

**STATES' GOVERNANCE OF JUSTICE INFORMATION SYSTEMS
INTEGRATION: MANAGING DECISIONMAKING
IN AN INTEGRATED ENVIRONMENT**

OBSERVATIONS AND INSIGHTS FROM THE FIELD

**Submitted by
National Criminal Justice Association
444 N. Capitol Street, NW
Washington, D.C.**

June 2001

This report is supported by Grant No.1999-LD-VX-K002 awarded by the Bureau of Justice Assistance (BJA) to the National Criminal Justice Association (NCJA) in furtherance of the U.S. Department of Justice (DOJ) integrated justice information initiative. BJA is a component of DOJ's Office of Justice Programs (OJP), which also includes the Bureau of Justice Statistics (BJS), the National Institute of Justice (NIJ), the Office of Juvenile Justice and Delinquency Prevention (OJJDP), and the Office for Victims of Crime (OVC). The points of view and opinions expressed at this meeting are those of the speakers and do not necessarily represent the official position or policies of the U.S. Department of Justice.

Table of Contents

Introduction	1
A View of Integration Governance from the Field.....	1
Defining the Scope and Focus of Integration and Its Governance Processes	3
Justice Information Systems Integration	3
Integration Governance	3
Justice Information Systems Integration Governance Structures in the States	4
The NCJA Governance Structures Survey	5
Scope of Governance Authority	6
Field Observations on the Status of Integration Governance Processes.....	7
Making the Case for Integration Governance	8
The Challenge of Governing Justice Integration.....	8
Principle Considerations in Establishing Governance Processes	10
Securing “Buy-In” for Justice Information Systems Integration.....	10
Engaging the Governor in Justice Information Systems Integration Initiatives	12
Forging Partnerships with State Chief Information Officers.....	14
Establishing the Authority for Justice Information Systems Integration Governance	15
Sustaining Cooperation and Momentum	17
Managing Justice Information Systems Integration	19
Conclusion.....	20

STATES' GOVERNANCE OF JUSTICE INFORMATION SYSTEMS INTEGRATION: MANAGING DECISIONMAKING IN AN INTEGRATED ENVIRONMENT¹

OBSERVATIONS AND INSIGHTS FROM THE FIELD

Introduction

States' "governance," or decisionmaking, processes for justice information systems integration are very much works in progress. Each state that is engaged in justice integration planning and implementation either has developed, or is in the process of developing, an integration governance process.

No single governance model will meet the needs of all states' justice information systems integration initiatives. Each state will be required to develop a governance process that will work in, and for, its own jurisdiction. But, while there is no definitive prescription for developing a governance process, much has been learned about justice information systems integration governance in recent years that can help inform states' efforts to manage decisionmaking in an integrated environment. Moreover, state officials' experiences in establishing, and operating within the frameworks of, justice information systems integration governance processes have produced invaluable insights into the dynamics of these processes.

A View of Integration Governance from the Field

This paper is based upon experiences and observations of state and local criminal justice officials and information services executives in managing integrated justice information systems decisionmaking. Its purpose is to provide state officials guidance in establishing, or refining existing, justice integration governance processes.

The information presented in this paper was gathered from numerous officials in several different contexts. Much of the information concerning the current status of states' justice information systems integration governance structures is drawn from the National Criminal Justice Association's (NCJA) May 2001 report, *Who Decides? — An Overview of How States Are Addressing Delegation of Authority and Decisionmaking in Managing Integrated Justice Information Systems: A Report on the Findings of a Survey of the Governance Structures of Statewide and State-Level Integrated Justice Information Systems Initiatives*.² That report, developed in collaboration with SEARCH, The

¹ This paper was authored by Gwen A. Holden under contract with the National Criminal Justice Association (NCJA). Ms. Holden is a consultant specializing in legislative, policy, and administrative issues in the fields of criminal and juvenile justice. She served as NCJA executive vice president from 1984 to 1996.

² National Criminal Justice Association, *Who Decides? — An Overview of How States Are Addressing Delegation of Authority and Decisionmaking in Managing Integrated Justice Information Systems: A*

National Consortium for Justice Information and Statistics, addresses the history of justice information systems integration in this country; provides snapshots of states' justice integration initiatives; describes the role of governance structures in justice information systems integration; provides an overview of current thinking on the central elements of a viable governance structure; and reviews information provided by state survey respondents concerning the organization and functions of their respective governance structures.

Information presented in this paper also was drawn from comments and observations on justice integration governance made during the Sept. 19, 2000, meeting of the National Governors' Association (NGA) Center for Best Practices integration initiative advisory board, and by presenters at, and participants in, five justice integration workshops that the NGA Center held around the country October 2000 through January 2001.³ Finally, in a series of telephone interviews conducted from January through April 2001, officials in selected states were asked by a consultant for the NCJA to share their observations and insights on integrated justice information systems governance, in particular, information concerning problems encountered and lessons learned.⁴

This paper is organized into four sections. The first section is devoted to describing and defining the terms "justice information systems integration" and "governance processes." An overview of the status of states' governance processes for justice information systems integration is presented in the second section. In the third section, the importance of integration governance processes is addressed. Finally, the fourth section of this paper discusses six key issues in accomplishing justice information systems integration goals and objectives that state and local officials believe must be

Report on the Findings of a Survey of the Governance Structures of Statewide and State-Level Integrated Justice Information Systems Initiatives, Washington, D.C. (2001).

³ See, National Governors' Association, *The National Governors' Association Center for Best Practices: Developing an Implementation Plan for Justice Information System Integration*, Washington, D. C. (May 2001). The NGA Center's integration initiative advisory board is comprised of state and local criminal justice officials and information services executives, who oversee and/or manage justice information system integration initiatives within their respective jurisdictions, and representatives of special interest groups, whose members include state and local officials who are engaged in justice integration initiatives. The NGA Center's integration workshops were attended by state and local criminal justice officials and information services officials who are key participants in state justice information system integration initiatives cross the country.

⁴ Quotations that appear in this paper are the comments and observations of participants in the NGA Center's integration initiative advisory board meeting and four justice integration workshops, and the telephone interviews conducted with officials in selected states to gather information for this paper. The NGA Center's integration initiative advisory board is comprised of state and local criminal justice officials and information services executives, who oversee and/or manage justice information system integration initiatives within their respective jurisdictions, and representatives of special interest groups, whose members include state and local officials who are engaged in justice integration initiatives. The NGA Center's integration workshops were attended by state and local criminal justice officials and information services officials who are key participants in state justice information system integration initiatives cross the country. Each of the subjects of the telephone interviews that were conducted in conjunction with the development of this paper are involved in overseeing or managing state justice information system integration projects. Participants in the NGA Center's meetings and the subjects of the telephone interviews were ensured anonymity in an effort to encourage them to speak candidly about their experiences with integrated justice information system governance processes.

taken into consideration in establishing integration governance processes and assigning governance responsibilities.

Defining the Scope and Focus of Integration and Its Governance Processes

Justice Information Systems Integration

Justice information systems integration describes a broad range of interagency, interdisciplinary, and intergovernmental justice information sharing improvement initiatives that may vary widely in content from state to state.⁵ Integration, according to a state court administrator, envisions a world in which [justice] data is routinely shared across the criminal justice system and with the public.” The integration mission, as one state official explained it, is to “allow an authorized user to access data, regardless of where that data is located.”

One state CIO described an integrated justice information system as a “mosaic [of information systems] that will fit together very well.” That mosaic will be comprised of “pieces that can be lifted out [for operational improvements and enhancements] and plugged back in,” but that collectively will remain an integrated system.

The strength of integration initiatives, one special interest group executive pointed out, is that it does not force agencies to come to the table “before they are technologically able to do so.” A state court administrator concurred in this observation, asserting that information sharing improvement initiatives “[f]ailed in the past because we were trying to build a single large system to service everyone’s needs.” By contrast, he continued, under justice information systems integration strategies, “we can maintain our own [data] silos and stovepipes and can [share] the data . . . across the silos.” A state integration initiative program manager explained that under integration, “nobody owns [all] the data.” The stove-pipes of data would remain in place, he added, and the system would be “mindful and respectful of the data. The data never leaves the place that it belongs.”

Integration Governance

Whatever goals and objectives that a specific state may hold for its integration initiative, it must from the outset address the issue of integration “governance.” The term “governance” as used in the context of integrated justice information systems initiatives denotes the elements of the authority and decisionmaking processes that states put in place to oversee implementation of those initiatives.⁶

⁵ National Criminal Justice Association, *supra* note 2, at 2.

⁶ *Id.*, at 4.

Governance encompasses the leadership, management, and execution of integration initiatives. SEARCH, The National Consortium for Justice Information and Statistics, which special interest group has been at the forefront of developments in information systems improvements since the 1970's, has been a continuous source of guidance to states and local units of government on how to organize integration governance structures. According to SEARCH, governance structures for integration initiatives should include executive leadership, governance committees, and subcommittees to address technical, policy, and operational issues, such as standards for the exchange of justice data, privacy and security concerns, and acquisition of resources, both funding and staff, to support implementation of integration projects.⁷

Governance processes that will be employed in carrying out a broad range of responsibilities fall generally in five categories. These include, planning and strategy development, plan approval, budgeting, plan implementation, and performance evaluation.⁸

Justice Information Systems Integration Governance Structures in the States

A look at the current status of states' integrated justice information systems initiatives across the country indicates that there is broad acceptance of the proposition that governance processes are the centerpiece of justice information systems integration initiatives. In fact, each state engaged in justice integration planning and implementation – and that constituency currently includes the vast majority of states – either has developed or is in the process of developing an integration governance process.⁹

⁷ David J. Roberts, "Integrated Justice Information Systems Planning and Implementation: Organizing for Change," *BJA/SEARCH 1999 Symposium: Integrated Justice Information Systems/Keynote Presentations*, SEARCH, The National Consortium for Justice Information and Statistics: Sacramento, Calif. (1999), at 12-15.

⁸ National Criminal Justice Association., *supra* note 2, at **Appendix C: Components and Responsibilities of State Integration Governance Structures**.

⁹ In its final report on the findings of its survey of state integration governance structures, the NCJA noted that only four – Idaho, North Dakota, South Dakota, and Tennessee – of the 36 states that responded to the survey reported that they were not engaged in integration planning and implementation. [See, National Criminal Justice Association, *Who Decides? — An Overview of How States Are Addressing Delegation of Authority and Decisionmaking in Managing Integrated Justice Information Systems: A Report on the Findings of a Survey of the Governance Structures of Statewide and State-Level Integrated Justice Information Systems Initiatives*, Washington, D.C. (2001), at 19.] Since completion of data collection and analysis for the governance structures survey report, Indiana, North Dakota and Tennessee have initiated planning for justice information systems integration. In summer 2000, the National Governors' Association (NGA) invited all 50 states to participate in an justice information system integration implementation project funded under the U. S. Department of Justice, Office of Justice Programs' information technology initiative. Seven states declined that invitation. Six of those states previously indicated to the NCJA that they currently are involved in integration planning and implementation. Only South Dakota has indicated to both the NCJA and NGA that it is not currently engaged in integration related activities.

The NCJA Governance Structures Survey

Insight into how states are handling or plan to handle the governance of integrated justice information systems is provided in the findings of the NCJA's survey of state governance structures. That survey was conducted from fall 1999 through spring 2000, and encompassed all 50 states and the District of Columbia. In all, 35 states and the District of Columbia returned completed surveys.

According to the NCJA's final report on the governance structures survey, published in May 2001, 30 of the 35 responding states reported that they had governance structures in place.¹⁰ An additional five states reported that they had not established governance structures, but planned to do so. One state reported that it had not established a governance structure but did not indicate in its response to that survey inquiry whether it plans to do so in the future.

Other key findings concerning states justice information systems integration governance structures reported by the NCJA included the following:

- Most states' governance structures include a central policy and planning committee comprised of representatives of agencies that are involved in the development and implementation of states' integration plans. Some states have delegated governance responsibilities to an existing criminal justice advisory body, most often a criminal justice information systems advisory committee. Other states have created new committees as components of their integration governance structures. Several states' governance structures involve an existing committee as well as one or more new committees created specifically to participate in integration planning and implementation.
- The majority of states have established their governance structures formally, most often by statute alone, but in some cases by statute in combination with an executive order, memorandum of understanding, or some other administrative action.
- Few states have created independent governance bodies within state government to oversee integration planning and implementation.
- Most states' integration governance structures operate under the umbrella of an executive branch agency, most often an executive branch justice agency.¹¹

In sum, the NCJA survey found that states have assigned a priority to establishing governance processes for their integration initiatives and, in general, have been diligent in their efforts to ensure that these processes provide a platform for leveraging collaboration among the various agencies, disciplines, and levels and branches of

¹⁰ National Criminal Justice Association., *supra* note 2, at iv.

¹¹ *Id.*, at 53-64.

government that comprise the constituency for improving the sharing of justice information. The survey findings reflect states' general adherence to SEARCH's recommendations concerning the organization of governance processes, and therefore most often are comprised of a central governance committee and a series of subcommittees charged with addressing technical, operational, and policy issues associated with developing and implementing justice information systems integration plans and strategies

Scope of Governance Authority

However, that survey also found that governance processes in place today oftentimes are fairly narrow in scope and range of authority. Few of the states' governance structures, as described by survey respondents, are vested with the full range of governance responsibilities.

In its survey, the NCJA asked states to describe their respective governance structures for justice information systems integration, and then to indicate which component of those structures were responsible for carrying various integration governance responsibilities.¹² The state governance structures survey found a sharp distinction between states' descriptions of their governance structures and their identification of the authorities charged with various governance responsibilities.

In fact, the survey found that, in several of the responding states, "governance responsibilities are being carried out by entities other than those that they specifically listed as components of their governance structures."¹³ For example, several states reported that their governance structure is comprised of an information systems advisory committee, but then indicated that governance responsibilities, such as integration plan approval, are carried out by the executive branch agency under which the advisory committee operates.

Furthermore, the governance structures survey found that approving and defending integration budgets were the responsibilities least often assigned to states governance structures. The survey concluded that this finding "appears to suggest that decisions related to financing integration may be beyond the scope of the responsibilities of many states' governance structures."¹⁴

States' responses to the NCJA survey suggest that most governances were established to meet needs, and perform functions, associated with the initial phases of justice information systems integration, specifically, the development of integration plans and strategies. Consequently, these governance processes, as presently organized, for the

¹² *Id.*, at **Appendix B: The Governance Structures Survey Instrument**, 11-14.

¹³ *Id.*, at 66-67.

¹⁴ *Id.*, at 67.

most part do not encompass such essential governance responsibilities as approval of integration plans and development of budgets to support integration implementation.

These survey findings indicate that many states, in their initial efforts to organize their respective integration governance processes, may have defined integration governance narrowly to include only those decisionmaking responsibilities directly related to carrying out tasks associated with developing integration plans and strategies. By so doing, these states' governance structures would have included representatives of agencies who hold the data and other information that is central to justice integration, but excluded other key decisionmakers, such as gubernatorial and legislative staff, information services executives, and budget and finance officials, whose actions ultimately will determine whether integration plans and strategies go forward. One county official asserted that matters related to financing integration plans and strategies must be included within the scope of the authority of integration governance processes. That official said that the influence of integration governance processes is diminished substantially if these processes do not encompass authority over matters related to financing integration.

Field Observations on the Status of Integration Governance Processes

The NCJA survey findings concerning the breadth of authority of states' governance structures are borne out in one state justice integration project manager's report on the evolution of his state's integration governance structure. According to that state official, a criminal justice information committee was created by that state's legislature in the mid 1980s to make recommendations to that state's management and budget office concerning information systems improvement initiatives. That committee, he continued, "got very good at doing studies," but did not have the authority to move the state's information systems improvement initiatives forward.

The committee was "doomed to failure," that state official explained, "because all the people gathered were technical folks from the different . . . agencies [participating in that state's integration initiative]. Accordingly, in the mid-1990s, a second committee, comprised of cabinet-level officials, was created to provide the policy framework for information systems integration. The second committee operated under the umbrella of a special information services board which is empowered to make decisions concerning major state information technology expenditures. Under the new arrangement, the second committee provides "the direction" for information systems improvement initiatives while the original committee "carries out the orders."

State officials' observations concerning their experiences to date in organizing integration governance processes also suggest that these processes will continue to evolve as these jurisdictions proceed with the development and implementation of their information sharing improvement plans and strategies. As one state official put it, "[g]overnance is a dynamic process. What works at the beginning might not continue to work as [integration implementation] move[s] further down the road."

One state integration project manager observed that his state's integration governance structure is "relatively new," having been established in 1999, and "has not matured yet." That structure to date has not been asked to address "a strong issue that has caused a lot of study" and controversy, he continued. That official said that his state's integration governance structure "has done everything that they need to do," he continued, but "to have to take initiative on their own," that "has not occurred yet."

Likewise, a state chief information officer (CIO) asserted that his state's integration process is likely to mature as it encounters issues that challenge its authority. He said that, in the course of implementing integration plans, "complexities" arise "around what to do, when to do it, [and establishing] priorities." When money is tight, these decisions can become sources of tension and conflict among integration stakeholders. This state CIO said that, "by and large [the governance body in his state has] been able to resolve problems." However, he added, that state's governance structure to date has not encountered an issue "that requires the flip of the coin."

Making the Case for Integration Governance

Across the country, governors, legislators, mayors, and other elected and appointed government leaders are making substantial investments of political capital and public funding in applying advances in information technology to improving the delivery of government services to the public. Moreover, further impetus for such information technology-driven initiatives such as "e-commerce," "e-government," and justice information systems integration can be found in the increasing recognition that the historical fragmented approach to developing information systems, in the words of one state official, is "no longer affordable." Information systems integration therefore is inevitable, as states seek out means for ensuring that agencies have all of the information that they need to inform their decisionmaking.

In the justice arena, three decades of continuous efforts to improve the sharing of information among criminal justice agencies now are coming to fruition as states pursue the development and implementation of strategies to integrate their respective justice information systems. For much of that time, most states' justice information sharing improvement initiatives were centered upon finding solutions to the myriad technology-related problems that inhibited efforts to improve information sharing across agencies, disciplines, and levels and branches of government. Advances in technology in recent years have created new, efficient, cost-effective, and therefore arguably more practical and realistic, options for allowing the exchange of information among agencies. These technological advances in turn have permitted states to leap many of the major hurdles that have blocked achievement of integration goals and objectives.

The Challenge of Governing Justice Integration

However, as tools for overcoming technology-related obstacles to integration have become available, state officials increasingly are recognizing that if the key players in integrated justice information systems initiatives do not agree to collaborate in making the decisions that will determine the course of these initiatives, they will be unable to take full advantage of the opportunities that new technologies have created for improving the sharing of justice information. Accordingly, states have increased their focus on establishing governance processes for justice information systems integration initiatives.

One of the greatest challenges to creating integration governance processes is developing strategies for managing, or “governing,” decisionmaking in an integrated environment that will remain viable for the long-term. As one state CIO explained it, state officials must recognize that integration creates a “fundamentally” different environment in which decisionmaking will be occurring across disciplines. Moreover, another state official asserted, partners in integration initiatives must recognize that integration is a long-term process, and that they must commit to being “in for the long haul. And, it is never over.”

Speaking to the importance of governance processes, one state CIO explained that “many bottom up” justice integration-related initiatives were going on “for some years” in her state, but they were “largely technical” in scope. “But now that we have addressed governance issues, we’ve said that we have to take a look at what is going on and see if we can pilot things, or draw people into the same set of standards. So, I think that we somehow have brought down some of those barriers[between agencies, levels of government, and disciplines]. We’re now saying, ‘what system do I have to put in place to serve my needs and someone else’s needs?’” Through that state’s governance process, “[w]e are making integration part of a larger planning picture,” she concluded.

Another state CIO asserted that the best approach to establishing an appropriate governance structure for integration begins with “the whole larger issue of how does the state really want to run [its information services]. That is a very basic question, because what occurs at that level, with that as a backdrop, affects how justice integration gets done.” If the state has a “clear vision of technology as an enterprise,” this official continued, “it has laid a foundation, and [articulated] an expectation that makes justice [integration] easier. You have created an expectation that you will be working across agencies. Then justice becomes a discipline issue, not an architecture issue.”

According to this official, the state legislation that created that state’s CIO “defined integration in very broad terms, across multiple branches of government and structure.” The legislation, she said, contained “strong language about enterprise that is very helpful” because it “helps bring folks into the fold.” When an enterprise approach is in place, she continued, “then you’re not treating justice any different than anyone else; now you are building a foundation can do multiple integrations across multiple disciplines.

Principle Considerations in Establishing Governance Processes

State and local officials whose observations and insights provided the basis for this paper identified six key issues in accomplishing justice information systems integration goals and objectives that must be taken into consideration in establishing integration governance processes and assigning governance responsibilities. These issues are:

- securing “buy-in” for justice information systems integration;
- engaging the governor in justice information systems integration initiatives;
- forging partnerships with state chief information officers in the development and execution of justice information systems integration plans and strategies;
- establishing the authority for justice information systems integration governance;
- sustaining cooperation and momentum toward achievement of justice information systems integration goals and objectives; and,
- managing justice information systems integration initiatives.

These six issues are addressed in the following section.

Securing “Buy-In” for Justice Information Systems Integration

State and local officials whose observations are reflected in this paper asserted that integration governance processes play a particularly critical role in securing support for integration. As one state official observed, “[t]he governance process is extremely important because it gets you the buy-in that you need to move forward [on integration].”

Securing buy-in for integration, as state and local officials described it, is a four-fold process: Engaging integration stakeholders in developing integration goals and objectives; garnering public support for justice information systems integration; shaping arguments in support of integration goals and objectives, and selling the concept of integration to stakeholders, policymakers, and the public.

Bringing Stakeholders to the Table

The process of securing “buy-in” for integration, officials continued, begins with bringing “the right people to the table” to participate in setting integration goals and objectives. “Ninety percent of the problem [in moving integration initiatives forward],” one official observed, “is getting agencies to work together.” Stakeholders may perceive

integration as a threat to their respective agencies' autonomy. Moreover, these officials may be reluctant to open their respective information systems for scrutiny, fearing the possibility of exposing these systems' deficiencies.

All integration stakeholders' interests in justice information systems integration therefore should be represented at the table, one official said, so that information sharing improvement projects do not become "unfunded mandates" imposed on agencies whose participation in these initiatives is vital to achievement of integration goals and objectives. "People issues," one official asserted, are the most frequent causes of problems in resolving conflicts in the early stages of integration planning.

Securing buy-in for justice information systems integration also encompasses garnering public support for information sharing improvement initiatives. The public should be viewed as the "customer" in whose interest, and for whose benefit, these information systems improvement initiatives ultimately are being undertaken.

Shaping the Case for Integration

"Public safety is a very compelling issue," one official observed, and information systems improvements are directly responsive to improving public safety. Arguments in support of integration therefore should make the link between justice information systems integration initiatives and achieving public safety goals.

Governors, legislators, and public policymakers must be provided information that will help them to visualize integration goals and objectives. A governor, as one state CIO stated, can not "cut a ribbon on a system." Integration goals therefore must be cast "in real life images," e.g., a potential tragedy avoided, a life saved.

Moreover, justice information systems integration goals should be articulated in terms of the "numerous and sustainable" improvements and benefits that will be realized, a state CIO asserted. Integration stakeholders, e.g., law enforcement officials, judges, and corrections agency administrators, must be able to see how they specifically will benefit from achievement of integration goals and objectives.

The case for justice information systems integration also should present justice-related goals in the context of broader information systems goals for states. The case for integration, one state CIO stated, should be presented in "business terms, not technical terms," and should reflect overarching goals to improve information services state government-wide. Criminal justice [information systems integration] is going to have to fit into the larger state information infrastructure," that official observed.

In arguing their case to the public, proponents of integration must take into account that most citizens believe that the government already operates in the manner contemplated under an integrated justice information system. Strategies for securing public support for justice information systems integration therefore should be directed, first, to explaining the need for integration and, second, to describing, by means of

vignettes and real-life examples, how the information systems improvements that integration will realize are directly responsive to citizens' concerns about safety.

Selling Justice Information Systems Integration

Selling the concept of justice information systems integration likewise is an important facet of integration governance. And, one official observed, “[it is] not one selling job; it is a bunch of selling jobs to people wearing just a little different hat.” Proponents of integration should be able to make the case for integration “in a 30-second elevator ride,” one state CIO asserted.

“Sales pitches” in support of justice information systems integration should be up front and honest on such sensitive issues as financing and implementation timetables. For example, legislators should not be led to believe that integration will produce immediate cost-savings; instead, they should be told that initial integration costs will be significant, but that these initiatives will produce “long-term savings.”

Finally, several officials advocated engaging state and local leaders who are proponents of integration in selling that concept to their counterparts. These “peer to peer” communications, e.g., from one governor to another or from one judge to another, have the advantage of greater credibility because they occur between individuals who hold like positions, and, therefore, have similar responsibilities and experiences.

Engaging the Governor in Justice Information Systems Integration Initiatives

Governors across the country are broadly supportive of integrated justice information systems initiatives. A 1999 survey conducted by the NGA found that integration was second only to the related issue of developing interagency/intergovernmental networks among governors' top information technology-related priorities for the criminal justice system.¹⁵ Moreover, respondents to the NCJA's survey of state governance structures for justice integration reported that they believe that the governors' support has been, or will prove to be, a key asset to achievement of integration goals and objectives.¹⁶

This latter observation was shared by state and local officials whose observations are reflected in this paper. These officials were unanimous in their belief that the governor is a critical player in integration governance. One state law enforcement executive observed that governors provide “leadership and executive ownership” to integration initiatives.

¹⁵ National Governors' Association, a summary of governors' responses to the NGA's *Governor's Information Technology Priorities Survey*, Washington, D. C. (September 1999), at 2, (unpublished).

¹⁶ National Criminal Justice Association, *supra* note 2, at 28-29 and 35-36.

According to one state official, governors can play a critical role in building consensus for integration and moving forward on integration plans and strategies. The governor has the authority to “tie together” a state’s integration initiative, one local prosecutor observed. One state CIO reported that because the impetus for that state’s integration initiative originated in the governor’s office, little difficulty has been encountered in keeping stakeholders involved in integration governance. She noted that these officials’ participation is encouraged by the fact that there is “some status attached” to being a member of that body.

Moreover, one state official noted that the governor can use the authority of his or her office to “shut those back doors” so that there is “no one to run to” to undermine an integration initiative. Another state integration project manager suggested that the governor can play an important role in keeping integration initiatives on course by “stepping in” to deal with an interagency conflicts.

Nevertheless, the degree to which governors currently are involved in justice information systems integration initiatives varies among the states. According to one state CIO, that state’s justice information systems integration initiative is an integral component of that state’s governor’s initiative “to streamline how government works.” In that state, the governor has used the authority and influence of his office to bring stakeholders to the table and leverage their support for, and participation in, justice information systems integration.

One state integration project manager said that on a scale of one to ten, his governor’s participation in that state’s integration initiative ranks at “a seven.” This official said that the governor “has participated in rolling out” certain state information systems initiatives, and has addressed information systems initiatives in his budget message. He said that his office is trying to expand the governor’s involvement in the state’s integration initiative by developing papers on information systems issues to increase the chief executive’s awareness of the importance of that initiative.

Another state official explained that a high-level official in the governor’s office is aware and supportive of that state’s justice information systems integration initiative, but has not been an active participant in meetings concerning that initiative. “It is hard, from [the standpoint of] time commitments to keep high-level folks involved,” he said.

Moreover, the extent to which a governor is willing to get behind justice information system integration may be influenced by his perception of how widely integration goals and objectives are accepted. For example, one state justice information systems integration program manager explained that voter initiatives have been used successfully in several instances to derail projects supported by the governor. Consequently, he continued, while the governor generally is supportive of information systems integration, he has been cautious about becoming too visible on an issue that might engender a negative reaction from the public.

Forging Partnerships with State Chief Information Officers

The NCJA survey of state governance structures also found that the majority of respondents believed that states' CIO's are key players in justice information systems integration initiatives whose support for these initiatives is likely to be a determinant in advancing these justice information systems integration goals and objectives.¹⁷ One state CIO asserted that CIO's occupy a position that permits them to consider justice integration in the broader context of statewide information systems improvement initiatives. That state official observed "that it is hard to take the justice piece and look at it alone." What is important is to bring the whole state government-wide integration enterprise "together at the front end." She noted that 47 states now have CIOs. States can empower the CIO "to look at how they might facilitate a much bigger picture in which they could accomplish [justice information systems integration]."

That state CIO explained that in formulating components of that state's justice information systems integration initiative, it became clear that it would be important to have "accountability by one person." Accordingly, the state legislature vested that authority with the CIO. The legislation that established the position of CIO provides that the CIO report directly to the governor, and have "oversight of all major IT projects" as well as for "prioritizing IT capital expenditures."

The CIO's state government-wide perspective on information systems improvement initiatives also can be particularly helpful in holding integration initiatives together when these officials serve as the central authority for acting on all requests for funding to support information technology expenditures. In these cases, the CIO has the opportunity to view the entirety of statewide information sharing improvement efforts and act on individual funding requests in that broader context; to "[l]ook at each project – what good it is going to do, and how [it] fits into integration," one state official explained.

A second state CIO analogized building integrated information systems to establishing a railroad, in which endeavor "some central authority" – the CIO, in the case of integration – must be charged with the responsibility of making sure that all of the elements of the project mesh "so we can put the schedules together." Nevertheless, this official asserted that integration initiatives require a "partnership" between the CIO and the various disciplines that are engaged in their own information systems improvement initiatives. If the integration process is "a total dictatorship or mandated," he said, "you won't get there."

This state official said that in his state, he, as the CIO, has overall responsibility for information technology development and implementation "for all of state government." However, he explained, his central responsibility is the overarching "visionary piece" and identifying the critical elements of the state's IT needs. The CIO is

¹⁷ *Id.*

responsible for “certain kinds of things like standardization,” and “all purchasing of hardware and software.”

However, several state officials observed that governance processes for justice information systems integration should reflect a division of labor between criminal justice officials and the CIO. Otherwise, one state criminal justice agency administrator observed, effective integration governance can fall prey to “a little bit of power play” with “the CIO vs. lead criminal justice practitioners and their chief information officers.” This official asserted that “the appropriate role for the CIO “is the common denominator stuff,” in particular, infrastructure issues, “Everyone can make the argument that we are special,” and therefore should be exempt from any centralization of IT-related decision-making.” But, he continued, “these infrastructure issues are “no different than a highway; [it] doesn’t make any difference what you are driving, [you] need the highway, and [in general] it doesn’t make any difference what it looks like.” “Persons who are dealing with the content should not have to be concerned with [infrastructure issues].”

The business of developing specific plans and strategies for improving justice information sharing, however, should be the domain of criminal justice officials, this state official continued. While “non-CJ people [such as CIO’s, do] need to understand what is going on in the CJ-side of the world, . . . some times the education gets lost or takes on a whole different dimension.”

Establishing the Authority for Justice Information Systems Integration Governance

States face many challenges in establishing integration governance structures. These challenges begin with deciding whether these processes should be established formally or informally. The NCJA governance structures survey found that 19 of the 27 states that responded that they have established governance structures reported that these processes have been established formally, while the remaining 8 states indicated that their governance structures had been established informally. States that have established their governance structures formally reported that these structures were created either by statute, executive order, memorandum of understanding, administrative actions or some combination of these methods.¹⁸

There appeared to be consensus among the majority of state and local officials whose observations are reflected in this paper that integration governance processes should be formalized by means of an executive order, memorandum of understanding, or legislation. However, these officials offered varying perspectives on which of these approaches to formalizing governance is most viable.

One state CIO considers formalizing integration governance through legislation “good form – very good form for an integrated justice information system.” That legislation, she explained, addressed the governance issue “head on.” The legislation

¹⁸ *Id.*, at 55-56.

was not passed without the expected debate, but “once it became law,” everyone agreed coming to the table [together] is the way to do it. I won’t tell you that they are all marching in the same direction, but they all are hearing the same message. There will continue to be different perspectives among justice stakeholders,” she noted. But, she added, “it becomes much easier to go get the right constituency [involved], and an audience to go back to to say ‘here’s what’s going on.’ People get drawn into the process. Maybe [it’s] not the only way to do it, but it is a good way to do it,” this state official concluded.

By contrast, however, another state official explained that for more than a year, his agency has tried, and failed, to establish a governance structure for his state’s integration initiative by executive order. Consequently, that agency has decided to proceed with creation of its governance structure informally. He said his agency believes that if stakeholders can be brought to the table without the executive order, and then go to get the legislation to formalize [that structure], [that state’s governance process] “could have pretty complete [representation].”

One state official observed that when he assumed the position of project manager for his state’s justice information systems integration initiative, he believed that there needed to be a document that would formalize the integration initiative, including its governance processes. Accordingly, he developed a memorandum of understanding (MOU), which subsequently was signed by all members of that state’s existing criminal justice information committee. The MOU has become “the cornerstone of what [the state is doing on information systems],” the state official continued. However, at the same time it has become a “source of tremendous tension.” While the state had viewed the MOU as an “opportunity to get everyone together,” individual local jurisdictions were “very put off because they were not [specifically and individually] parties to the MOU.”

“The MOU wasn’t necessarily the best thing that we did,” this state integration project manager said. “Although we had local officials as signatories,” the state did not have all of the locals on board. Now, the state official continued, “we are keeping the MOU in our back pocket.”

“The MOU is a good foundation,” the state official concluded. However, he added, “[w]e never can get a MOU that is broad enough in scope” to include all locals who think that they should be signatories. “The important thing is [to be able to put forward] one face of integrated justice on the state level. We recognize that unless the locals play, [integration] won’t work.”

A state court administrator asserted that an executive order is unlikely to serve as an appropriate vehicle for garnering the support of the judiciary for statewide justice information systems initiatives. He explained that separation of powers “aggravates” the process of securing agreement between the executive and judicial branches on integration goals and objectives. He noted that this problem is “not unique” to integration initiatives, and can be overcome if executive and judicial branch officials are provided the

opportunity to work out their differences “through collaboration and cooperation.” States run the risk of undermining collaboration and cooperation among the executive and judicial branches of government if they choose to establish integration governance processes by means of an executive order. He said that an executive order is an “inappropriate” vehicle for formalizing governance processes because that order “includes only one branch of [government]. If the executive branch tries to impose requirements on the judicial branch by means of an executive order, that effort will meet with opposition. He said that a memorandum of understanding or legislation therefore are the only appropriate vehicles for establishing integration governance.

Notwithstanding the apparent broad support for creating governance structures formally, several states have chosen to take a more informal approach to establishing their justice information systems integration governance processes. One state official explained that after carefully considering arguments in favor of establishing integration governance structures formally, his state chose to go “in the opposite direction,” and create its governance structure informally. This official said that oftentimes when the subject of governance is broached “right away people conjure up bureaucracy and mega-decision-making processes that some times are more the problem than the solution.” He said that after reading “a lot of materials” about governance issues, he concluded that creating formal governance structure may result in “forcing people to the table,” and defining their “rights” and roles. “In some ways, that is well and good, but in some cases [the end product of this] formality [is the] definition of turf.” That state created an “empowerment process,” under which stakeholder agency executives “mutually identify and agree to” integration goals and objectives, and then “empower their lead folks to make decisions.”

“Are we as far along as other folks [who operate under governance structures that were established formally]?; in some ways yes, in some ways no,” this state official reported. The “disadvantage” of an informal approach to governance is that the process “moves along more slowly.” But, he added, it is “not as shotgun” an approach as he believes may occur under formal governance structures.

Another state official, whose state currently plans to establish its governance structure informally, said that it will specifically identify the individuals that it wants to have represented on its integration governance structure. Selection of governance structure participants will “start at the chief executive level [of stakeholder agencies].” However, he said, “If [these executive level officials] disintegrate into lower level persons, [the efficacy of the structure is] sort of doomed.”

Sustaining Cooperation and Momentum

Justice information systems integration is a long-term proposition that only will be realized if governance leaders are able to sustain stakeholders’ commitment to, and participation in, these initiatives. The task of sustaining collaboration among stakeholders in information sharing improvement initiatives, one state integration project

manager asserted, is advanced considerably in his state by that jurisdiction's approach to setting out its integration goals and objectives. According to this official, "[t]he state used to write [its information systems plans] in terms of what [the agencies] had to do; now [the state articulates its information systems plans] in terms of what it wants to accomplish." That approach, he said, "helps in explaining [information systems improvement] needs to the legislature."

Several state officials asserted that pursuing early implementation of an integration project with a high potential for success, "an early win," can help to keep stakeholders interested and engaged in these information sharing improvement initiatives. One official observed that "[b]ig, multi-year projects often fail. [You] need a carrot to get people motivated; you need quick, sustainable wins."

This official said that states should invest justice information systems integration funding early in "actually accomplishing something, not more planning." That official said that states should "choose two or three pathways [that will produce an early win for integration], and really go after them."

Funding frequently is a critical factor in sustaining stakeholders' interest and involvement in justice information systems integration initiatives. "The problem [in sustaining stakeholders' involvement in integration] arises when funding for one agency is completed," a state integration project manager said. "[I]f funding [for an agency is]done, [that agency] may not show up" at subsequent meetings. By extension, the availability of funding for integration projects can be a particularly strong inducement for sustaining interest in these endeavors. One state integration project manager reported that his state in the past experienced "some problem" in sustaining stakeholders' involvement in the integration initiative. However, he continued the availability of funding to support integration projects and that "has eliminated that problem," and "keeps folks interested."

Problems associated with sustaining momentum on integration initiatives oftentimes begin with difficulties in keeping stakeholder agency executives engaged in these initiatives. One state integration project manager said that representation from all of the agencies [that are members of its integration governance committee] has been pretty consistent." However, he continued, agency administrators increasingly are sending lower-level staff to governance committee meetings in their place. This official said that when the state's integration governing body first began to meet, the heads of participating agencies attended; now the agency heads send designees that are "two-levels down" in the respective agencies' hierarchies. Some agency heads are still coming to governance committee meetings, he explained, but "some of the commissioners are more laid back, some don't see [participation in meetings] as a real role; some think that staff can handle [the work on integration] better." This state official said that he would like to see integration achieved through a "cooperative planning process, but when people don't participate" some other approach may have to be pursued.

Moreover, one state integration project manager said that some stakeholders in his state's integration initiative have elected to by-pass the governing process when they disagree with actions taken by that body. He noted that the governing board does not have the authority to compel stakeholders to comply with its decisions. That body, he continued, "has to deal within established state structures, and, in that regard, "has its hands full," particularly "if an agency stonewalls."

Managing Justice Information Systems Integration

States' justice information systems integration governance processes also encompass the structure put in place to manage integration implementation. If, as one state official suggested, "integration is the cultural part of learning to share [information], governance arguably is the management part of achieving integration goals and objectives.

Several state and local officials made compelling arguments for the establishment of dedicated integration project managers or coordinators. One state official reported that before he was appointed project manager for his state's integration initiative, management of integration-related projects was a responsibility of that state's finance and management office. The position of integration project manager subsequently was created in response to criminal justice agencies call for the creation of a "neutral" party to manager the integration initiative.

According to that state official, the integration project manager is housed in, and operates under the authority of the director of, the state's department of information services. However, his salary is paid for by contributions from the agencies that are participating in the state's integration initiative. Consequently, in carrying out his activities, the project manager reports to several agency administrators, depending upon the information systems activity in which he is engaged.

Integration project managers play a particularly critical role in developing and maintaining relationships with integration stakeholders that will sustain these interests' involvement in information systems improvement initiatives over the long-haul. One state integration project manager said that in his current position he has "unrestricted access to cabinet officers," although he tries "not to play the trump card, without going through the normal chain of command." The integration project coordinator's role is "building relationships," he continued. "[Integration is] all about people."

That state integration project manager explained that he has had occasions when he feels that an agency is about to lose interest and disengage from the integration process; that "it's about to happen." But, "you can't let it happen. This integration project manager said that he constantly "works the members." It is a process of "building trust." This state official said that unless he has a reason to proceed with a scheduled meeting, he will cancel that meeting. "If I only have one or two things to discuss, I will postpone them to the next meeting. If something can be done by telephone poll, I will do

that, too.” It is important for agency officials to know that “I won’t ask you to be there unless it is important for you to be there; I am not going to ask you do something unimportant.”

Moreover, the state integration project manager asserted, “[y]ou don’t need to convene a meeting to talk to someone.” In some cases, he continued, dealing with a difficult issue involving one agency can be handled best “by walking into someone’s office, rather than meeting in a group, and [risking the possibility of] embarrassing them.”

Inadequate funding and staffing of project management can seriously undermine the integrity of states’ integration initiatives in several areas. One state official said that under-funding of the activities of the justice integration program coordinator is a problem in his state. He said that his state’s governance committee has been “given an executive director, but no staff.” The lack of staffing is one of the “weaknesses of the governance process,” he explained.

When asked what aspect of the state’s governance structure he would change if he could, one state integration project manager responded that he wishes that he could provide staff for the governing board. The state’s integration governing board currently does not have its own staff; instead, as is the case in many states, its work is being performed by staff of stakeholder agencies. This official had high praise for agency staff who have been assisting the governing body; “we have staff people who are just dynamic, who see the need [for integration]...but take the issues to superiors” who may not share these staff members enthusiasm.

Conclusion

Advances in information technology have made long-sought-after improvements in the sharing of justice information not only achievable, but inevitable. Through justice information systems integration, states have the opportunity to make substantial inroads toward achieving public safety goals by ensuring that criminal justice officials have the information that they need when they need it, regardless of which agency holds that information and where it is located.

However, the business of advancing justice information systems integration initiatives falls squarely on the shoulders of the leadership of states’ integration governance processes. The experiences of officials engaged in justice information systems integration initiatives suggest that governance of these initiatives at the outset should be viewed as a long-term process for managing decisionmaking for all aspects of integration development, implementation, and operation. Governance processes therefore must be credible, representative, authoritative, and flexible. These processes must create enthusiasm for, and commitment to, justice information systems integration. They must provide leadership and direction to integration plans and strategies, and have the wherewithal to hold the course when problems arise that threaten to undermine

momentum toward achieving integration goals and objectives. Finally, these governance processes must be adequately funded and staffed.

In the end, what is certain about the governance of justice information systems integration initiatives is that establishing and sustaining this critical decisionmaking process are among the most challenging aspects of any state's strategy to improve the sharing of justice information. States' governance processes will drive their progress toward integration goals and objectives. The efficacy of a state's governance process therefore will be a principal determinant in the long-term viability of that jurisdiction's integration initiatives.