



Legislation Text

File #: Res. 2021-098, **Version:** 1

City Council Meeting Date: October 19, 2021

To: Mayor and City Council

From: Mark Elliott, Police Chief

Consideration of Resolution Approving State of Minnesota Joint Powers Agreements with the City of Northfield on Behalf of Its Police Department and City Attorney.

Action Requested:

Staff recommends that the City Council approve the attached resolution Approving State of Minnesota Joint Powers Agreements with the City of Northfield on Behalf of Its Police Department and City Attorney.

Summary Report:

The City Council is being asked to approve the attached resolution to enter into Joint Powers agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension, for our Police Department and City Attorney to use systems and tools over the State criminal justice data communications network for which the city is eligible. Access to this information is essential for the performance of the Police Department employees in performing their duties and investigating and charging crimes, and the City Attorney as prosecutors for the City in both the charging and sentencing functions.

The Joint Powers agreements provide the City with the ability to add, modify, and delete connectivity, systems, and tools over the five year life of the agreement and obligates the city to pay the costs for the network connection. The City's agreement with Eckberg Lammers obligates them to pay for this service directly. There is no other cost associated with their access. This is not a new service or charge, but a renewal and update of an existing agreement last approved in 2016. The City Council had approved resolutions authorizing the access of the police department and Eckberg Lammers in June of 2016. The State of Minnesota requires these agreements be renewed every five years.

The information accessed through the Bureau of Criminal Apprehension (BCA) PsPortal by Eckberg Lammers is limited to the same records the police department can access that Eckberg Lammers use to meet the criminal justice obligations to the City. The information accessed is limited to individuals that are either charged with a crime or referred to our office for possible charging. The information is only accessed to determine criminal defendant charging and criminal defendant sentencing. This does not necessarily mean they will only be accessed if charged with a crime. At times the information is necessary to determine charging for the enhancement of offenses.

City prosecutor, Thomas J. Weidner is not the only person able to access this information in their office. Qualified employees in their prosecution department are provided access to this information by the BCA. Prior to obtaining access to the PsPortal the BCA completes a background check of each employee and issues them a separate access number for auditing and security purposes.

Access to this information is routinely audited by the BCA Training and Auditing Department. The BCA retains a record of all requested information through the PsPortal. If police employees or Eckberg Lammers access prohibited information they are subject to varying degrees of consequences ranging from denial of access to criminal prosecution. Any violator of the access agreement will be subject to penalty under the applicable laws.

Eckberg Lammers is acting as an agent of the City, therefore, they may be responsible for any losses as the result of misuse by their employees. Per the legal agreement with the City, Eckberg Lammers would indemnify the City for any losses incurred by the City due to their action and carry Professional Liability Insurance for that reason.

The Police Chief will be present at the meeting to answer any questions the Council may have.

Alternative Options:

N/A

Financial Impacts:

\$1120 per year

Tentative Timelines:

Obtain signatures and execute JPA following approval.