JUDICIARY OF GUAM

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HON. KATHERINE A. MARAMAN
CHIEF JUSTICE

HON. ALBERTO C. LAMORENA III
PRESIDING JUDGE

JOHN Q. LIZAMA
ADMINISTRATOR OF THE COURTS

January 28, 2019

35GL-19-0075
Speaker Tina Rose Muña Barnes
RECEIVED
DATE: 1/29/18
8:40AM

2019 JAN 29 PM 3:17

VIA HAND DELIVERY and
ELECTRONIC MAIL: speaker@guamlegislature.org

The Honorable Tina Muña Barnes
Speaker,
I Mina'Trentai Cinco Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96932

RE: Proposed Legislation Regarding the Establishment of the Criminal Justice Automation Commission

Dear Speaker Barnes,

The Judiciary of Guam, in cooperation with the Bureau of Information Technology and, together with criminal justice agencies of the government, spent months drafting the enclosed piece of proposed legislation (the "Bill") which has the purpose of formally establishing the Guam Integrated Criminal Justice Information System (the "System") and the Criminal Justice Automation Commission (the "Commission").

As you may be aware, the Commission has existed as a partnership activity of the Judiciary, the Guam Police Department, the Department of Corrections, and the Office of the Attorney General, with the mission to advance cooperative efforts to ensure that criminal justice information is effectively and efficiently maintained and shared across criminal justice agencies of the government of Guam for the past 26 years.

The Commission membership has also included representatives from the Guam Customs and Quarantine Agency, the Port Authority of Guam, the Mariana Regional Fusion Center, the Public Defender Services Corporation, the Guam International Airport Authority, the Guam Legislature, the Bureau of Statistics and Plans, Guam Homeland Security – Office of Civil Defense, the Conservation Office of the Department of Agriculture, and the Departments of Youth Affairs, Revenue and Taxation, and Public Health and Social Services. All of these entities are contemplated as constituting membership of the Commission in the Bill.

We believe that the Legislature recognizes the value of statutorily establishing both the System and the Commission so that those entities of the government which are charged with maintaining, sharing, and analyzing criminal justice information can do so in a systematic manner.

Should you have any questions or concerns, please feel free to contact me.

Senseramente,

KATHERINE A. MARAMAN
Chief Justice of Guam

CC: Frank Lujan, Chief Technology Officer, Bureau of Information Technology
Members of the Criminal Justice Automation Commission

Enclosure:

I MINA'TRENTAI CINCO NA LIHESLATURAN GUÅHAN
2019 Regular Session

Bill No. _____ ( )

Introduced by:

_____

AN ACT TO ADD _____ CREATING THE CRIMINAL JUSTICE AUTOMATION COMMISSION.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. First established in 1993, the Criminal Justice Automation Commission has worked to develop an automated infrastructure that has improved accessibility to accurate records contained within the criminal justice information system. While the Commission has operated effectively for many years with the Chief Justice of Guam as its Chairperson and contributing members from the Guam Police Department, the Office of the Attorney General, the Department of Corrections and the Judiciary of Guam, it is the intent of *I Liheslaturan Guåhan* to establish the Commission as an entity in statute, which shall solidify the Commission's existence and provide stability to it as a going concern.

Section 2. Criminal Justice Automation Commission. A new _____ is hereby added to the Guam Code Annotated as follows:

§_____. **Commission Structure and Membership.** (a) There is established the Guam Integrated Criminal Justice Information System, which shall be operated by the Judiciary of Guam with support from the Office of the

Attorney General, the Guam Police Department and the Department of Corrections.

(b) The System shall be enhanced by the Criminal Justice Automation Commission (the "Commission"). The Commission shall be chaired by the Chief Justice of Guam or his or her designee and vice-chaired by the Chief Technology Officer of the executive branch of the government of Guam or his or her designee. Additional membership of the Commission shall be comprised of designees from the criminal justice agencies, specifically, the Office of the Attorney General, the Guam Police Department, the Department of Corrections, the Department of Customs and Quarantine, the Port Authority of Guam, the Department of Youth Affairs, the Department of Agriculture, Conservation Office, the Maria Regional Fusion Center, the Public Defender Services Corporation, the Guam International Airport Authority, the Department of Public Health and Social Services, the Guam Behavioral Health and Wellness Center, the Department of Revenue and Taxation, and Guam Homeland Security – Office of Civil Defense, the Guam Legislature, and the Bureau of Statistics and Plans.

§_____. **System Responsibilities.** (a) The Guam Integrated Criminal Justice Information System shall be responsible and accountable for recording data and establishing and maintaining a database for the Integrated Criminal Justice Commission. The System shall include mechanisms to enable the criminal justice agencies to share data stored in other agencies' information systems and serve as the record creation point for criminal history information maintained by the government of Guam: (1) that provides law enforcement officer and criminal justice agencies with an accurate criminal history record; (2) from which accurate criminal justice system modeling can be conducted; (3) that improves the quality of data used to conduct impact analysis of proposed legislative changes in the criminal justice system; and (4) that improves the ability of interested parties to

analyzed the functioning of the System. The System shall maximize the use of existing databases through the use of a virtual database created by a network linking existing databases and platforms among the various criminal justice agencies.

(b) Administrative Support. The Judiciary of Guam shall provide technical, clerical, and administrative support to the Commission. In the exercise of these responsibilities, the Judiciary of Guam may:

(1) Employ such professional or clerical staff as necessary for the operations of the Commission; and

(2) Make such necessary purchases and enter into such necessary contracts for the operations of the Commission, in accordance with law and the applicable rules and regulations governing procurement by the Judiciary of Guam.

(c) The Commission may establish a fee schedule for non-government of Guam users. The Judiciary shall collect the fees and deposit them in a revolving fund to be expended for hardware, software or maintenance. The expenditure shall be made in accordance with a resolution adopted by a majority of the Commission members.

§_____. **Commission Duties.** The Commission shall also develop plans for interoperable system platforms when existing platforms become obsolete.

The Commission shall develop and maintain a process, utilizing change management, or other commonly accepted method of managing information technology infrastructure upgrades, changes and maintenance, and determine if and how changes to existing criminal justice applications impact the System. Changes to criminal justice applications, databases, platforms or business processes that have an impact on the integrated network must be coordinated through and approved by the Commission.

At least once during each five-year period, the Commission shall coordinate an examination of the records and operations of the System to ensure the accuracy and completeness of information from the System and to ensure the promptness of information reporting. The examining entity shall submit to the legislature a report that summarizes the findings of each examination and contains recommendations for improving the System.

Any expenditures by a criminal justice agency for computer platforms, databases, networks, or applications in support of criminal justice applications shall be reviewed and approved by the Commission.

The Commission shall also be responsible for developing appropriate policies to address privacy and civil liberty concerns related to the sharing of data, data management and retention of the same, establishing framework agreements for the Management Information Technology service, developing a funding model to support the technical support and human resource needs of the System.

The Commission shall also review, on an annual basis, the policies of Mariana Regional Fusion Center ("Center") with regard to the privacy of information and intelligence in possession of the Center. The review shall ensure that the privacy policy protects the political and civil rights of the residents of Guam consistent with applicable local and federal law, including, but not limited to, laws and regulations to privacy and public access to government information. The review shall also seek to preserve the integrity and effectiveness of law enforcement responsibilities and functions, while also assuring that residents of Guam remain protected from the inappropriate use of release of private information.

The Commission shall have the authority to develop and adopt rules and procedures to govern its conduct and operations.