

REPORT OF THE
VIRGINIA DEPARTMENT OF STATE POLICE AND THE
SUPREME COURT OF VIRGINIA

**ENTRY OF PROTECTIVE ORDERS
INTO THE VIRGINIA CRIMINAL
INFORMATION NETWORK (VCIN)**

TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA



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Entry of Protective Orders into the Virginia Criminal Information Network



A Joint Report by the:

Department of State Police and the Supreme Court of Virginia

For:

**The 1998 Session of the General Assembly
and
The Commission on Family Violence Prevention**

December 1997

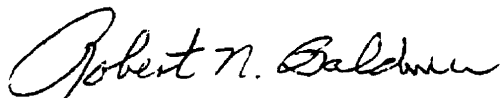
December 1, 1997

TO: The Honorable George Allen, Governor of Virginia
The General Assembly
Ms. Harriet M. Russell, Executive Director, Commission on Family Violence Prevention

Item 21(g) of Chapter 924 of the 1997 Virginia Acts of Assembly requested the Executive Secretary of the Supreme Court and the Superintendent of the State Police to "...consider the steps necessary to facilitate the entry of protective orders into the Virginia Criminal Information Network (VCIN), to ensure that the information so provided is available to law enforcement agencies on a timely basis."

After much research, deliberation and foresight by both agencies, and with the assistance of the Commission on Family Violence, we have the honor of providing this report to the 1998 Session of the General Assembly. This report provides our findings and recommendations regarding the assistance that law enforcement agencies and the courts can provide to implement Virginia's Omnibus Family Violence Prevention Act.

Respectfully,



Executive Secretary
Supreme Court of Virginia



Superintendent
Department of State Police

Entering Protective Orders into the Virginia Criminal Information Network (VCIN)

I. Introduction

Chapter 924 of the 1997 Virginia Acts of Assembly in Item 21(g) requested the Executive Secretary of the Supreme Court and the Superintendent of the State Police to "...consider the steps necessary to facilitate the entry of protective orders into the Virginia Criminal Information Network (VCIN), to ensure that the information so provided is available to law enforcement agencies on a timely basis. The Executive Secretary and Superintendent shall jointly report on their findings to the Commission on Family Violence Prevention and to the 1998 session of the General Assembly." This report is a compilation of the efforts put forth by members of both agencies and with the assistance of the Commission on Family Violence Prevention.

The aforementioned agencies met several times in 1997 and developed strategies to ensure the timely transmittal of protective order information from the Supreme Court Case Management System (CMS) of the Courts Automated Information System (CAIS) into VCIN. This interface will have on-line, real-time capability to allow reporting and tracking of court ordered Preliminary Protective Orders and Protective Orders. This interface will ensure that there is a timely and accurate establishment of these orders in VCIN after they are filed with and issued by the court. All Juvenile and Domestic Relations courts are currently using the Case Management System of the Courts Automated Information System and the CAIS/VCIN interface will benefit from this statewide system.

II. Problem

Protective orders are a prime means of attempting to reduce the further abuse of battered spouses and/or other family members. The Violence Against Women Act, enacted by the Federal Government as part of the Violent Crime Control and Law Enforcement Act of 1994¹, has a "full faith and credit" provision which extends any state's Protective Order to any other state and requires enforcement in the new state, as if the Order was issued in the new state. A tracking and reporting capability for court-ordered Protective Orders, as entered into the CAIS and reported on-line to VCIN, will help ensure the timely and accurate establishment of these orders when they are requested by the abused individual or ordered by the court.

¹ 42 U.S.C. § 3796hh *et. seq.* (1994).

The Commission on Family Violence has enumerated several goals to assist in the implementation of Virginia's Omnibus Family Violence Prevention Act which mandates a statewide arrest policy, procedures related to protective orders, the development of local policies, training for law enforcement personnel and information for victims. For the purposes of this report, one of the goals is "...to implement an effective pro-arrest policy in response to assault and battery of family or household members and violations of protective orders."² An objective of this goal is to "...enhance the Virginia Criminal Information Network to function as an effective protective orders registry and assure that criminal records are accessible to local criminal justice personnel."³

Senate Bill 113 directs an officer to arrest an individual that he has probable cause to believe committed assault and battery against a family or household member or has violated a protective order, and to bring that individual before a magistrate. A key provision in setting appropriate conditions of release is the magistrate's ability to access information that will indicate the potential danger that the arrested individual poses to the family/household members and the community. Allowing access to the VCIN record at the point of bail hearing will assist in supporting law enforcement's response to family violence.⁴

As noted in § 19.2-121 of the *Code of Virginia*, record of convictions is one of the elements considered in determining the granting or denial of bail. By providing a law enforcement officer access to protective orders within VCIN and using this information before a magistrate, it is likely that more family violence will be prevented.

VCIN is a very important tool for law enforcement in Virginia and throughout the country. One of the factors that make VCIN important is the accuracy of the data that is maintained within the system. The procedures initiated and maintained by the State Police and the National Criminal Information Center (NCIC) assure the accuracy and integrity of the data. For this reason, the State Police and NCIC have defined parameters for the data that are maintained in the systems. The information that is used for a protective order must be valid and reliable and allow accurate identification of an individual who is subject to the protective order. The necessity for accurate data is paramount for VCIN to continue to maintain the integrity of data contained within its files.

Current Procedure and other Considerations

Currently, Preliminary Protective Orders and Protective Orders are entered into VCIN when received by the local law enforcement agencies from the courts. The Preliminary Protective Orders may have not been served, and Protective Orders may or may not

² Grants to Encourage Arrest Policies, Office of Justice Programs, 1997, Abstract.

³ *id.*

⁴ Family Violence Reference Manual, Commission on Family Violence Prevention, 1997, P. 18.

have been served by the issuing court and entered. After the law enforcement agency serves the order, the VCIN entry is updated to contain the date served. Preliminary Protective Orders are also updated to contain the date and time that they are served. When the order is entered into VCIN, whether before or after service, the order is assigned a system-generated VIC (Virginia Identification Code). Most agencies attach the VIC to the Protective Order.

The goal is to electronically transfer the orders from the Supreme Court's CMS to the State Police's VCIN. If the order has already been served by the court, the transferred data would include the service date and for the Preliminary Protective Orders, the time of service. If the order was not served at the time of issuance by the court, the local law enforcement agency serving the order would then update the already existing VCIN entry with the date and time that the order was served.

If a court must change an order's data in CAIS after it has been transmitted to VCIN, and the data changed affects the VCIN record, the VCIN record must be modified. The methodology chosen to transfer the data will determine how the VCIN record is modified.

This process is different from other electronic transfers of data in that the local law enforcement agency must also receive the hard copy of the order even though the order is electronically transferred to VCIN from CMS. It is a requirement of VCIN (and NCIC) that the holder of the record must be an agency available 24 hours a day, 7 days a week.⁵ The holder of protective order records will be the local law enforcement agency to which the order is sent.

When establishing this electronic transfer of data, another factor which must be kept in mind, is the future VCIN interface with the NCIC Protective Order System. NCIC is housed and maintained by the FBI. The additional data elements required for this interface are:

1. Indication as to whether or not this order meets the criteria of the Brady Law.
2. Protective Order Conditions Code (there can be multiple codes for an order).
3. Miscellaneous field to be used to define specific terms and conditions of the order.

This left both agencies ready to discuss possible alternatives to transfer the Protective Order/Preliminary Protective Order data electronically.

III. Recommended Alternatives

During the discussions between the agencies, several alternatives or methodologies were considered and discussed. All of the alternatives were reviewed by both agencies

⁵ VCIN Operations Manual, File Transactions, System Discipline, P. II-6, revised November 1994.

as to feasibility and consistency with established procedure. The cost factors were discussed as well.

The alternatives considered were:

- Distributed Data Processing - Program to Program Communication;
- FTP - File Transfer Protocol;
- Mainframe-to-mainframe transfer;
- Batch processing via tape transfer; and
- On-line processing.

Distributed Data Processing is an emerging technology and was not deemed ready for introduction and use on this system at this time. The FTP - File Transfer Protocol was unanimously eliminated from further consideration with little input from all parties. The mainframe-to-mainframe alternative was discussed at some length; and since the two mainframe computers are not compatible with one another, this alternative was also eliminated from further consideration.

This left batch processing via tape transfer and on-line processing as the two most viable alternatives of entering the protective orders into VCIN. Batch processing has its merits, but it does not lend itself to timely transfer of data. In some instances, there may be a 72 hour delay in the transfer of data, which could have negative consequences concerning public safety. The only remaining alternative was the on-line processing system which is considered to be the best of the alternatives available.

As already noted, on-line processing will allow the courts to enter the information into CMS, and ultimately VCIN, immediately, thus providing critical information to the courts and law enforcement in a timely manner. In the event of changes to the protective order, this new or amended information can be added immediately. This process provides an added benefit to the law enforcement personnel who are called upon to make instant decisions in the performance of their duties.

The objective of this concept is to have the courts enter protective order information immediately into the CMS interface that is currently available to the courts. This interface will be modified to establish the link between the CAIS and VCIN using the Transport Control Protocol/Internet Protocol (TCP/IP). Uniform Protective Orders, both preliminary and permanent, are essential if the State Police VCIN is to maintain an efficient and reliable records and enforcement system.

The data to be provided via the interface is vital to ensuring that the protected party has the support and protection of the court, that the court has the capability to provide adequate information to the enforcement agencies, and that this information can be forwarded to VCIN in a useable and effective manner. The existence of any protective

order can be verified on-line by checking VCIN immediately after any order has been submitted by the court via the interface.

This on-line interface will provide for the acceptance and transfer of protective order information from CAIS to the VCIN in a standard format and in real time. The local Juvenile and Domestic Relations (J & DR) court clerk's offices will have the capability of entering protective orders into the CMS of the CAIS and then exporting the properly formatted protective order information to VCIN.

The data will be keyed at the court's point of entry with the issuance of the protective order. Accuracy of the data will then be verified by the courts with the existing charging documents from the judge. Once transferred through the interface, the information will be automatically entered into VCIN, where it will be accessible by any police department, sheriff's department, other law enforcement agency or magistrate connected to VCIN. If a party obtaining a protective order lives in one locality and works in another locality, the enforcement agency in either locality will have access through VCIN to enforce the provisions of the protective order should a complaint be filed at either location. The critical data required by VCIN will be available to all criminal justice agencies statewide on a 7 days per week, 24 hour per day basis.

IV. Costs

In order to provide real-time, on-line information to law enforcement agencies via the Case Management System of the CAIS to VCIN, the following costs will be incurred by the Supreme Court and the Department of State Police.

Item	One-time Initial Expenditures	Recurring Monthly Costs	Type of Expense
Hardware			
Host Router	\$31,000	\$220	Purchase, Maintenance
Router Software	\$6,000		Purchase
CSU/DSU	\$500		Purchase
Software			
TCP/IP System		\$688	Lease
Line Expense			
	\$800	\$150	Line installation, monthly cost
Development			
System Preparation	\$12,000		Systems Programming
System Implementation	\$7,200		Network Consulting
Application Development	\$57,600		Application Programming
Total Expense			
Total One-time Cost	\$115,000		
Total Monthly Cost		\$1,058	

The Supreme Court has noted their expenditures as one-time expenses and as recurring expenditures. The one-time expenses are due to start-up costs and initial programming and equipment costs to establish the new interface. As the State Police have already programmed other interfaces, their start-up costs will be minimal, and at that-mostly labor. This estimate also includes the applications programming, systems programming, and network consulting required to complete the project.

Table 2		
State Police Itemized Costs		
Item	Labor Expenditure	Cost
Systems Engineering		
Circuit Mapping	4 hours	\$100.36
CPI Time	10 hours	\$500.00
Interface Testing	80 hours	\$2,840.00
Sub-Total	94 hours	\$3,440.36
Systems Development		
Systems Analyst	56 hours	\$1988.00
Senior Programmer/Analyst	72 hours	\$2052.72
Sub-Total	128 hours	\$4040.72
Miscellaneous Expenses (cable, devices, time, etc.)		\$748.10
Total Expense		\$8,229.18

Most of the expenses for the Department of State Police are for labor and thus are personnel costs. These costs are for personnel already employed by the Department and can be considered as operating costs. As operating costs, they represent no additional expenditures on the margin such as would be incurred if outside contractors were hired to perform the needed work.

Based upon the current workload, both agencies have noted with concern the Year 2000 compliance and other pending projects, i.e. NCIC 2000, mandatory legislative changes, etc. It was concluded by both agencies, that this project can be completed within six months after it is initiated.

V. Pilot Project

Once the interface has been developed and tested, it is suggested and highly recommended that a pilot program be undertaken with selected courts and law enforcement agencies to fully test and verify the interface. The pilot test and verification activity will be completed over a short time-frame, that is mutually acceptable to the Supreme Court and to the Department of State Police. Following the

successful completion of the pilot project, a statewide implementation schedule will be developed.

During the pilot project, court personnel will be trained on the CAIS/VCIN interface by the assigned court analysts in the Management Information System Department of the Supreme Court. This training will take place on a schedule that will be developed during the development and testing of the interface and will be accomplished initially during the pilot project.

The Department of State Police will be responsible for the training of law enforcement personnel on the VCIN portion of the interface, concurrent with the standard VCIN training for each agency. [It should be noted that this training is currently being provided by the State Police VCIN trainers.] Any additional training, which includes court personnel, that will be needed for the interface for the pilot project will be conducted by the State Police.

VI. Recommendation

Based upon the ability to provide a timely and accurate Protective Order database, an on-line application is the best solution for both agencies to pursue. The approximate cost to implement this system is the \$115,750.00 for initial expenditures by the Supreme Court and the miscellaneous expenditures by the State Police. The Department of State Police personnel costs and the Supreme Court monthly recurring expenses that will be incurred in implementing this process represent a minimal cost venture, considering the benefits of the service that is to be provided.

