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EXECUTIVE SUMMARY

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This is a project intended for the Public Safety primary application area. The Hawaii Criminal Justice Data Center (HCJDC)/Department of Attorney General is responsible for Hawaii's statewide adult criminal history repository (OBTS/CCH), and works with all criminal justice agencies statewide who have identified a pressing need for a statewide centralized registry for temporary restraining orders (TRO) and protective orders.

Hawaii's criminal justice agencies have recognized the need to work together toward common goals. The county police and prosecutors, state courts, and even non-profit service providers are working together on this project. Wherever possible, cost sharing is taking place.

Document imaging, essential for a TRO registry, will enable law enforcement officers to view the actual order on-line to determine if an order has been violated and an arrest is warranted. The Honolulu Police Department is currently in the process of procuring such a system for their county, and their imaged TROs will be used to initially populate the statewide registry. The rest of the counties will then follow.

The HCJDC is already working to redesign the OBTS/CCH system which includes moving the system off the state's mainframe onto a client/server environment and implementing a statewide network infrastructure to support it. The TRO registry will co-exist with this system. Running on the new network infrastructure and environment as the adult criminal history system will enhance the value of the TRO registry by linking to defendant and case information, to other criminal justice systems, and the national registry.

The funding being requested will provide for the implementation of a centralized TRO registry for the State of Hawaii to improve the criminal justice agencies' ability to enforce the TROs and protective orders issued by the courts and to better protect those who are victims of domestic violence.

PROJECT PURPOSE

Domestic and family violence remain a serious problem in Hawaii. The four county police departments have mandatory arrest policies under the Abuse of Household Member statute, a misdemeanor offense. The incident could also be classified under a multitude of other related offenses, ranging from a felony arrest for Assault to a misdemeanor arrest for Harassment. Unfortunately, these arrests that do involve domestic or family violence are not readily identified as such and therefore, are not included in domestic violence statistics.

There has been a steady increase statewide in the number of reports to the police departments under the Abuse of Household Member statute (see Appendix A). In 1996, there was a 14% increase statewide in family abuse reports. The City and County of Honolulu

experienced the sharpest increase (28%) for this period, with the County of Hawaii having the second highest (13%) increase.

In its State Implementation Plan for the STOP Violence Against Women Grant (September 1995), the Department of the Attorney General noted that a total of 8,287 victims came through the county prosecutors' victim-witness programs, the Criminal Injuries Compensation Commission, and the First Circuit Court's Adult Services Branch for some type of services related to domestic and family violence incidents. A provision available to victims of domestic violence is the temporary restraining order (TRO) and subsequent protective order.

Victims of domestic violence look to the TRO and protective order as sources of protection and relief from further abuse. TROs are granted by the family court to restrain either or both parties from contacting, threatening, or physically abusing a family member. It states that a recent past act(s) of abuse has occurred or that threats of abuse make it probable that abuse is imminent. The TRO remains in effect for no more than 90 days. During this period, a hearing is held to determine whether the order should be continued. At this time, the court may find that a protective order is necessary to prevent domestic abuse or the recurrence of abuse. The protective order may be in effect for up to 3 years.

TROs and protective orders do work. For the most part, people who are subject to them, obey them. They also tend to empower the victim perhaps more so than in the past. While these orders are a good idea, a system is needed to ensure their effectiveness. Agencies involved in assisting victims of domestic violence recognize that one of the problems is a lack of coordination and enforcement of TROs.

The State of Hawaii does not have a centralized TRO registry. Because of this, enforcement of these orders is hindered. In order to enforce them, law enforcement personnel must know that an order was issued, that the order was served, that the conditions set out in the order were violated, and that the order is still in effect. Without a centralized registry, procedures on tracking these orders differ from county to county. Availability and accessibility of the necessary pieces of information range from the patrol desk having on-line access to this information via a local county database to a manual ledger being maintained at each local district station. In the latter case, the officer must contact the district in which the defendant resides to have someone look up the information manually. This process is burdensome particularly so when access is required across counties. The information contained in these files, whether computerized or manual, may let the officer know that the order has been issued, that it has been served, and the date until which the order is in effect. However, to determine if the conditions of the order has been violated, access to the actual court order is necessary. These are currently maintained in manual files.

In addition, a lack of standardized forms further complicates the situation, as officers need to read through the order to determine if an arrest is warranted. Oftentimes, orders have hand-written amendments or are photocopies, and the officer needs to determine its validity. If a determination cannot be made, an arrest will not occur. This is not only a concern with the state,

but also across the nation because the order must be given full faith and credit by every other state, tribal, and territorial court pursuant to 18 U.S.C. § 2265.

In an effort to increase the effectiveness of TROs and protective orders, a better exchange of information and documents among agencies and across counties is necessary. A centralized TRO registry will be implemented using an expanded statewide network infrastructure which currently links together criminal justice agencies across the state and will include the image capture of documents. This will allow officers to query the database on-line, 24 hours a day, and will allow them easy access to information from other districts and counties. In addition, standard information captured in the registry can be input from the other states' orders in an effort to give them the full faith and credit as mandated by federal statute. As mobile display terminals become a reality, officers can have this information available at their fingertips allowing them to make faster and better decisions as to whether an arrest should be made.

The ease of accessibility and better exchange of information should increase the effectiveness of the TROs and protective orders thereby decreasing domestic violence in the state. With better enforcement of these orders, the abuser may finally get the message that compliance is mandatory. Hopefully, it will also further empower the victim and may help to increase the reporting of domestic violence as the victims seek help from the system.

SIGNIFICANCE

This project is significant as it is the state's initial attempt at a centralized TRO registry fully supported by all levels of government. The statewide sharing of document images is an area not previously explored; however, this is recognized by all agencies as a critical requirement in the enforcement of TROs and protective orders. Further, this system is unique as it is being designed as a statewide operational system rather than just a statewide repository of information. Historically, agencies have implemented their own operational systems with a transfer of information to a statewide repository. In this approach, however, all agencies (i.e. police, prosecutors, courts) are looking toward this system as being their operational system for TROs, facilitating the standardization of forms and procedures on a statewide basis.

The registry will enable the state to transmit TRO information to other states, as needed, as well as to the national registry. It may also serve as a model to other jurisdictions wishing to bring up a similar application. The State of Hawaii intends to build on the automated TRO registry to expand its utility to track wants and warrants statewide, including juvenile warrants.

PROJECT FEASIBILITY

The Hawaii Criminal Justice Data Center (HCJDC) maintains the statewide central repository of criminal history record information which is known as the Offender-Based Transaction Statistics/Computerized Criminal History (OBTS/CCH) system. The current

OBTS/CCH system was designed in the 1970's with technology available at that time. The system is now being redesigned to employ more state-of-the-art technology with a commitment to open systems architecture. The new OBTS/CCH system will reside on an RS/6000 using AIX. The relational database, DB2, will be utilized along with UNIFACE as the application development tool. The TRO registry will co-exist in this environment with the Redesigned OBTS/CCH system.

As part of the OBTS/CCH redesign effort, a statewide network infrastructure is being implemented in concert with the statewide Juvenile Justice Information System (JJIS). A network strategic plan has been developed detailing the telecommunication and network requirements for the new redesigned system. The redesign effort acknowledged the importance of moving data and images around the state at speeds and at a capacity to accommodate TROs. Thus, the TRO registry will be able to take advantage of this effort without duplicating the effort in resources and cost. It includes a migration path from the existing network configuration to the future infrastructure which blends the various protocols and system designs that are currently in operation in order to facilitate the sharing of time-critical information and images in the TRO registry. The detailed network design requires that all criminal justice agencies will have TCP/IP access supported by a router and a communication link to the new OBTS/CCH server (see Appendix B).

The Judiciary, City and County of Honolulu, Kauai County, and Maui County have existing IP networks with routers and wide area links to most of their sites. These existing routers will be used to support access to the Redesigned OBTS/CCH network. A network link will be implemented between these established sites' network hub location to the Redesigned OBTS/CCH system located at the state's central computing center Information and Communication Services Division (ICSD).

The network design proposes the use of different network transports for the criminal justice agencies depending on the availability and required bandwidth capacity. The different network transports proposed are depicted in the network diagram shown in Appendix B. This diagram shows the frame relay mapping, and the use of dedicated fiber, the Hawaii Wide Area Integrated Information Access Network (HAWAIIAN) which provides the digital backbone for the state's telecommunications network, and the Synchronous Optical Network (SONET) which is a protocol standard for fiber optical networks.

Having the centralized TRO registry on the same server as the statewide central repository will facilitate linking to ID information, including fingerprints and mugshots, should the subject have a criminal history in the state. The HCJDC also maintains the state's Automated Fingerprint Identification System (AFIS) and is currently in the process of procuring a mugshot system for the state. Both these systems are accessible via the previously mentioned network infrastructure.

The new OBTS/CCH system will also include a statewide firearms registration system. Linking this with the TRO registry will help to identify subjects who have firearms that need to be turned in during the period in which the order is in effect. This capability will benefit law

enforcement personnel serving the orders as information on whether the subject has a firearm will be available to them so that they can then proceed accordingly.

The Honolulu Police Department (HPD), the largest law enforcement agency in the state, is in the process of procuring an imaging system for their police reports and TROs. Since vendor selection for their procurement is scheduled for Fall, 1998, their imaging system should be implemented prior to the centralized TRO registry. The centralized registry will be in a position to establish connectivity to HPD's imaging system thereby giving statewide access to the actual document images of the Honolulu orders without any duplication of effort. Concurrently, data and images from the other counties will be integrated with that of HPD's and in this way, forming a consolidated statewide registry. The infrastructure may then need to be re-evaluated to ensure the timely transfer of images across the network. In anticipation of this, the redesigned network infrastructure has been designed so that it may be easily upgraded to handle additional users and increased network traffic.

The centralized TRO registry will initially track TROs and protective orders. It will also include injunctions issued by the district courts against non-related partners in domestic violence cases that do not qualify under the Domestic Abuse statute. Once implemented, it can then be adapted to handle all types of adult and juvenile wants and warrants for the state, already a requirement of the statewide criminal justice users.

Because the TRO Registry will be a subsystem based off the Redesigned OBTS/CCH system, the TRO Registry will be implemented in two distinct phases - Transitional OBTS/CCH and Core OBTS/CCH. Following the rollout of the Transitional system in the Fall of this year, the strategy is to bring up the basic TRO Registry to run off of this interim system until such time that the Core OBTS/CCH system is developed and implemented within the next 2 years, at which time the TRO Registry can be transitioned to operate on an ongoing basis on this permanent system. As such, the timeframe for this TIAP grant has a span of 3 years.

The current project team of the OBTS/CCH redesign project will be responsible for designing and implementing the centralized TRO registry. The team consists of staff from the HCJDC as well as the consulting services of Interisland Systems Development & Integration (ISDI). Having worked on the previous phases of the redesign project which resulted in the development of a prototype of the new OBTS/CCH, the team has gained much experience in using the new technology, including UNIFACE and the relational database. The team is also currently involved in developing a inquiry-only transitional OBTS/CCH system which will be rolled out by the end of this year. See Appendix C for background of staff and consultant company personnel. In addition to the technical support staff, the HCJDC will continue to work closely with the user community as their input is critical to the design and functionality defined for the TRO registry.

Once implemented, the system will be maintained by the technical staff of the HCJDC with the server being maintained at the state's central computing center (ICSD).

COMMUNITY INVOLVEMENT

Due to the sensitive issue of domestic violence, this project has indeed drawn much community support and involvement. See Appendix G for letters of support for this project.

Over the years, the HCJDC has learned that users of any system are the key to a successful implementation. As such, the HCJDC is in constant contact with its user community and values any feedback on system modifications and enhancements, as evidenced by the statewide support from all criminal justice agencies across all counties. Executive Policy and User Committees (see Appendices D and E) have been established for the OBTS/CCH redesign project. These committees are representative of the criminal justice community statewide and play an active role in providing user agency input toward the goals that the new OBTS/CCH system must achieve on their behalf. Through these committees and regular county-wide user meetings, the HCJDC continually strives to address new and evolving user needs and resolve problem areas.

A working committee specific to wants/warrants processing has also been established (see Appendix F). Those involved directly with the issuance, service, and recall of TROs and protective orders are included in this committee. They will be responsible for revalidating the requirements of the statewide TRO registry, educating the HCJDC staff and consultants regarding the processing and flow of these orders through the system, and ultimately designing and assisting in the implementation of the centralized TRO registry.

In addition, the Department of Attorney General administers the Violence Against Women Act (VAWA) funds for the state of Hawaii. The Attorney General has convened a VAWA State Planning Committee to develop a statewide implementation plan for use of the funds, and to provide a forum for discussion of system issues and recommendations to improve the response to women who are victims of violence. This committee is comprised of the county prosecutors, police departments, victim service providers, legislators, and community advocates. Concerns raised by this committee will be considered in the design and functionality of the system.

Of course, the ultimate beneficiary of a centralized TRO registry is the victim of domestic violence. Having an automated centralized registry will help to enforce the effectiveness of the TRO and protective order thereby keeping victims safe from further violence. Consider the following scenario:

A wife issues a TRO against her estranged husband in Honolulu. He is served the TRO and therefore, is now subject to the terms and conditions laid out in the order. Other than this, the husband has had no other contact with the criminal justice system in Hawaii. The wife goes to Maui to stay with a relative for a short time. Her husband follows her there and at some point, starts to harass her. A neighbor hears the ruckus and calls the police. Right before the police arrives, the husband flees the scene. The officers see the suspect in the area and stop him for questioning. He apologizes to the officers and tells

them that he and his wife are visiting relatives here on a short vacation from Honolulu and had just gotten into an argument. He left where they were staying to cool off. He assures them that everything is okay.

Without a centralized TRO registry: While questioning the husband, the officers would call in to dispatch and have him checked out in the statewide central repository. A check would be done via the OBTS/CCH system and no match would be found as the husband has had no previous arrest in the state. The officers would talk to him, make sure he is calmed down, and leave.

With a centralized TRO registry: While questioning the husband, the officers would call in to dispatch and have him checked out in the statewide central repository. A check would be done via the OBTS/CCH system and while no match would be found as far as the husband having a criminal history in the state, a match would be found in the TRO registry. A query of this portion of the system would show that a TRO was issued and served against him. With the touch of a button, dispatch would then be able to bring up the image of the TRO and notify the officer on the scene of the terms and conditions of the order. The officers will then arrest the husband as having violated the TRO.

Domestic violence is a highly sensitive issue where the protection of the victim as well as the privacy of the victim are factors to be considered. Technology today is able to address any significant security concerns. Through the use of passwords and user profiles, a system is able to define user authorization down to the data element level. This technology and use of the security is critical to a TRO registry, in order to protect the victims which include minor children within the family. The network infrastructure on which this registry will be deployed has been designed with security in mind. Being an infrastructure connecting criminal justice agencies on which confidential statewide adult and juvenile criminal history information will flow, there was much consideration given to ensuring the security of the network itself through the use of routers and firewalls.

Further, sign-ons and passwords are issued to each individual accessing the system with user agreements signed to ensure that the user understands the confidentiality of the information and consequences for breaches of the established security.

REDUCING DISPARITIES

Currently, there is no automated way of sharing information regarding TROs and protective orders among Hawaii's criminal justice agencies. This task is made even more difficult because of Hawaii's unique island geography. With this, and Hawaii's local "island" lifestyle, it is common for a victim of domestic violence to stay with relatives on another island to "get away" for a while. As the scenario in the Community Involvement section describes, centralized information accessible statewide is a must in trying to enforce the orders and protecting those subject to domestic violence. Without the centralized TRO registry, the abusive

husband would have just been "counseled" at the scene and released. He would have been free to return to further abuse his wife. However, with the centralized TRO registry, the police will have the resources on hand to make more informed decisions and take the necessary action to help prevent further abuse.

A centralized registry would also lend itself to capturing information and data on domestic violence which is more readily identifiable and standardized. The capture of better information will allow better decisions to be made in the development of appropriate and effective responses to violence against families. This will enable agencies to better address needs of the victims.

EVALUATION, DOCUMENTATION, DISSEMINATION

The success of this project will depend on the successful implementation of a centralized TRO registry in terms of connecting all affected agencies, providing the functionality that all users need, and the ability to provide information and data to those who need to address the needs of the victims.

While the targeted result of the statewide TRO Registry is to deliver time critical protection order information to those that require it to carry out their operational responsibilities, the specific measurable benchmarks are currently being gathered as part of the already initiated requirements phase of this project with data being gathered from those criminal justice agencies to be participants in this project. In order to identify accurate and reasonable measurements, these benchmarks will be available in the first year of the TIIAP grant period.

Evaluation will be done on an on-going basis with the OBTS/CCH redesign project. Weekly meetings with the project team are held to discuss status of specific items and to give an overall progress report of the project. The project executive team consisting of the project leaders of both the HCJDC and the consultant company, as well as the administrator and assistant administrator of HCJDC, and the president and vice president of the consultant company meet bi-weekly to address any policy issues that arise which may hamper the progress of the project.

The Executive Policy and User Committees, the wants/warrants working group, and the VAWA committee will be kept informed as the project progresses and will convene as certain milestones are reached in order to provide input and suggestions on the implementation of the system (i.e. to address any policy issues that may arise, after the preliminary design phase, etc.). As the system is being developed, the users will be able to actually review the screens and functionality of the system on-line via system demonstrations.

A requirements document as well as a functional model showing both the general design and detailed design of the system will be prepared prior to actual implementation of the system. An implementation plan will also be prepared laying out the schedule and roll-out of the system

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to the various user sites. All other documentation will then be distributed to the various user committees as deemed appropriate for their review.

Information regarding the system will be made available to other jurisdictions who may find this type of application beneficial to their efforts in developing a similar registry.