPS/CRG agrees to treat Flat File data as confidential and will not share Flat File data with any other entity.

7. Data released to DPS/CRG in the Flat File is owned by the originating law enforcement agency and any public records or FOIA requests will be referred back to that agency. DPS/CRG will not re-disclose Flat File data unless authorized by the contributing agency.

8. DPS/CRG must comply with all FBI CJIS Security policies and applicable laws that includes but is not limited to the collection, storage, transmission, and eventual destruction of Flat File data.

9. All DPS/CRG staff who access Flat File data must successfully complete an FBI fingerprint supported record check.

10. The name of a contributing agency may only be released or disclosed in written reports/studies with the written permission of the agency.

11. Authorization for the release of data to the Flat File may be rescinded at any time by any contributing agency.

Technical Specifications:

DPS belongs to the Open Justice Broker Consortium (OJBS) coordinated by SEARCH. DPS currently uses the OJBC platform to extract electronic incident reports on a daily basis from the VIBRS and Valcour records systems statewide and transmit the incident-related data to the central broker at DPS.   The data from the OJBC currently supports statewide federated searches regarding persons, vehicles, and incidents. The Laura and John Arnold Foundation provided funds to enhance the existing platform by adding an *analytical data store* (data warehouse) and the software applications for populating the data store from information flowing across the broker. An analytical data store is a specialized database that stores administrative data in a format which can be readily analyzed by standard statistical packages.

DPS/CRG proposed to enhance the Automated Data Store (ADS) currently managed by DPS through VJISS to include the variables proposed for the Flat File. It was determined that this would require writing new computer code to automatically extract the data from Spillman and Valcour and import it into the ADS. CRG provided SEARCH with an example of what the Flat File would look like and answered a number of questions. Because not all the Flat File data is in the ADS, it made more sense and would be easier to write a query/script against the Spillman and Valcour databases for the Flat File data and add this data to the ADS at a later time for the permanent solution. CRG mapped the Flat File fields to the Spillman schema and worked with the Spillman expert at DPS to map the headings back to capture the correct fields. CRG also worked with the Valcour expert in defining the data in Valcour for the Flat File. The Flat File data will be separated into two different tables – one for incidents and one for arrests.

Once the Flat File data is transmitted to the ADS the data may be readily extracted and outputted to a .csv or spreadsheet format – hence the name "Flat File." Data contained in the ADS is also accessible to VCAMP and VJISS Analytics for easy access by LEAs. The cost for these technical requirements are being covered by the service agreement between DPS and SEARCH.

The Research Plan

Typical questions which can be answered for LEAs by analyzing the data in the Flat File include:

1. **Administrative Questions**
   - What are our top calls for service?
   - Is crime going up or down in our jurisdiction, and what types of crimes? How does this compare to other jurisdictions?
   - Do we have enough officers -- how do our calls/number of officers compare with other LEAs?
   - Do we have the right number of officers per shift?
   - What kinds of calls are draining our budget?
   - Do I have a big enough problem to apply for a grant?
   - How can I include more detail on our calls for service in our annual report?

2. **Crime Analysis**
   - When and where do crimes occur?
   - Do we have hot spots?
   - What addresses are generating the most calls for service?

- What does our race and traffic stop data look like? Race and drug arrests?
- How much of our crime is committed by defendants who are not residents?
- When do we experience peaks in our calls for service?
- Who are the victims of burglary?
- Is juvenile drug crime increasing?
- What percentage of our calls involve a mental health crisis?

3. **Local Planning and Evaluation**
- Are we achieving the results we expected with a particular program?
- Do the benefits of this program justify the costs?
- What percentage of arrests are closed? Compared to other LEAs?
- What percentage of our arrests end in conviction?   Average sentences?

4. **Public Information**
- How many calls for service did we have last month? Did it increase?
- Rotary Club Presentation: What's our business crime data look like?
- What is the risk of victimization for seniors in our town?
- Is date rape a problem in our jurisdiction?   What are the key ages?

The Research Plan will be based on the data in the Flat File. To facilitate data requests, CRG will develop four standard analytical reports for law enforcement agencies to request: 1) Top 20 Calls for Service, 2) Crime Rates, 3) Drug Crimes, and 4) Arrests. CRG will provide these agency-specific reports to any LEA in the state that requests them. These reports will be disseminated by publishing them regularly as a crime byte on the CRG website. It's also important to keep this discussion going by engaging the Chiefs, Sheriffs, Vermont State Police, and the Governance Boards in ongoing conversations about the types of reports that would be most useful. CRG will increase interest by attending meetings with the Flat File loaded on a computer and do analysis on the spot to show what's possible and to ignite the discussion around data-driven policing.

The Flat File data will also be used to answer policy related questions about crime and crime trends for the Governor, state agencies, legislature, service providers, grant applications, the media, and the public. We will reinvigorate the Crime Byte on our website with mini-analysis from the flat file. This will also support BJS in its need for incident-based crime data from the states.

Lessons Learned

1. The SAC should have a clear set of objectives and workable technology model in mind before starting a data-sharing initiative;

2. A data-sharing initiative is time consuming and labor intensive. It is important that the SAC has the necessary resources and staff to lead/support the initiative over the long haul. It is likely that attorneys and other subject matter experts will be needed during the project. There is likely to be resistance and delay along the way. It is important that the staff who are selected to lead the initiative are sufficiently assertive to keep pushing the project forward.

3. It takes time and is necessary to establish a relationship of trust between LEAs and the SAC.

4. It is necessary to identify the correct decision-makers – data sharing champions; it is beneficial to have law enforcement advocates – those agencies who have worked with the SAC in the past and are willing to promote the work and relationship.

5. If possible it is more efficient to work with statewide groups (e.g. Sheriffs and Chiefs Associations, governance boards, working groups) rather than having the data sharing discussion with each and every LEA.

6. The Working Group model was effective for CRG to help us identify and resolve issues prior to bringing them to larger groups. Once committed to the data sharing plan, the Working Group endorsed the proposal and facilitated discussion with other decision makers and organizations. It is important to select the members of the Working Group carefully to ensure that the full range of opinion is represented by members who have a history of working together cooperatively.

7. We found that when engaged individually, many LEAs are willing to share their data. Some are more wary. It helped to talk with individuals prior to Working Group meetings.

8. Law enforcement is concerned with protecting their data, some data is critical to the operations and investigations of LEAs that LEA does not want to share with others out of concern that the distribution of the information might compromise investigations, officer or public safety, and/ or privacy. If possible it is advantageous not to include those data fields in data sharing discussions.

9. Data security is a critical issue for LEAs. They need to be assured that the SAC complies with the CJIS Security policy including the checking the background of staff.

10. It is critical to determine whether data shared with the SAC by LEAs is subject to public record dissemination rules/laws such that the data must be shared with other entities.

11. The SAC needs to help LEAs see the benefits of data sharing by means of concrete examples.

12. An effective argument for data-sharing with the SAC is to encourage LEAs to take the initiative such that they control the format and process rather than having the process dictated to LEAs by legislative bodies, courts, or the public.

13. To be successful, data sharing initiatives probably need to be cost neutral to LEAs.

14. LEAs command staff typically are not analysts, so they may be unaware of how to guide this work to provide "actionable" crime analysis; analysts are usually not police officers and may not be aware of how police respond to crime problems, or what types of products will be most useful. Working together will create a foundation for organizational change and educate law enforcement agencies on how to integrate data-driven policing and crime analysis into their daily work.

15. Moving from ownership of LE data to sharing data is a cultural shift. Moving to evidence-based policing takes time and resources. This shift in organizational culture includes moving from counting incidents to viewing trends, offender-based initiatives to place-based strategies, general strategies to targeted strategies, and counting calls as a measure of success to results-based objectives.

Sustainability

It is also important to note that the LE Data Access and Dissemination Project is not just about sharing data, it's also about providing LEAs with the expertise they need to analyze that data. As the Flat File initiative begins to expand, it is possible that in the short term and possibly in the long term the demand for LEA data will outstrip DPS/CRG's resources to respond.   DPS/CRG is proposing three strategies to deal with demand:

Triage Requests**:** In the short-term it might be necessary to triage requests so that we can respond to the most number of critical requests possible. This may involve working on those queries which can be completed quickly and/or working on queries which are mission critical.   DPS/CRG suggests working with the VIBRS and Valcour Advisory Boards to help develop guidelines in this regard.

Training: DPS has developed and recently improved two user-friendly analytical tools for LEA – VCAMP and VJISS Analytics. With the addition of Flat File fields, these products should provide LEAs with the means to answer most administrative, strategic, policy, and media questions they may encounter. As such DPS/CRG will provide training to LEAs interested in taking command of their own data. By reducing the load of queries directed to DPS/CRG we hope to manage the total volume of requests from LEAs.

Contracting for Services**:** It is expected that some LEAs will have research needs which, because of their complexity or magnitude, will outstrip the resources of DPS/CRG to handle them within the existing contract between DPS and CRG. In these cases we recommend that LEAs with in-depth or long-term projects that include data beyond those shared in the Flat File might consider hiring CRG to conduct those projects pursuant to a contract between the LEA and CRG.   CRG offers a free initial consultation for projects like this.