

REMARKS OF ATTORNEY GENERAL JANET RENO
BEFORE THE
GLOBAL CRIMINAL JUSTICE
INFORMATION NETWORK COMMITTEE

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C O N T E N T S

Introductory Remarks by Mike

Remarks by Attorney General Reno

P R O C E E D I N G S

Mike: Madam Attorney General and ladies and gentlemen, please continue with lunch, and we will get started. Let me begin by thanking the Attorney General for her presence here today. We certainly, the members of your advisory committee for creating a global justice information network capability certainly take our responsibility to you as an advisory committee seriously and certainly appreciate your leadership and your support for this activity.

What I would like to do this afternoon is very briefly discuss some of the activities that the advisory committee has been engaged in since last we met, and first begin by describing for you what really has been a, think, tremendous effort in first defining just exactly what a global network capability is, and as you will see from my remarks, having defined what that global network is leads us on to a discussion of how we create that capability within the United States and around the world.

We, your advisory committee, do believe and define that global is not a network, not a new network, as you will see in further remarks, but

a capability, a capability to communicate, exchange, and retrieve timely accurate and complete information in an automated fashion with authorized elements of the criminal justice community.

Now, certainly I think anyone would suggest that this is a laudable objective, and by definition I think all within the Justice community would accept, but the vision of global and the global capability requires a great deal more than wires and PC's and main frames and data files for the vision of a global network to become a reality and for safe communities so thrive through cooperation and collaboration, it means that we do need to share information readily and make it available to all components of the justice system. Now frankly, the age-old practice of hoarding one's information or considering one's information as proprietary needs to change, and it is changing, but that is a fundamental issue because while we can build a system and while we can build a network or build to a capability, if we don't reengineer the Justice practices we have which suggest that individual agencies or individual components of the system have a proprietary right for their information and will not share that, that is a difficult issue to overcome but it's important for us to address, and we'll see that we do later on.

Obviously, one of the other visions for a global capability is that it must have some standards and be standards based and have a capability of exchanging information, but those standards must be defined by the users and support the exchange of information through local, state, federal, tribal, and international jurisdictions, must incorporate existing systems and recognize the fact that there are legacy systems out there, and we must incorporate those systems, promote new capabilities, and ensure the capabilities that we do have and reduce redundancy as we build upon those systems.

This vision which is established by the committee begins, I think, for the Justice community to clarify in their minds and all of our minds just exactly what a global capability is. With that, the committee moved on to establishing what we believe are some guiding principles for establishing such a global capability.

Again, it cannot and is not a new network or system or a central data warehouse, and this is a slight change, I think, in thinking from what was originally described in AO 7 as it came to a global network. I think all of us on the committee quickly realized in analyzing AO 7

that creating a brand new network, eliminating the legacy systems that we have or moving in another direction is not the proper way to go. It is a functional capability that allows the sharing among systems currently in place or planned for implementation. Organizations retaining the right to their systems but building upon those systems so that they can better share information. Again, standards defined by functional capability as opposed to any software or hardware standards and any brand names.

Another guiding principle, obviously, addresses the issue of security and privacy. Security and privacy, not just for the participating Justice community and agencies and systems but also for the public as well, and any effort to build a more comprehensive global sharing capability must include those provisions as well. And once again, building upon the current infrastructure which does exist and use existing systems whenever possible.

With that, the committee defines several characteristics which further define this global capability. That it should be captured at the originating point rather than trying to reconstruct it downstream for those of us at the bottom end of the system, making an arrest without such a system may require the duplication of just physical description data a dozen different times before an officer leaves the street, let alone having to duplicate that at the booking station or within the prosecutor's office or the court system or through corrections and through the development of a criminal history records, all opportunities to make mistakes, all opportunities to transpose data, which causes a system to fail.

There are, we have defined, some several operational requirements for a global network capability. As you see here from a queries standpoint, and let me suggest what some of those operational requirements should or may look like. For instance, every authorized Justice agency shall have the ability to determine correctional status of a person. That is, incarcerated, on parole, on probation, on community service or supervision, together with the conditions of that release and case manager where appropriate within two minutes with status, currency of 24 hours.

Another example of the operational requirements of the system are that every authorized Justice agency shall be able to obtain the complete criminal history record of a person who has been arrested or who is one within two minutes with a status currency of 24 hours or

that every authorized Justice agency shall have the ability to determine the pretrial status of a person, that is whether they're in custody whether they have been released or whether they've been released on their own recognizance or bail or whether there is any other type of criminal action pending against them, again with a time specific time period.

Now, while these are examples of some of the operational requirements for a global system, when we talk in terms of a very specific time requirement on those operational requirements, you'll see that that requires a great deal more work and effort on the part of this global initiative to define. It requires a great deal more in-depth look to determine what the requirements are of all components of the justice system, and you'll see that within the recommendations or in the next action steps for the committee that that is being addressed by the committee.

Before moving into the futuristic approach of what a global network capability looks like, we must first recognize that there is an infrastructure that exists, an infrastructure which we are using every day, and we had some conversation about it at our table at lunch.

We've talked about it the last couple of days as well. NCIC 2000 going on line, IAFIS going on- line today. The fact that NCIC 2000 is a network as some 2.2 million transactions a day, and the NLET system has some 1.5 million transactions a day. But while these are important pieces of the puzzle, an important infrastructure within which we can build upon, we also recognize and have to recognize that they do not meet and cannot deliver the full services of the global capability with which we are trying to achieve.

So how do we get there? How do we get from the system that we have today, which is building toward interoperability and building toward exchange of information, how do we get from where we are today to where we want to be in those operational requirements which I listed and many others that will go along with that? Well, certainly we need to build upon this infrastructure that is there. We need to build upon the investment which has been made by federal government, state government, and local government toward the systems which they have established, but as we build upon that investment which has already been made, we must take advantage of some of the mainstream collaborative technologies that are available to us, whether that be

web-based or Internet-based or whether that includes middle ware solutions to components. And of course we must take advantage of solution reuse and application wrapping. Now, I could ask everybody in the audience what that means, and all these tech know people here would understand it, and when we were putting together these slides this morning it was suggested to me that you might want to take that comment out, but frankly, I said if Jerry Weddington can explain it to me, maybe I can explain it to the group.

What that suggests is that we need to wrap around some of these existing and legacy systems and find solutions for how we utilize those systems and how we connect those to changing systems that are out there, how we find solutions for adapting NCIC 2000 to the systems that we have in place, and that was an excellent example of how the FBI suggested that they would find a solution for that and they would provide that to the states and have.

So we do need to build upon what exists, recognize the capabilities of tomorrow, and make that connection from where those legacy systems exist to where we want to be tomorrow by wrapping our arms and wrapping technology around those existing systems so we increase our capabilities. Did I do okay, Jerry?

Jerry: You did fine.

Mike: What's the mission of the global advisory committee as it relates to that? We do believe, and in keeping with AO 7 and the direction that you've given us, Madam Attorney General, we do believe that we act as a focal point for Justice information system integration activities, but while we act as a focal point and we are an advisory committee as well, we can't manage the activity that occurs within Justice, and we can't manage all of the activities that need to take place. We can and will act as a monitor, if you will, for those activities which are occurring, and we will do our part to try to coordinate as an advisory committee those activities, and most importantly, and probably one of the critical roles that we believe that we play for you is that of advocates for the global concept and for the technology.

In order to accomplish the tasks which you have given us and defined by that mission, we have established some eight working groups, listed on the screen. To further develop our concept of operation, to

flesh out the details of what the global initiative is intended to be, it does require also that we do a great deal of work in examining the infrastructure that exists currently within the country and then eventually throughout the world in those countries which we look to connect to.

Having defined that infrastructure that exists today, we can then define where the gap exists between what our hoped-for concept of operation will be and what we do have at the present time. We do have to develop a more meaningful marketing strategy and we'll form a committee to do that. We have a committee that has looked at the membership of this committee, and we appreciate the fact that you acted upon those requests that we made to increase the membership to include NCJA, tribal police, the North Carolina State CIO's office, and I just missed one. Oh, the public defenders. Sorry, Scott. I set you in the back of the room yesterday. But we recognize the importance of having defense at the table as well.

Also looking at the issues of resource management, security, and standards, which I have said. So let me move to the critical next steps in the opinion of the advisory committee, and those efforts which we need to undertake and continue with. We do, in fact, need to continue to develop and refine that concept of operations, and that concept of operations goes well beyond document and the information which I provided here at lunch. It does delve into those requirements for the system and does require that a system and requirements analysis be done at all levels within the Justice community, so that we understand what the requirements are of our police community, what the requirements are of the prosecutors, the courts, corrections, events, and so forth. A very in-depth study that will result in defining some operational standards and functional standards in a very precise manner.

The infrastructure study which is being conducted then can build upon those requirements and then can address that gap between what the functional requirements are of the components of the justice system and what infrastructure exists today.

At the same time, it requires that we promote a collaborative standards development effort and a lot of standards activity is currently ongoing, and all of that needs to be drawn together in order to establish the privacy requirements of any system, the global committee has taken on the responsibility of assessing what privacy-

related efforts currently are underway, and at the same time developing an advocacy or a marketing plan so that this group can do a much better job than we have to date with advocating for the global concept.

And obviously a great deal of additional work needs to be done in refining the management plan for the global initiative and the program plan for that.

Having said that I do want to suggest that there is a great deal of cooperation that is existing now between activities which the global advisory committee view as important to creating a global network capability and activities that are going on within the Justice community at all levels of government. Some activities that are being performed by the office of Justice programs, for instance, and suggest the business case workshops and work that is being done by OJP plays well into our efforts to developing a marketing strategy to sell the global vision.

Having the advantage of developing that business case to share with locals so they understand the need to integrate gives us a stepping stone, then, to develop further goals as well. So let's talk about what needs to be done and more specifically, Madam Attorney General, our recommendations to the Justice Department and how we can move this initiative forward. While there is a great deal of funding that is being provided for information technology from the federal government and from state government and local government, we really do believe that there needs to be a coordination of the funding mechanism which is occurring at the federal level for initiatives which are clearly defined within the global initiative, and clearly funding needs to be designated which can allow for the completion of those next critical steps which I have listed momentarily ago.

This committee, I really have to commend this committee to you for the amount of work that they as individuals are doing and the support that their organizations are giving to this global effort, but the staffing necessary to complete the requirements analysis or the infrastructure study or ensuring that standards activities is coordinated needs to be there.

Closely aligned with that, this committee feels that there really does need to be a better definition of the roles and responsibilities

of the various Justice and DOJ components as they relate to the global initiative. As an advisory committee, we can advise you on what needs to be done and what steps need to be taken as to how the global capability can be arrived at, but determining within Justice whose responsibility that is to accomplish those tasks certainly has to be a decision for management within the Department of Justice.

We also believe that there needs to be greater effort at coordinating federal funding mechanisms for integration activities, and we recognize that there are some inherent difficulties that you have specifically in coordinating those activities. OJP, in particular. The number of earmarks that the various grant programs come to you in, the restrictions that are placed on that funding makes it extremely difficult to coordinate that activity, no matter how much OJP tries to do that.

The plan which was offered by OJP, Laurie Robinson for restructuring of the office of Justice programs which reduces some of those funding streams or coordinates better some of those funding streams I think is something that the global advisory committee can certainly support, but in addition to the activities that are going on at OJP or JMD or the FBI or Justice agencies, there's also a need for some greater coordination within the federal community when it comes to applications and funding which is being spent at the state and local level for integration. For instance, as we develop systems for sharing information and criminal justice information from patrol cars through the courts, we're being funded and programs are available through the Department of Transportation to fund similar systems and similar networks to provide traffic crash data or to transmit traffic citations from patrol cars to courts. There's activities that occur in Treasury as well, and obviously all of that needs to be coordinated somehow within the federal system. You've spoken oftentimes very recently about integration activities of the federal agencies, and we certainly applaud your comments in that regard, and believe that championing those integration activities among the federal agencies is something that must continue.

Well, that briefly is a summary of where this committee has come over the past several months. Anytime you bring a group, an advisory group together like this from the many and varied organizations who are represented here with different points of view and different perspectives on an issue, an issue as monumental as a global information capability, it's, as I said the other morning to a couple

people, you put us all in a room, it's like handing a kaleidoscope around and turning it a little bit as it goes from one person to the next. The picture we see is slightly different from the one next to us. So bring those groups together to develop a shared vision of what the global concept is and what needs to be done to achieve it, bringing those groups, this many people together and gaining that common understanding which I think we now have is an achievement in and of itself because without that we certainly can't reach the rest of the Justice community, but armed with this information that we have provided you today and developing the concept of the global network further will give us the ability to do that.

Again, we thank you for being with us this afternoon. We thank you for your support of the initiative, and once again I certainly thank the staff that has been assigned to the global initiative and all the members of the committee for the hard work that they've done in the past day and a half and through the past year and a half actually. Thank you. And with that we'll turn it over to the Attorney General.

Attorney General Reno: Thank you very much, Mike, and my thanks to you all. Your willingness to spend these days in what Mike has described as intense conversation can truly make a difference. He described it as sometimes frustrating and sometimes slow, but definite, and I shared a story at the table and I think I'll tell you, ten years ago we developed a drug court in Miami. It was a slow process that took us over six months to get it operational. It frustrated me every step of the way. And then it seemed to begin to work, and then evaluators came down, and they said it worked. About two months ago I was back in Miami for the drug court conference. There are over 300 drug courts in the country, 200 more on the drawing board. The evaluators say it's working, and there were over a thousand people in the room. So ten years from now I think if we gather in a room we'll be very proud of the work that you were able to help us accomplish.

I think the role of the committee as the focal point, as a coordinator, a monitor, an advisor is absolutely essential to making this effort work. The role of the committee as an advocate to the extent that you all are in one direction is extraordinarily important.

I want to stress to you how important this is to me. I want to ask you to let me know whether it be in the marketing area or trying to resolve a problem with local jurisdiction, let me know what I can do

to be a better advocate, point me in the right direction, send me out, give me the problem that needs to be resolved, and I will do anything I can to get it resolved because to me this is one of the most important issues that we face in criminal justice.

I've been a prosecutor now in one form or another for over 21 years. I can remember how little information we had when I first started in 1978 and how much information we have now. It's as different as night and day. But it is information that is going to solve the crime, it is information that is going to lead to the right sentence, it is information that is going to free the innocent person, it is information that is going to enable to us arrest the person and avoid him getting away because information sources did not connect. It is information that is going to link community programs with criminal justice programs in new and innovative ways that we haven't dreamed of, and so when we talk about this capability, it is absolutely one of the foundations of the effort of criminal justice in the next century.

But I think the idea of changing the name is very important. It is a Justice network. It is Justice information, and it is more than that. It is public health information, it is social services information, it is municipal services information, just a whole range of information that can help us shape initiatives that can avoid crime in the first place and take effective action against it if it has to occur.

Let me share some dreams with you. I 23 dream that in the not too distant future the federal government will have in major FBI and DEA field offices one database, not two, one, with trained analysts who know how to use the information and glean the information the right way focused on booking systems, focused on prison systems, knowing who's coming out of the jail, when they're coming out of the jail. I foresee some officers going to talk to a career criminal coming out of the prison. You had your choice. We know you're coming out. We know where you're coming to. You don't want to be back here. We can provide alternatives for you. Let us work together.

But then that same information system having the capability of picking up leads that indicate that career criminal came back, thumbed his nose at us, and was doing the same thing all over again, and we can catch him if we're smart before people are killed.

I dream of the same information system having DEA 6's, FBI 302's, local police arrest reports, local police incident reports in one database on a continuing basis so that we identify together what are the drug organizations, what are the street gangs, what are the crime problems, how can we solve them, how can we work together. The key is how we work together.

Now, planning is half the battle, but we can consume ourselves in a plan and say that we're not going to do anything until we have the perfect plan, and then when we meet again in ten years we won't have much to show for it, but we can plan in a sensible way, figuring what we can do now, what we can achieve now, and make real progress. Sometimes it's a baby step, sometimes it's two steps forward and three steps back, but it is progress when we come together, identify the needs, identify the infrastructure and the capability, and the expertise that's present, and work together to match the needs and the physical, the equipment, and the personnel resources.

It is frustrating, it is particularly frustrating as we see a real sometimes shortage of people who have the desire to serve in public, the technology, the technological know-how to serve, but I think working together we can solve the problem, and I think that's going to be key. What it's going to take in terms of expertise, in terms of equipment is going to be too expensive unless we avoid the redundancy that Mike talked about, unless we take the existing structures and say, well, it doesn't work together now, what can we do to tweak it and make it work a little bit better and tie it into this outfit and make this work and plug this in the back way, and with innovative and creative thought we can take the existing infrastructures, we can translate them into a system that works and permits true interoperability. It is going to be essential.

You have all heard me speak of Eisenhower's concern about the industrial-military complex. I think it's one of the great political speeches that I have ever read because it warned of what was coming -- an industrial-military complex in which sometimes people were more interested in making money than they were in getting the best equipment out to the American people in the best way it could be done, and so your emphasis on standards is to me absolutely critical, and we want to do everything we can to develop a standard-based capability that will permit competition and will avoid proprietary interests that limit the quality of the product and limit the

competition favorable to the American people.

There are certain efforts that I think are critical. It is imperative that we focus on the privacy and civil liberties issue, and I am delighted that you have a working group on that.

One member of the working group said it's just a little bitty working group. It is a very important working group, and let me tell you why.

America has every right to be concerned, as we look at how personal pieces of information that were once scattered over a bunch of different agencies and in a bunch of different businesses, and in a bunch of different hospitals can now be brought together just by poking a couple of buttons, and our lives and the information concerning our lives is there for the person who can hack into it in too many instances and in too many easy instances.

America is going to be resentful if it thinks government's poking around in what it doesn't belong to be poking around in, and so we have got to make sure that as we design this capability, we design it with the thought in mind of how the Constitution determines it should be molded.

But let me suggest to you another problem, and I have seen it in the area of encryption. People say with encryption you're just trying -- and key recovery you're just trying to invade our privacy, you're trying to get new authority. And we explain to them, no, we're trying to do the same thing we've always done, which is go get a court order, the proper probable cause, a well laid out statement of the facts, and a perfect reliance on the law. And they look at you and glare and don't know quite what to say, and you realize that the privacy groups have so resented electronic surveillance that they continue the battle, although the battle has been won.

We can't take anything for granted, and I think it is imperative that we focus on this, have the answers for the civil libertarians, don't treat them with disdain but treat them with, here, let me explain to you just how hard it is to do something or why it is so important that we collect this information and why that information is collected concerning a person that has no expectation of a right of privacy, but let us be able to spell it out or we will face one contention after another as we try to implement this network. But key

to it is security. I've heard it before.

Well, that's another agency, and we don't know whether we can trust them. Well, that's very sensitive information, and I'm just worried. We know who we can trust. I watch people. You know the agencies that have leaked information. You know the people that don't use the information correctly. We ought to be able to define a system that can make sure that the people who need the information get it and that the people who need the information are entitled to the information and can handle it responsibly. If we can't do that, then I don't think we're as good as I think we are.

The next issue, though, Mike spoke of is, I don't care what kind of equipment we have, I don't care what kind of expertise we have, I don't care about what plans or operations or anything that you've done; unless we can share, it's not going to work.

As late as yesterday I sat with agencies in budget hearings saying, look, here's the information. How can I develop an intelligence capability that you both run? Not just in name but in fact. How can I develop a capacity between two great agencies that says you're going to share the information, not just when you want to, but on a comprehensive basis so that leads can be followed. If you don't know what agency B has and agency B doesn't know what you, agency A, has, how are we going to make the links in information that are so critical unless you share?

I think there has been a tremendous progress made in these last six and a half years, but we have more to go, and I think it is imperative. My dream, again, is that each agency shares and that we develop the means of making sure that those who don't want to have it don't get it.

Marketing. I never thought I was a very good marketer. I stayed out of marketing.

I don't like to promote business in law firms and thus have spent most of my life in public service. But we've got to market this product, and the way we market it is don't oversell it.

Build it the right way. It makes no sense to put a lot of money into one area and then to have a CODUS backlog that isn't in the system,

the information isn't in the system and we're not solving crimes because we haven't put that backlog or erased that backlog.

It makes no sense to build something and then not use it. We've got to build it the right way. We've got to show people that we're solving crimes through preventing people from getting out of prison when they don't shouldn't get out of prison ever, apprehending them when we have them in our grasp, and should know it if we had properly exchanged information.

When we have a system that can produce results from the American people, that's what we market. We don't market spin, we don't market promises, we market something that can produce, and this capability is sufficiently far along so that we can produce and tell a real story, not a spun story.

As we progress, we have got to let everyone know, and I go back to my point, Mike, pint me in the right direction, tell me what the problem is or tell me who I should go advocate for, to, and I will be on my way.

Funding. The census is an emergency. Therefore, we may not be as bad off as we thought, but if the census is an emergency, we're going to have to figure out how to do a lot of things, and it is going to require that we all work together with Congress.

And I must tell you at least from my vantage point and even in a somewhat partisan atmosphere, the people who are involved in our appropriations subcommittee care a great deal about law enforcement, they care a great deal about law enforcement using its money the right way, and whatever advice you can give to us make sure that we don't go off on blue dollars, that we don't spend the people's money foolishly is going to be one of the best things that we can do in terms of giving us the capacity to get more.

Steve, we've got to talk about staffing and how we work those out. I can't promise you anything except we go back and we sit down and we try our best to make sure that we give you the support that you need.

I heard an interesting point yesterday from a very bright person who was working on a budget. She had been with an agency for some time, and she said, I've been with the Justice Department for many years,

but just in these last six weeks I've learned about agencies, capacities, potentials that I never knew existed. I think it has been one of the great frustrations to come in and see a wealth of material and resources and expertise and background, and they don't talk to each other. Well, they're talking to each other a lot more, and they're defining their roles, and they're defining their roles in new and creative ways, and it's exciting to see the connections made throughout the department.

I would appreciate your spending some time with us or whomever you designate in terms of what role confusions are causing confusions for the advisory committee so we can harness the energy even more so than we have of a tremendous, tremendous institution that can do so much, is doing so much, and doing so much with excellence, and get it harnessed in the right direction on this effort.

Other federal agencies. The more you can encourage us, the more you can say to a Treasury SAC, look, you guys, stop it, let's get together on this, the more I think we will be going in the right direction. There is some wonderful cooperation going on between Treasury and Justice now, and money laundering, we're beginning to talk as we have never talked before, but there is so much more that can be done, and we find that the encouragement of advisory committees and local police administrators can make a big difference.

That's, I think, what you covered and what are my priorities. I can't tell you how important this is to me, to the Justice Department, but most of all if we explain it right, if we do it right, the American people are going to understand that this is one of the most important things that has been done in law enforcement in probably the history of this country. You will have a profound impact, and one of the things that I think we can do is substantially end the culture of violence in this country.

We do not have to be a violent nation, and if we use our information correctly, if we use it to devise strategies and tactics that eliminate and prevent violence, we can serve the American people as they want us to. All I can say is, when I see the people around this room and know the responsibilities you have at home and the distances you've come and the contribution you make, I just thank you so very, very much.

Now, does anybody else have any suggestions besides what Mike had about what I can be doing? What I would appreciate, Mike, is that you let us know on a continuing basis if you see problems that exist, don't wait for the next advisory committee meeting. Call me, let me know, let Bob know, and, Bob, I just want you to know how much I appreciate what you're doing. Your work in wireless and now this is so very important. (Applause.)

Mike: Gosh, they gave you a standing ovation and all you said was you'll try to get us the money, you know. Come back here and get it for us, and we'll be in great shape. I know sincerely what you mean. I told everybody while we were sitting there I had one advantage over her today, my budget has been passed and signed by the governor, and I know she would like to be in the same capacity.

I know your time is limited, and we appreciate your support. I have to say that when we make those recommendations to you about the need to coordinate better at the federal level, some of that is already occurring, and you alluded to Bob's assignment of this task and Steve did the other day, so working with Bob I think we can work through some of those issues, and again I appreciate the time that you've given this yourself.

We are -- we all do share that same dream and working and partnership together. I think we can get there. Thank you very, very much. And with that I do believe that we are adjourned unless we have some business details to take care of following the Attorney General's departure. Do we, Kathy?

Kathy: No, no.

Mike: Fine. Thank you very much.

Then we are adjourned.

(Whereupon, at 1:20 p.m., the meeting ceased.)