

Minutes of the ADVISORY COMMITTEE on NEVADA CRIMINAL JUSTICE INFORMATION SYSTEM (NCJIS) MEETING

September 19, 2012

The NCJIS Advisory Committee was called to order at 1:00 PM on Wednesday, September 19, 2012. Chief Pat Conmay presided in Room 2135 of the Legislative Building, Carson City, Nevada and via videoconference in Room 4401 of the Grant Sawyer Building, Las Vegas, Nevada.

ADVISORY BOARD MEMBERS PRESENT:

Chief Patrick Conmay, Department of Public Safety Records and Technology
Nevada State Assemblyman Steven Brooks
James Cox, Director, Department of Corrections (Arrived at 1:41 PM)
Jared Frost, Deputy Attorney General
Scott Sosebee, Deputy Director for IT, Administrative Office of the Courts
John Helzer Assistant District Attorney for Washoe County
James Taylor, Deputy Chief, Gaming Control Board

STAFF MEMBERS PRESENT:

Mindy McKay, Department of Public Safety, Records and Technology Division
Deborah Crews, Department of Public Safety, Records and Technology Division

OTHERS PRESENT:

Julie Butler, Department of Public Safety, Records Bureau
Jim Lemaire, Department of Public Safety, Technology Bureau
Dianne Draper, Department of Public Safety, Records Bureau
Diane McCord, Department of Public Safety, Records Bureau
Patti Kelly, Washoe County Sheriff's Office
Charles Palian, Washoe County Sheriff's Office
Eric Bendall, Department of Public Safety, Technology Bureau
Liza Paulino, Department of Public Safety, Records Bureau

Agenda Item A – Call to Order-Verification of Quorum

Chief Patrick Conmay:

The first item on the agenda is the call to order and the verification of the quorum. Ms. Crews.

A roll call of the Advisory Board verified the presence of a quorum.

Chief Conmay:

I think that we have a quorum, so we will proceed. The first thing I'd like to do is welcome two new members, Mr. Frost and Mr. Taylor. This is the first meeting for both and I want to welcome you and look forward to your participation.

Agenda Item B – Discussion and approval of minutes from the last Board Meeting

Chief Conmay:

Moving forward to the next item on the agenda, we are talking about the minutes from the January 11 meeting. Has everyone had a chance to review those? Are there any problems or corrections? No comments or corrections were addressed. Chief Conmay entertained a motion to accept the minutes from the January 11, 2012 meeting.

Motion to approve the minutes was made by Mr. Helzer and seconded by Mr. Sosebee.

The motion to approve the minutes was approved unanimously.

No public comment was made.

Agenda Item C – Steering Committee Briefing – Patti Peters, Southern NCJIS Technical Sub-Committee Chair and Theresa Wiley, Northern NCJIS Technical Sub-Committee Chair

No public comments.

Chief Conmay:

The third item on the agenda relates to the Steering Committee Brief. With respect to the Steering Committee we will not have the briefing today. Theresa Wiley had a conflicting meeting come up late and for those who don't know, Patti Peters suffered the loss of her husband, so she is unable to make it here today. All of our thoughts and prayers are with her today.

Moving on to the next agenda item D.

Agenda Item D – Follow up on January 11, 2012 Advisory meeting regarding proposed BDR and the role of the committee – Patrick Conmay, Division Chief, Records and Technology Division

Chief Conmay:

We're going to discuss the meeting from the 12th because we kind of left that open at the time. I'm sorry, before we start is there any public comment as we begin this item? Ok, seeing none what I'd like to talk about here first of all is those that were here recall, I think, we had a lively discussion concerning this. To sort of refresh everyone's memory, the Records and Technology Division had proposed a BDR concerning the role of the Committee and whether there was any interest in expanding or changing that role. After a rather lively discussion we adjourned to consider some of the comments that were made and what I wanted to let everyone know, based on the input and the comments, we did not pursue the BDR. We did not submit that BDR. I just wanted to let the Committee know what the outcome of the proposed change had been. We will not be pursuing those proposed changes at this time. We can at a future time have discussions about whether or not we have an interest in doing anything with the role. As Assemblyman Brooks pointed out near the end of the last meeting, the Committee does already have quite a bit of authority with respect to its role in the CJIS function, and it is probably not necessary to make any changes now. I appreciate your input at that time, Assemblyman. It was helpful and kind of steered us in a direction.

Agenda Item E – MTG CCH Modernization study report – Julie Butler, Records Bureau Chief, Records and Technology Division (Exhibit A)

Chief Conmay:

With that aside, our next item is going to probably be sort of the main area of discussion or topic from the standpoint of the Repository. We're going to have a presentation concerning the modernization study, which I think we've talked about at prior meetings. That study has been completed. We have the results and we want to go over the high points for the Committee so going forward you're informed in your role as providing technical advice regarding the NCJIS System, about what we are going to attempt to do to keep this system robust and functional going forward.

Is there any public comment about Agenda Item E before we do the presentation? Seeing none I will ask Julie Butler to come forward and present the findings of the study for the Committee.

Julie Butler, Records Bureau Chief:

Good afternoon members of the Committee. For those of you that are new, I'm Julie Butler. I'm the Records Bureau Chief, Department of Public Safety, Records Bureau. The first item on the agenda that I'm going to be talking to you about is the Computerized Criminal History Modernization Study.

In late 2011 the Department of Public Safety Records and Technology Division retained MTG Management Consultants to conduct a study of the Computerized Criminal History system, the Parole and Probation Division's Offender Tracking Information System or OTIS, and the State Domestic Violence Protection Order Registry and to recommend a path for replacement of those critical systems and components which make up the Nevada Criminal Justice Information System.

These are all mission critical systems. They are not vendor-supported and not sustainable. They are ancient technology by today's standards. They are written in a platform that is 16 years old. We are soon to lose staff through retirements that have the technical expertise to work on the platform. It is hard to recruit staff at the level the state pays and because the technology is so old, it's not being taught. We cannot comply with federal requirements for criminal history sharing and we cannot accommodate new features and requirements from outside influences. Outside influences include new requirements from the Nevada Legislature, the FBI, Department of Homeland Security, Western Identification Network, etc.

MTG Study Results:

The results of the study were presented in May 2012 and the bottom line is the current system is overly complex. You can't simply replace the Criminal History System without replacing the Law Enforcement Message Switch, which is the mechanism by which local law enforcement communicates to the Repository and the Repository communicates to the FBI. You must also replace the Hot Files, which are an instant notification to the cop on the street that an individual may pose a threat to the officer.

The likelihood of failure of this system is 20 – 50% within the next three years, and goes up after that.

The recommendations provided are that we should go with Commercial Off-the Shelf (COTS) products rather than custom built solutions. We aren't staffed with the individuals that would have the skill sets that could build these products. There are vendor products that combine a Message Switch, a Criminal History System and Hot Files.

We should build an environment that supports key federal standards and requirements such as III (Triple I) Compliance, which is the FBI's Criminal History Repository. They've had a standing rule for years that we should not be mixing fingerprint and non-fingerprint records in our criminal history system. The other interesting thing of note is the Compact Council. Per Nevada statute, Nevada is a signatory to the National Crime Prevention and Privacy Compact which sets the rules for criminal history record information for non-criminal justice purposes, such as employment and licensing. As a signatory to the Compact, all Compact states must agree to participate in the FBI's National Fingerprint File. We can't participate in the National Fingerprint File until our systems are modernized.

Finally, the FBI Criminal Justice Information Security Policy was recently revised and places additional mandates on state repositories in terms of protection of criminal history information and personal identifying information. These mandates are difficult to comply with given the current environment. Also, Microsoft end-of-life for XP and the 2003 operating systems was recently announced for 2014. That opens up increased security risks.

The study also recommended a compartmentalized system such that we would acquire a base system and add to it as needs and funding are identified. We won't need to do a replacement of the whole system, just replace modules and compartments as the need arises.

MTG's Major Initiatives:

The consultant recommended a roadmap for replacement broken into six major initiatives over a six-year time span at a cost of \$18 million dollars.

One option is to do nothing and keep the present system. A failed system would require an emergency replacement at a significantly increased cost. This would require replacement at an emergency or rapid pace. That typically leads to significant costs and less than ideal solutions. The other thing we're trying to prevent is a potentially tragic event as a result of system failure. This would take time and effort responding to public scrutiny, time and effort and costs of legal actions, forensic technical evaluations, and loss of confidence in Department of Public Safety solutions. Ms. Butler read some excerpts from the study of real life system failures.

Currently we are educating key decision makers on the need to replace and modernize the Nevada Criminal Justice Information System (NCJIS). We are seeking grant funding to pay for some of these initial components as recommended in the roadmap from the consultant and seeking other means of funding to pay for the remainder. We have submitted two work programs to the Nevada Legislature's Interim Finance Committee (IFC) for some initial planning efforts. One was approved last month to acquire three new positions to focus full time on the NCJIS modernization and help to develop the system requirements for the criminal history system and the federal tracking information system. The other work program will be going to the IFC in October. It is to do a proof of concept to see if the way we think we can modernize the system will actually work.

I will turn back to Chief Conmay for any Committee discussion.

Chief Conmay:

Thank you, Julie. As Julie pointed out, we have moved forward with some preliminary things and have obtained approval from the IFC for a couple of positions to help in planning. We're going to submit to the upcoming IFC for the middleware proof of concept. We are obviously intending to present something to the Legislature during the next session in an effort to move forward with the entire replacement or modernization project in some form. What I wanted to do before we moved into that kind of a step was insure that we did not cut this Committee out in its role to advise on technological support for the Repository. That's the purpose of today's presentation and to get a feeling from Committee members on where they stand on modernization and to answer any questions because it is a complex study. Are there any questions?

John Helzer, Washoe County Assistant District Attorney:
Since this is an executive summary, is the original study on line?

Julie Butler:
It is not currently on line, but it can be made available to any committee member by contacting me. The original study is 394 pages and is very detailed.

John Helzer:
Is the summary the consultant's or the Department of Public Safety's?

Julie Butler:
It is MTG's summary.

John Helzer:
Chief Conmay you indicated that you are looking for feedback and discussion. I'm not opposed to modernization, ultimately my questions are more specific as to during this secure phase, when and do certain things happen? How does this effort improve the issues associated with dispositions? At what phase does that happen and how does that address that?

Chief Conmay:
I think dispositions overall were actually addressed in a separate study with recommendations on what would be the best way to pursue that. Dispositions were not directly addressed in this study. This study addressed those issues related to the Computerized Criminal History System, the OTIS system and Protection Order system.

With respect to the things that need to probably be done with dispositions, any modernization of the system would help with that.

John Helzer:
I'm in support of modernization. I've heard about dispositions, does this modernization effort include the NOC code issue? Is that completely outside of this realm? I feel this has been left undone.

Julie Butler:
NOCs are going to continue to be the mechanism by which the criminal history information is shared electronically. Obviously we need in-depth, state-wide meetings to discuss the needs, gaps, what do you want the new system to do. Details have not been worked out.

Chief Conmay:
The full study does, in fact, lay out dates when things might be completed. The consultant, in optimism, had us starting this on July 1, 2012. Any schedule would have to be adjusted with respect to the fact we didn't start many things in July. We did seek some funding and got some grant funding for the positions Julie spoke of and we have some grant dollars in order to do this proof of concept piece that we will be taking to IFC. But that's the extent of it and it doesn't cover everything the vendor anticipated we might do since July.

I'd like to point out that this is a very detailed study and a good roadmap, but we're not committed to say "yes we're going to modernize and we want to follow some of these recommendations". We can take a look at these recommendations and we may find places where we can do things more efficiently, more cost effectively and so it doesn't have to be point-by-point exactly the way the study lays it out. There is some flexibility. Dollars are going to dictate some things. The detail it offers really gives us the opportunity to find a very effective way forward. I would leave it with the Committee to decide whether they want to take some action with respect to endorsing the concept. I'm not asking people to commit to something that's going to require some discussion and debate during the session. But as the Committee in its role in advising on these matters, does the Committee wish to endorse the concept? I'll leave that for discussion.

Scott Sosebee, Deputy Director for Information Technology, Administrative Office of the Courts:
I appreciated the content of the executive summary and I do support with Mr. Helzer the broad perspective of what's being presented, I certainly do support the modernization effort. I do second his concern regarding disposition reporting. Would the intent be to incorporate the recommendations from the previous study into this, or is that treated as a separate item?

Chief Conmay:

I don't believe we have incorporated them because it was two different studies, so we didn't want confusion to whomever may be considering what we're asking for in the modernization. But we certainly can offer in the form of testimony and education what that means with respect to dispositions. Disposition involves a lot more complicated sort of issues for the individual entities that are faced with complying with whatever we or anyone might come up with respect to responsibilities.

Scott Sosebee:

The intent is to modernize the back end infrastructure of the Repository, perhaps even to set some standards in order to be in compliance with federal reporting requirements, but you would stop short of standardizing electronic dispositions through the aspect of this project?

Julie Butler:

That's one of the things we would look at through the SPECS (System Specifications). These are questions that are perfect to address at that point.

Scott Sosebee:

Has any type of governance for the overall project been thought through or discussed in terms of how you would get participation from the various stakeholders in the state?

Julie Butler:

That is one of the first tasks that one of the new positions that we got, the Overall Project Manager, is going to be responsible for doing exactly that. They will develop a state-wide governance committee, develop a communications plan, and conduct outreach for setting up these stakeholder meetings.

Scott Sosebee:

My interest is primarily from a court perspective to ensure the courts have an opportunity to participate in the process early on so we can be aware of the changes coming. I'm supportive of the approach to modernize, but I would be reluctant to endorse anything regarding the specific details.

Chief Conmay:

Are there any other comments?

Deputy Chief James Taylor, Gaming Control Board:

Are we confident in the \$18 million figure and who came up with that? Was it the consultant or your office?

Chief Conmay:

That was the consultant's estimate based on these various steps we've described and what it would take to accomplish this.

Deputy Chief Taylor:

So could we get money from grants to defer some of that?

Chief Conmay:

We're going to seek any and all grants that are appropriate to help with this process. And then where that falls short we would be seeking through the budgetary process funds to do this.

Deputy Chief Taylor:

I'm all for the modernization. We have the same issue with our agency. The risk is too great not to do it.

John Helzer:

The concept is fine. I'm going to think about further endorsement and would like to discuss with the DA's Association. If I have questions in reviewing the consultant's work, can I just go to them?

Chief Conmay:

We certainly don't object. We're confident in the work they did.

If we did have a motion to endorse the concept, endorse the fact that the thing needs to be modernized and we need to do something, I think that's what we thought we would look for here today. I would not ask anyone here to go further than that.

John Helzer:

I received an e-mail a little over a year go indicating that the 11-digit NOC codes were still on the board and they would be acceptable in November 2011. We intend to put in the 11-digit NOC codes. Is that going to be a problem for our office if we use these codes and send them to you?

Julie Butler:

No, not a problem. It's going to be back-translated to a 50,000 series when it hits the Repository. Again, part of the problem is the Repository system is so old right now that it can't be reprogrammed to accept the 11-digit codes, it only accepts the five. When we modernize the system we will build it with the capability to accept both.

John Helzer:

With that statement I'll reaffirm my support for modernization. I would move that this board endorse and support the concept of modernization for the reasons previously stated.

Motion to approve the minutes was made by Mr. Helzer and seconded by Mr. Sosebee.

The motion to approve was approved unanimously.

No public comment was made.

Agenda Item F – Updated on the status of NGI from the August 2012 Atlanta Users Conference – Julie Butler, Records Bureau Chief, Records and Technology Division (Exhibit A)

Chief Conmay:

This one relates to the last one only in that it's going to point out some of the things we anticipate will be coming here in the near future that we will have trouble accommodating. We want the Committee to know what's coming and what law enforcement is going to be interested in having access to. We're already getting questions of "Can we do this and why not?" This comes from an Atlanta Users Conference that Julie and I attended and we wanted to give you an update on what's on the horizon.

Is there any public comment about Agenda Item F before we proceed? Seeing none, Julie.

Julie Butler:

This is to give you an overview of some of the exciting biometric identification technologies that are coming our way. The FBI set out in 2010 to do a full-scale replacement of their Integrated, Automated Fingerprint Identification System, or IAFIS. They plan to do this in six increments during a seven-year time span.

Increments Zero and One:

Increments zero and one have been completed and they were to acquire some new hardware and software and improve the fingerprint matching algorithm such that they have a better success rate in making fingerprint-based identifications for criminal arrests and applicant purposes.

Increment Two:

Increment two has also been completed. This is the increment for Repository for Individuals of Special Concern (RISC). This increment provides a rapid, mobile fingerprint identification using 2 – 10 fingerprints and is used in the field and by the military. It matches against a subset of the FBI's criminal master file. It gives the "cop on the street" a red, yellow or green response. We have had some inquiries from our law enforcement partners who are very interested in participating in this. We had a discussion last week with the FBI/NGI office to find out what it would take for us to participate and even if we can. The FBI has forwarded to our IT staff some of the technical specifications to be able to participate in RISC. We are in the process of evaluating whether or not this is something we can accommodate in at least some of our larger jurisdictions or maybe on a pilot basis for our law enforcement partners.

One of the next identification capabilities that the FBI is piloting is IRIS recognition. It is fast, accurate, and in terms of transaction size, it's small. The FBI is in the process of soliciting agencies to pilot the IRIS technology and seeding an IRIS repository. This provides opportunities for large-scale operations to provide some additional biometric opportunity. As time and funding permit, this may be a module we would want to add to the NCJIS modernization. There are also potential uses to track probationers and parolees and sex offenders.

Rap Back is part of Increment four, proposed to go live in the summer of 2014. This feature was developed in response for the need to notify either a criminal justice agency or an employer or licensing board of subsequent criminal activity that occurs after the initial fingerprint-based background check. The Criminal History Repository would be the channeling agency, responsible for routing the information to the authorized designee. This would be a subscription service for both criminal justice needs and for civil applicant submissions. One sticking point would be the loss of fees as fees for subsequent background checks could drop. Rap Back triggers would be subsequent arrests, dispositions, warrants, sex offender registry and death notices.

One critical point that will place additional burdens on state repositories is to ensure we're not releasing criminal history record information on an individual to persons not authorized to have it. This will be a whole new program for state repositories. Before we release subsequent criminal history information to an employer, we must make sure that person is still employed there and still employed in that capacity. In other words, does that employer still have the need to know? State repositories will be required to have a training and audit program and to develop a pre-notification program. In order to do this we have to keep an applicant's prints on file with consent from the applicant.

Some state licensing boards are already interested in this program. There may be some potential legislation in the 2013 session along these lines.

Increment Three:

Latent fingerprints and palm prints are part of Increment 3. One of the goals is to establish a national palm print repository which is searchable. This is set to be deployed on March 15, 2013. The FBI has collected over 4.4 million palm prints from 29 states and nine federal agencies. Enhancements have been made to the software and work stations that allow for the search of latent fingerprints and palm prints.

Increment Four:

Increment 4 is the Interstate Photo System and Facial Recognition. Nevada does not use currently and does not have plans to use. We have had discussions with the FBI to see what we could accommodate. The policy on who could receive this information is the same as that which applies to fingerprints. The FBI is soliciting agencies to be part of a pilot program for facial recognition. Our LiveScan systems currently have the capability of taking mug shot photos, but it would require some additional hardware and the band-width would have to be increased to transmit those photo images. We do not have the funds to do this.

Through this program, the faces are submitted and a candidate list is generated. Trained facial recognition examiners would then do the match based on the candidates. The FBI is hoping to have this deployed sometime in 2014.

Chief Conmay:

Thank you, Julie. Does anyone have any questions or comments?

Assemblyman Steven Brooks:

On the privacy mitigation tools, why would an employee want to opt in to a program like that when they could potentially not opt in and go ahead and reapply at their next job? What is the incentive?

Julie Butler:

The individual would have to sign a waiver that indicates they understand we will keep their fingerprints on file, they're going to be used to match against the arrests and latent database for subsequent criminal activity, and we will let their employer know.

The advantage to the individual is cost and convenience.

Assemblyman Brooks:

We still have to determine if it's going to be cost effective to that individual. Have we decided if there's going to be any other type of fee?

Julie Butler:

We haven't done calculations on what fees would be since this is a new service. This will take a significant amount of work from my staff to audit and track these individuals. We're looking to see what the FBI and other states do with their fee structure.

Assemblyman Brooks:

I just want to make sure those individuals are fully informed that being in the data base could bring about implications. Would this be explained to these individuals?

Julie Butler:

Yes, it would have to be. We want individuals fully informed.

Chief Conmay:

Any other comments or questions? In the interest of moving along, Julie has one more presentation on Hot Files and the status of those currently.

Hot Files:

I touched a little on this earlier. I wish to speak of the future of Hot Files in the overall context of NCJIS modernization. Hot Files provide immediate notification to law enforcement that an individual might present a potential danger. This could be a Concealed Weapons Permit holder, a dangerous offender, the subject of a protection order, a sex offender, or a fugitive from justice. Currently in the FBI NCIC there are 21 Hot Files.

The consultant recommended that Nevada use the national hot files unless they don't meet Nevada's needs. Some of those opportunities to study whether or not the national hot files meet our needs would include protection orders and the Dangerous Offender Notification. We could use one of the Business Process Analyst positions (one of three positions we had approved for the NCJIS modernization process) to compare and contrast what the state Hot Files offer and what the FBI Hot Files offer. We need to look at the duplication of time, effort and money.

The purpose of bringing this to the Committee is to ask if they feel it would be beneficial to start taking a look at this issue and where it makes sense to use the national Hot Files versus building our own and duplicating? On a high level, do we agree this is something that merits further study and should this be something the Business Process Analyst looks at in doing a comparison of the state versus the national?

Chief Conmay:

Thank you, Julie. Comments?

John Helzer:

I would like to have someone take a look at it. I'd like to know if that decision is made or pursued, where input could be given. What concerns me is the Concealed Weapons Permit holder who is legally able to have a weapon. That person is encouraged to get the permit and they've ended up in front of their family in a very high profile, weapons drawn, stop. I'd like to see how we can avoid this type of consequence.

Chief Conmay:

I don't want to speak on behalf of law enforcement agencies. I would think that the plus of having that information for an officer that stopped somebody is they would be aware that this person has a permit, may have a weapon, and so you need to temper your overreactions should you become aware he does have a weapon. In other words, creating a safer environment for the individual who has a permit.

Assemblyman Brooks:

I would like to ask my colleague, is this something his constituents have complained about? Are they being pulled over and guns are drawn because they have a Concealed Weapons Permit?

John Helzer:

Senator, yes. I've had at least one individual who specifically referenced a traffic stop that ended up with weapons drawn, high-profile treatment. I agree with the Chief that maybe the answer is not to avoid giving that information, but to at least say that if the other indicators aren't there, then you're probably dealing with a law-abiding citizen. I think it can be dealt with through training and a reasonable approach.

Assemblyman Brooks:

I concur with that. The last thing I would want to see is someone who is following the law be unduly treated in the way a criminal would be treated because they have a Concealed Weapons Permit only. I think it would be a good idea to give the information to the officer and they treated that individual as a law-abiding citizen. The problem is not with the individuals that have the Concealed Weapons Permit because they are abiding by the law. It's those individuals that we don't know have guns that we need to be worried about.

Scott Sosebee:

I would certainly be supportive of expending some effort to do an additional analysis on ways to reduce duplication of the Hot Files. From a court perspective we are interested in the Protection Order process and what that might mean to the courts downstream if you were looking to eliminate the State Repository on Protective Orders and replacing that with the NCIC Protective Order Repository. I don't know if you have any insight on that at this point, or that's something that would be discussed or pursued by the Analyst. That would be an area of interest for the courts.

Chief Conmay:

Unless there was some major objection, we will include this as one of the functions that this Analyst will engage in and we will report back to the Committee at some point in the future about where we are with that process. Then we can make some decisions based on that.

Director Greg Cox, Department of Corrections:

I would look at the duplication efforts and support the process engaged in that. I would also say that looking at the federal government in regards to access, is there a cost associated with that access, is there certain privileges we would not have as a state in not having our own system?

Chief Conmay:

I don't anticipate a cost. When we lay out what Nevada has and can provide and what the Federal government has and can provide, there will definitely be instances where we might get some information now that if we went to the federal system we might not get that same information. They may provide something we don't have, we may have something they don't have and then we would have to make a decision whether we could live with the system in that altered state. We'll have to talk with the stakeholders and this Committee and make a decision. We get this extra piece of information, but it costs \$1 million extra. Is that cost benefit worth it?

If there's no other discussion or questions, we can move on to the next item.

Agenda Item H – Presentation on the expanded definition of Criminal Justice Information from the latest (5.1) CJIS Security Policy – Jim Lemaire, Information Security Officer, Records and Technology Division (Exhibit B)

Chief Conmay:

This will be a presentation from Jim Lemaire, the Information Security Officer concerning some updates to the CJIS Security Policy. We'll also be presenting this to Sheriff's and Chief's in the near future but we wanted the Committee to know what's going on with the Security Policy.

Is there any public comment concerning this item before we proceed? Seeing none, Jim if you'll continue.

Jim Lemaire, Information and Security Officer, Records and Technology Division:

Traditionally, criminal justice information has been FBI/CJIS provided information so anything that came to the state or any of the agencies is considered criminal justice information. There have been a couple of changes to that lately.

One change is property data and case/incident history information is also now considered criminal justice information and this is information that has to be protected according to the FBI/CJIS Security Policy Standards.

Another area that the FBI wants to take extra effort to point out in policy that Personally Identifiable Information (PII) that comes from the FBI to the state is also protected.

One interesting note and one that's maybe fraught with hazard going forward in the future is a new category of criminal justice information involves N-DEx. Typically when an agency gathers information, that information is up to the agency to protect according to its own policies and standards. If that information is subsequently submitted to the FBI, that information in the specific agency's local records management system, or whatever they use to store the information, does become protected criminal justice information. This goes counter to how we've looked at things in the past. Because it's frequently mixed in with a fairly large system, it raises the possibility that the FBI will be interested in making sure that information is meeting standards for criminal justice information protection when the FBI comes auditing. At this time we're not planning to audit records management systems of the state agencies that do contribute to N-DEx, although the FBI may indicate otherwise to us in the future. Any questions?

John Helzer:

You indicated you will be seeing Sheriff's and Chief's, are you going to have materials you're going to provide, or just discussion?

Chief Conmay:

They have it through their TACs now, but I'm going to point out to them specifically what you have in your handout from the CJIS Security Policy Sections 4.1 and 4.3. Those are changes.

I asked Jim to bring this here so the Committee is aware that there were these changes. We do not intend at the Repository or through the ISO to change our practice. The FBI will be doing its triennial audit with us in October. The first N-DEx component of the audit is going to occur for informational purposes only and we might get some other idea of what they might intend to do in the future. The N-DEx System is a system where local law enforcement agencies can contribute to the FBI through N-DEx case incident history information for investigational purposes. What the FBI has said in this policy is that once the information is submitted to them, it's now in their system. It becomes CJIS information and subject to all the requirements in the CJIS Security policy. We need to understand more clearly what that means for us in the future.

That brings us to the end of our topics in the agenda.

Agenda Item I – Comments of Committee Members

Chief Conmay:

Agenda Item I is open for comments from the Committee. Is there anything that we didn't cover today that the Committee would like to discuss?

Assemblyman Brooks:

I don't know if this fits in with the Protective Order, but I do want you to know that I'm sponsoring a piece of legislation what would require domestic violence and sex offender predators to wear a bracelet around their ankle that would actually notify authorities if that particular individual was within 1,000 feet of that victim. This would be continuous sexual offenders, continual domestic violence type issues. This type of legislation has been passed in other states. The impetus behind me sponsoring this legislation is there have been a number of issues within my district and within the district I'm currently living. I wanted to make the Committee aware because I wanted to get feedback from this Committee whether they would support something like this or not and why not if they would oppose this type of legislation.

John Helzer:

Assemblyman Brooks, we're going to have our DA Association meeting next week and if it's of assistance, I'll certainly make all the offices aware of what you're doing and if they want to and they want to support or the Association wants to support, they'll certainly know about it and they can contact you or you can contact them.

Chief Conmay:

I'm also attending Sheriff's and Chief's in the next month and can do the same if you're interested in having us do that.

Assemblyman Brooks:

Yes, thank you.

Chief Conmay:

Any other questions or comments?

Agenda Item J – Public Comment

Chief Conmay:

Is there anyone here who has any public comment about anything we've talked about or anything else?

Agenda Item K – Schedule next NCJIS Advisory Committee meeting

Seeing none, we can schedule the next meeting. What I would suggest is that we're going to be moving into the session and it will be tricky with scheduling. What I can do is indicate that within four to six months out, would that be a reasonable time? Then we can put start putting dates out and get everyone's calendar. Would that be the best way for everyone to do this? That's what I think we'll do.

Another thing I'd like to point out at this time, we do put together these agendas and a lot of that happens at the Repository. Many times we're not getting input from you. I want to make clear that we welcome any suggestions for topics for discussion at the meeting. If you have ideas for future topics that you'd like to see discussed, please let us know and we can add it to the agenda.

Any other comments from anybody before we adjourn? I really appreciate everyone's time. I know we had a lot of slides, but we felt this was important for the Committee to know where things are going and there's going to be a lot of things happen in the very near future.

Agenda Item L – Adjourn

Chief Conmay:

I entertain a motion to adjourn.

Mr. Helzer: Move to adjourn at the call of the chair. Mr. Sosebee seconded.

Chief Conmay:

All in favor? No opposition. So adjourned.

The Board voted unanimously to adjourn at 2:25 PM.

Respectfully submitted, (subject to approval at the next Board meeting)

Deborah Crews, Administrative Assistant II