MINNESOTA DEPARTMENT OF PUBLIC SAFETY

Office of the Commissioner

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Alcohol and Gambling Enforcement

Bureau of Criminal Apprehension

Driver and Vehicle Services

Emergency Communication Networks

Homeland Security and Emergency Management

Minnesota State Patrol

Office of Communications

Office of Justice Programs

Office of Pipeline Safety

Office of Traffic Safety

State Fire Marshal

May 16, 2013

To: Agencies accessing criminal justice data and driver and vehicle services data

Re: Test queries and appropriate use updates

Recently, the Minnesota Office of the Legislative Auditor (OLA) conducted an audit of law enforcement's use of the Driver and Vehicle Services (DVS) and Comprehensive Incident-Based Reporting Service (CIBRS) databases. The audit was performed at the direction of the Legislative Audit Commission.

The Legislative Auditor's report on law enforcement's use of state databases can be found at http://www.auditor.leg.state.mn.us/ped/pedrep/ledatabase.pdf.

The Department of Public Safety (DPS) believes it is crucial for law enforcement agencies to have access to information contained in law enforcement databases to effectively carry out their work preventing and solving crimes. It is equally important that the data is accessed within established legal parameters.

While the report concluded that 'the overall approach to managing law enforcement's use of state databases is reasonable,' auditors did identify several recommendations for altering BCA and DVS processes to guard against database misuse by criminal justice agencies. The BCA and DVS are implementing several changes in an effort to meet that goal.

New BCA training updates on appropriate use
Training materials for both BCA classroom and online courses have been updated to reinforce what is proper use and to provide examples of misuse.
Integrated Search Service online training now includes the following reminders:

- If you complete a query or use CIBRS information for anything other than the authorized uses defined in Minn. Stat. 299C.40, it is considered misuse. Examples of CIBRS misuse and authorized use are provided.

- If you complete a query or use DVS information for anything other than what is authorized by state and federal law, it is considered misuse. Examples of misuse and authorized use are provided.

Basic Queries online training now includes the following reminders regarding DVS queries and response information:

- DVS information available via the Criminal Justice Data Network (CJDN) can only be accessed for purposes authorized by state or federal law in connection with the performance of duties required by law. Examples of authorized and unauthorized use are provided.

Mobile Access Online training includes specific examples of authorized and unauthorized use of DVS information obtained via the CJDN.

Basic Operator's Certification classroom instruction now includes the following information:

- Examples of misuse of DVS data
- Information on authorized access and use of DVS information
- Examples of appropriate use of the CJDN (including examples of using DVS information for appropriate purposes)
- Examples of misuse of the CJDN (including examples of using DVS information for inappropriate purposes)

CIBRS online training will be updated to include examples of authorized and unauthorized use of CIBRS. Also, information will be added regarding the responsibility of the agency administrator to only allow access to CIBRS operators who have completed training, passed the certification exam and maintained current certification.

Test records in place for test queries
In addition, BCA auditors have become aware that some criminal justice agency personnel have used their own names or the names of others to run 'test' queries when first logging onto PSPortals. This is not a lawful use of the systems. DVS and BCA have test records which are designed to be used in instances of this nature. Those with access to criminal history and DVS data must use these test records to run test queries.

The following test records are available for training/practice purposes:

Type of Record	Record Description
Criminal History	Single state offender – John D. Testrecord, 04/27/1947 white male
Criminal History	Multi-state offender – John D. Testrecord, 01/03/1954 black male
Criminal History	Other test records listed in NCIC Operating Manual, III section or from individual state SIR help files through Nlets
Driver Record	Driver, Minnesota 08/30/1950 OLN A001009419501
Driver Record	Driver, Minnesota 01/05/1954 OLN B942031258515
Driver Record	Driver, Minnesota 01/02/1955 OLN C883034047119 – ***Photo available***
Driver Record	Driver, Minnesota 07/20/1988 OLN J340108059407 – ***Photo available***
Driver Record	Other test records can be obtained from individual state OLN help files through Nlets
Vehicle Registration	LIC/ FKR324 LIS/MN LIY/10
Vehicle Registration	VIN/ 1FAFP5226YG123456
Vehicle Registration	Other test records can be obtained from individual state LIC help files through Nlets

The updated online training may be viewed on the BCA's CJIS LaunchPad Website at https://bcanextest.x.state.mn.us/launchpad/index.pl under MNJIS Training.

Information regarding upcoming classroom courses may be found on the BCA's Criminal Justice Training and Education Website at https://cjte.x.state.mn.us/ei/cm.esp?id=3&pageid=_3C20W9MNY&showpage=WELCOME&src=eiscript&cd=15933794.

DVS Esupport

The DVS Esupport system contains driver license records, vehicle registration records, and driver license photos. The system is for use by law enforcement personnel to carry out their function. 18 U.S.C. § 2721; Minn. Stat. § 171.12 subd. 7; Minn. Stat. § 168.346 subd. 1. The system is to be used by authorized users and only for authorized law enforcement functions. Law enforcement agencies may obtain access and individual users are assigned a user name to log into the system. Driver license data and vehicle registration data access laws differ from those laws governing photo use.

Use of Driver License Photos

The use of the driver license photos is restricted by Minn. Stat § 171.07, Subd. 1a:

(1) to the issuance and control of drivers' licenses;
(2) to criminal justice agencies, as defined in section 299C.46, subdivision 2, for the investigation and prosecution of crimes, service of process, enforcement of no contact orders, location of missing persons, investigation and preparation of cases for criminal, juvenile, and traffic court, and supervision of offenders;
(3) to public defenders, as defined in section 611.272, for the investigation and preparation of cases for criminal, juvenile, and traffic courts; and
(4) to child support enforcement purposes under section 256.978.

Any other use is not allowed under the statute.

Oversight and Control

In an effort to fully comply with the recommendations of the OLA, DVS has or will be implementing certain training and review of audit trail data as well as requiring other protective measures.

1. DVS has developed on-line interactive training in the use of the system. The training can be found at: https://www.dvslesupport.org/dvsinfo/info/DataPrivacy/LE_IntroandClassifications(START%20HERE).htm. The training requires users to take and pass short tests administered throughout the training. A certificate of completion is provided once the user completes the training with 100% accuracy. These certificates should be retained by the employer for audit purposes.

2. DVS will add a check-box next to the existing warning on the user login page to serve as confirmation that the user has read and understands the warning. Currently the warning is on the login page, but requires no explicit acknowledgement. Additionally, since 2007 agency contact persons have received an email containing the username and a warning that the system is for authorized users and only for authorized purposes. It further states that the system is not for personal or non-business use. This practice will continue.

3. DVS will continue auditing and will increase the auditing parameters. Currently, DVS audits the top 50 users of the system and asks the user's employer to investigate any anomalies. This will be increased to the top 100 users of the photo data; top 100 users of drivers' license data; and top 100 users of vehicle registration data. DVS will implement a separate review of the top 200 law enforcement users and continue to seek investigations of any irregularities. DPS does not have the authority to conduct investigations of non DPS employees use of the system and, thus, forwards any irregularities to the employing agency for follow up. Additionally, DVS has begun a monthly audit the top 25 drivers' licenses accessed and will conduct random audits of a minimum of 10 law enforcement users each month.

4. DVS has limited the access of driver license photos to the current photo only. Prior to this change, law enforcement users were able to access all historical photos on file; however, the Esupport website was changed and access to the historical photos will no longer be routinely available. Historical photos will still be available but only on a case-by-case basis for a legitimate law enforcement use. To request access to historical photos, law enforcement users must arrange to have the Chief Law Enforcement Officer submit written justification for the use of such photos. If approved, the law enforcement user must maintain a log of each query and the reason for it. The logs are subject to random audits.

5. Passwords will continue to expire every 60 days, and DVS will now disable usernames after 90 days of inactivity. DVS expects that employers will inform DVS of any employee separation or long term absence so the username can be disabled.

If you have questions regarding the use of test queries or appropriate access and use of data, please contact your assigned BCA auditor or, if you don't know which auditor is assigned to your agency, contact the BCA Service Desk at 651-793-2500. If you have questions regarding the use of appropriate access to Esupport, please contact Kim Jacobson at 651-201-7607.

The Department of Public Safety is committed to continuing to work with our criminal justice partners to address the concerns identified in the OLA report and we appreciate your efforts in this regard.

Sincerely,

Ramona L. Dohman, Commissioner