

Letter Report

**Justice Gateway
Information System**

Office of Justice Assistance

September 2010



Legislative Audit Bureau

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Janice Mueller
State Auditor

September 2, 2010

Senator Kathleen Vinehout and
Representative Peter Barca, Co-chairpersons
Joint Legislative Audit Committee
State Capitol
Madison, Wisconsin 53702

Dear Senator Vinehout and Representative Barca:

In response to a complaint reported to the Fraud, Waste, and Mismanagement Hotline established by 2007 Wisconsin Act 126, we have completed a limited-scope review of the Justice Gateway information system developed by the Office of Justice Assistance (OJA). This system was designed for local law enforcement agencies to share information that is not currently available in other statewide information systems. Concerns were raised about the progress made in development and implementation of the system and whether it is meeting its objectives.

Through fiscal year 2008-09, OJA spent \$6.4 million in federal funds to develop and maintain the Justice Gateway system. OJA is continuing its efforts to gain access to local law enforcement agencies' information, register users, and increase Justice Gateway's use. However, implementation has proceeded relatively slowly. OJA staff assert that Justice Gateway will play a role in the ongoing development of a similar voluntary federal system. However, there are challenges to OJA's plans to increase Justice Gateway's use, including the ability and willingness of local law enforcement agencies to participate in either the State's or the federal initiative. In addition, because several programs and initiatives are supported with Homeland Security funds, establishing the Justice Gateway's priority as it relates to the State's overall information sharing objectives may be important.

During 2011-13 biennial budget deliberations, the Legislature is likely to consider whether Justice Gateway merits state resources, especially in light of other information sharing systems under development. To help inform the debate, we include a recommendation that OJA report in early 2011 to the Joint Legislative Audit Committee and the Joint Committee on Information Policy and Technology on the system's current status and its future plans for Justice Gateway.

We appreciate the courtesy and cooperation extended to us by OJA, the Department of Justice, and the Department of Administration's Division of Enterprise Technology staff in conducting this review.

Sincerely,

A handwritten signature in cursive script that reads "Janice Mueller".

Janice Mueller
State Auditor

JM/SH/bm

Enclosure

JUSTICE GATEWAY INFORMATION SYSTEM

Wisconsin has been working for many years to increase the availability and sharing of criminal justice information among state and local law enforcement agencies and has developed several data systems to do so. For example, the Department of Justice's (DOJ's) Transaction Information for Management Enforcement (TIME) system, which has been available since the 1970s, provides users with state and federal criminal histories of individual offenders and interfaces with several other state databases. The Prosecutor Technology for Case Tracking (PROTECT) system was developed to assist district attorneys with their case management needs.

1995 Wisconsin Act 27 directed the Department of Administration (DOA) to maintain, promote, and coordinate justice information sharing initiatives among state and local agencies. Beginning in 2003, the Office of Justice Assistance (OJA) assumed DOA's data sharing responsibilities and established the Wisconsin Justice Information Sharing (WIJIS) program, which developed the Justice Gateway system to provide a single point of access for law enforcement agencies searching for information on suspects that is stored in local law enforcement records systems and other state databases.

In contrast to the TIME system, which contains criminal histories of individual offenders and data from other state law enforcement agencies, such as the Department of Transportation (DOT), the Department of Natural Resources (DNR), and the Department of Corrections (DOC), the Justice Gateway system was designed to provide access to "incident-based" data for law enforcement contacts that may not result in an arrest, such as traffic stops, citizen complaints, or notes compiled by officers during investigations. It also provides access to information in the PROTECT system and the Circuit Court Automation Project (CCAP), which includes arrests and court proceedings. In addition, OJA recently added access to DOT and DNR traffic citation data. Development and implementation of the Justice Gateway system, which has been funded primarily with federal Department of Homeland Security funds, cost approximately \$6.4 million through June 2009.

In response to concerns reported on the Fraud, Waste, and Mismanagement Hotline established by 2007 Wisconsin Act 126, we initiated a limited-scope review that:

- analyzed documents pertaining to the development and implementation of the Justice Gateway system and its relationship to other justice information sharing systems;
- interviewed staff in OJA, DOJ, and DOA's Division of Enterprise Technology;
- interviewed representatives of selected local law enforcement agencies; and
- reviewed funding and expenditure information for the system.

Justice Gateway System Development and Oversight

OJA began planning for Justice Gateway in 2003, and the system first became available to users in February 2007. However, agency staff initially encountered significant challenges in developing a search function capable of including information from the various systems maintained by local law enforcement agencies statewide. OJA originally agreed to pay approximately \$300,000 for information routing software that DOA had purchased from a private vendor in 2004. However, after several unsuccessful attempts to implement the new technology, OJA decided in November 2006 to develop a new system with its own staff and the assistance of private contractors.

To facilitate system development, OJA established a policy advisory group that included representatives of OJA, DOA, DOJ, DOC, and the courts. The group began meeting in 2003 and disbanded in 2006. In addition to advising OJA during development of the system, the group assisted in several key decisions, such as determining which agency would be principal custodian of the data and how system security would be ensured. However, DOA's Division of Enterprise Technology has maintained some oversight responsibility for the Justice Gateway system. For example, following a review of information system projects completed by our office in 2007 (report 07-5), the Division increased its monitoring of all information systems and identified the Justice Gateway system as a high-priority project, defined as those exceeding \$1.0 million in costs or considered vital to an agency's operations.

As a result of the enhanced monitoring, OJA has submitted monthly reports to DOA in four categories: schedule, scope, budget, and other. In each monthly report from February 2008 through May 2010, OJA reported concerns about Justice Gateway's staffing and sustainability. In each report since May 2008, OJA indicated that without "future assistance from the State of Wisconsin the WIJIS program is in danger of ceasing current levels of operations."

Justice Gateway System Costs

Since fiscal year (FY) 2004-05, costs for the development and implementation of the Justice Gateway system have totaled \$6.4 million, as shown in Table 1. The federal Department of Homeland Security provided \$4.2 million, or 65.6 percent of the system's funding, and the federal Department of Justice provided \$2.2 million, or 34.4 percent, primarily through its Community Oriented Policing Services (COPS) program. Most expenditures have been for staffing by information technology contractors, state staff, and consultants and for grants to reimburse local law enforcement agencies for their costs to prepare and provide access to data from their own computer systems. Appendix 1 provides additional detail on 19 local law enforcement agencies we identified as receiving and using Homeland Security grants for the Justice Gateway project in FY 2008-09. OJA estimates that approximately 30 additional local law enforcement agencies received grant funds during this period because some of the 19 recipients distributed a portion of their grants to other agencies or spent the grants on behalf of regional coalitions.

Table 1

Justice Gateway System Expenditures¹

Expenditure Category	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	Total
Information technology contractors	\$ 8,600	\$ 274,000	\$ 851,200	\$ 608,800	\$ 458,000	\$2,200,600
Grants to local law enforcement agencies	-	208,900	775,600	628,600	517,900	2,131,000
State staff salaries and fringe benefits	111,800	191,600	506,900	158,800	60,600	1,029,700
Consultants	109,800	165,900	101,700	-	-	377,400
Technology payments to DOA ²	-	107,100	62,500	-	-	169,600
Other software and equipment	4,700	51,600	73,800	2,400	200	132,700
Travel and training	16,100	16,500	15,200	5,600	9,300	62,700
Other	18,100	67,800	85,900	83,600	70,600	326,000
Total	\$ 269,100	\$1,083,400	\$2,472,800	\$1,487,800	\$1,116,600	\$6,429,700

¹ Costs prior to FY 2004-05 were not separately tracked from general justice information sharing activities and could not be readily determined.

² Reflects payments to the Division of Enterprise Technology for software included in the system's original architecture but not implemented.

Contractors employ nine staff who spend a portion of their time working on the Justice Gateway system, including seven individuals who have been working on Justice Gateway since 2006. These contractor staff currently provide ongoing system maintenance, as well as technical assistance to local law enforcement agencies that have chosen to connect to Justice Gateway. We reviewed vendor payments through FY 2007-08 and found that three firms accounted for 57.0 percent of contractor costs: Compuware Corporation; Synergy Consortium Service, LLC; and Sundial Software Corporation.

State staff salaries include \$241,300 over the five-year period in overhead that has been charged to OJA for DOA information technology staff allocated to the Justice Gateway system. The remainder reflects allocated portions for OJA's director and other OJA employees who work directly on the Justice Gateway system.

FY 2008-09 expenditures were \$1.1 million. OJA expects the system's costs will not change appreciably in the near future because of expected implementation work as local law enforcement agencies are added. However, because the continued availability of federal Homeland Security funds for the Justice Gateway system is somewhat uncertain, alternative funding sources may be needed.

OJA's 2009-11 biennial budget request included an increase in the State's justice information sharing surcharge, which has funded projects maintained by the courts and prosecutors, but not the Justice Gateway system. The surcharge is paid by the public when certain civil cases are filed with the courts. 2009 Wisconsin Act 28, the 2009-11 Biennial Budget Act, increased the surcharge from \$12.00 to \$21.50 but directed that the increased funding be used for PROTECT, for a traffic stop data collection initiative, to replace general purpose revenue for indigent civil legal services

grants, and for certain other programs. OJA has therefore continued to depend solely on federal funds for implementation and ongoing maintenance of the Justice Gateway system.

Future Considerations

Wisconsin has more than 600 state and local law enforcement agencies. However, data from only 149 local law enforcement agencies, which serve approximately 42.3 percent of the population, were included in Justice Gateway as of August 2010. The two largest police departments—the Milwaukee Police Department and the Madison Police Department—do not currently participate, although both indicated plans to do so this year. OJA is also in the process of registering law enforcement officials, such as detectives and sheriffs, as users who will have access to data through Justice Gateway.

OJA reports that more than 3,500 individuals have access to Justice Gateway system information, but OJA acknowledges a need for continued education efforts to demonstrate the benefits of the Justice Gateway system and to promote its increased use. Benefits include the ability to conduct background checks and other research as part of ongoing investigations. As shown in Table 2, use of Justice Gateway has been increasing, but at a relatively slow pace. During August 2010, OJA reports that Justice Gateway users conducted 615 weekly searches.

Table 2

Justice Gateway System Usage

Month	Registered Users	Average Weekly Searches Performed
June 2007	482	2
December 2007	1,238	86
June 2008	1,641	100
December 2008	2,154	357
June 2009	3,120	414
December 2009	3,508	577

Source: Office of Justice Assistance

OJA staff indicate that law enforcement agencies have access to all information contained in the PROTECT system only through Justice Gateway. However, one concern among law enforcement users we spoke with is the need to conduct multiple searches as part of investigations using Justice Gateway. While Justice Gateway incorporates data from both the PROTECT system and CCAP, federal criminal histories and other data contained in the TIME system data cannot be added because Federal Bureau of Investigation (FBI) policies restrict these data to applications managed by authorized criminal justice agencies, which in Wisconsin is DOJ.

Another concern is that local law enforcement data available through Justice Gateway is somewhat limited because participating agencies choose which records to make available, and sensitive records may be excluded to comply with statutory privacy requirements or local policies. In addition, the content of selected records is not always visible to Justice Gateway users; instead, users may receive only a notation that a record exists and may need to directly contact the local law enforcement agency to obtain additional information. To encourage local participation, OJA does not mandate either which records must be shared or the format of shared records.

OJA plans to continue its efforts to increase both the number of participating local law enforcement agencies and use of the Justice Gateway system over the next several years. However, Justice Gateway is being affected by the development of a similar voluntary federal system known as the National Data Exchange (N-DEx), which is designed to compile incident-based data for all states.

OJA staff assert that the Justice Gateway system will play a central role in ensuring that local law enforcement data are made available to the voluntary federal N-DEx system. For example, they believe that the data from the 149 law enforcement agencies already participating in Justice Gateway can be formatted after some additional work to meet FBI requirements. One Wisconsin law enforcement agency—the Barron County Sheriff's Department—has already successfully submitted data to the N-DEx system. OJA and DOJ are also currently working with the State's largest local law enforcement agency—the Milwaukee Police Department—to allow access to its incident data through both Justice Gateway and the federal N-DEx system. The Milwaukee Police Department has indicated that access to other states' incident-based records, particularly those from neighboring states, will be useful in its investigations.

However, there are challenges to OJA's plans to increase the use of Justice Gateway, including the ability and willingness of local law enforcement agencies to participate, given their limited local resources and other law enforcement priorities. It is also not certain whether some local law enforcement agencies will choose to submit their data to N-DEx by a method other than Justice Gateway, an option that is available to them.

Because implementation of Justice Gateway has proceeded relatively slowly, it is difficult to determine if the benefit to law enforcement agencies has exceeded costs. Funding will also be a concern if the Department of Homeland Security reduces or redirects federal funding in the future. Our review of Emergency Management efforts (report 10-9) describes several programs and initiatives supported by Homeland Security funds, which in FY 2008-09 totaled \$12.5 million.

If the Legislature believes continued investment in the Justice Gateway system is a priority, it may need to consider other funding sources during its 2011-13 biennial budget deliberations. However, if the Legislature believes the State may be better served by devoting its efforts to other information sharing systems or initiatives, it may wish to redirect OJA's priorities. Regular reporting by OJA on the status and future of the Justice Gateway system will be important to help inform this debate.

Finally, we note that despite a requirement to do so, OJA has not shared information with the Legislature on the Justice Gateway system for several years. When justice information sharing responsibilities were created in 1995, s. 16.971(9), Wis. Stats., also required an annual report to the Legislature summarizing efforts to improve and increase the efficiency of justice information

systems integration. The last report to the Legislature was completed in 2003. Subsequent reports were not completed by either DOA or OJA until we began our review of the Justice Gateway system.

Recommendation

We recommend the Office of Justice Assistance report to the Joint Legislative Audit Committee and the Joint Committee on Information Policy and Technology by January 31, 2011, on the status and future of the Justice Gateway system, including its assessment of:

- *estimated future annual operating costs and options for how ongoing costs could be funded; and*
- *the Justice Gateway system's priority as it relates to the State's overall information sharing objectives.*

Appendix 1

**Justice Gateway System Local Homeland Security
Grant Program Expenditures**
FY 2008-09

Grant Recipient ¹	Grant Award	FY 2008-09 Expenditures
Bayfield County Sheriff's Department	\$ 59,885	\$ 31,630
City of Chippewa Falls Police Department	120,446	97,422
City of Madison Police Department	119,177	20,149
City of Dodgeville Police Department	34,288	34,288
City of Fort Atkinson Police Department	15,740	15,740
Lincoln County Sheriff's Department	36,603	36,603
Manitowoc County Emergency Management	60,092	57,092
Village of Coleman Police Department	3,308	3,308
City of Milwaukee Police Department	96,145	35,259
Milwaukee County Sheriff's Department	56,817	56,817
City of Oak Creek Police Department	16,250	5,000
City of West Allis Police Department	65,100	50,700
Rock County Sheriff's Department	44,771	24,771
Village of Sauk Prairie Police Department	32,778	14,538
City of Glenwood Police Department	12,470	12,470
Village of Readstown Police Department	3,159	3,159
Village of Germantown Police Department	16,545	16,545
City of West Bend Police Department	15,850	15,850
City of Waukesha Police Department	17,050	17,050
Accounting adjustment	-	(30,520)
Total	\$826,474	\$517,871

¹ Some recipients distributed a portion of their grants to other agencies or spent the grants on behalf of regional coalitions.