

**CRIMINAL AND JUVENILE JUSTICE INFORMATION SYSTEMS
(CJJIS) COUNCIL**

**MINUTES OF MEETING
Wednesday, December 15, 2020
Video Conference**

Members Present:

Carolyn Timmann for Clerks, Martin County Clerk of Circuit Court and Comptroller
Michelle Pyle, Designee for Commissioner Rick Swearingen, Florida Department of Law Enforcement (FDLE)
Blair Payne, Public Defender, 3rd Judicial Circuit
Roosevelt Sawyer, Jr., Designee for Elisabeth H. Kiel, Office of the State Courts Administrator (OSCA)
Dennis Hollingsworth, Designee for Secretary Simone Marstiller, Department of Juvenile Justice (DJJ)
Tim Roufa, Designee for Executive Director Terry L. Rhodes, Department of Highway Safety and Motor Vehicles (DHSMV)
Doug Smith, Designee for Attorney General Ashley Moody
Wendy Ling, Designee for Secretary Mark S. Inch, Department of Corrections (DC)
R.J Larizza, State Attorney's Office, 7th Judicial Circuit
John Oldham, Assistant Chief, Designee for Mike Williams, Sheriff, Jacksonville Sheriff's Office
Mike Prendergast, Sheriff, Citrus County Sheriff's Office
Gina Giacomo, Designee for Melinda N. Coonrod, Chair, Florida Commission on Offender Review (COR)

Members Absent:

Brooke Powell, Designee for Secretary Chad Poppell, Department of Children and Families (DCF)
There are two positions currently vacant on the CJJIS Council: two police chiefs.

WELCOME MEMBERS and OPENING

Chair Timmann welcomed Council members and attendees then called the meeting to order at 3:02 p.m. Chair Timmann requested a motion to approve the November 17, 2020 minutes. Council Member Smith moved and Assistant Chief Oldham seconded the motion to adopt November 17, 2020 minutes. Motion passed.

ITEM 1 – Florida Sunshine Law
Assistant General Counsel Kate M. Holmes
Florida Department of Law Enforcement
Information and Discussion

Chair Timmann recognized Assistant General Counsel Kate Holmes to provide an overview of the Sunshine Law. The statute governing the Sunshine Law is found in section 286.011 Florida Statutes. There are three basic requirements: any workshop, board or commission meeting must be held in public and must be open to the public; reasonable notice of a meeting must be given; and minutes must be taken.

The Sunshine Law applies to any formal workshop, board, or commission meeting where two or more members of that board, commission, or workgroup are discussing any matter that may come before that group. It does not matter if the meeting occurs in Florida or on vacation outside of Florida; the Sunshine Law still applies. It also applies to any form of communication, such as email, fax, text, snail mail, or a sidebar conversation at a formal meeting. It is the content of the communication that determines whether or not the sunshine law applies. If a council member is speaking with another council member about a topic unrelated to the business of the council, then the communication does not fall under the Sunshine Law. It also does not prohibit discussion between a council member and a staff member; however, it does apply if a council member is using the staff member as a go between you and other council members.

There are penalties for violation. A knowing violation is a 2nd degree misdemeanor, and there are other violations that can lead to a non-criminal infraction of up to \$500. There are some exemptions to the Sunshine Law. The legislature may grant certain commissions and boards an exemption, if confidential information is being discussed. In this instance, only the portion of the meeting related to the confidential information discussion is exempt; however, the meeting must still be recorded and minutes taken.

If a member is in litigation and needs to have an attorney-client discussion, the member can have private attorney client discussion; however, the member must announce in the meeting that he or she is going to discuss settlements, litigation, etc. Once the member returns, the member must disclose the meeting with his or her attorney is complete and to proceed with the public meeting.

Based on discussion in case law, if there is any rule or decision or recommendation made to the legislature or someone else that is not held in the sunshine, then that rule or recommendation is void until there is a public meeting in which the proposed rule or recommendation can be presented. There is a difference between a decision-making board versus a fact-finding board. Decision-making boards that make recommendations for potential statutory changes or make recommendations on how to proceed with an issue must comply with the Sunshine Law. If the board is only trying to obtain facts, the Sunshine Law does not apply; however, if there is doubt, it is best to err on the side of caution and have a public meeting.

ITEM 2 – Legislative Update

Chief of Staff Ron Draa
Florida Department of Law Enforcement
Information and Discussion

Chair Timmann recognized Chief of Staff Ron Draa who provided a legislative update. Chief Draa summarized some of FDLE's information technology systems projects presented in the Legislative Budget Request (LBR) for 2021/2022. There are four primary information technology projects in FDLE's LBR for a total of approximately \$26 million, and all of the requests require general revenue. The projects are:

1. Criminal Justice Data Transparency (CJDT): FDLE is requesting \$3.9 million to complete the implementation of the CJDT project.
2. Uniform Arrest Affidavit (UAA): FDLE is requesting \$7.4 million to complete the implementation of the UAA project; however, that amount may change as negotiations progress.
3. Florida Incident-Based Reporting System (FIBRS): FDLE is requesting \$11.5 million to complete the implementation of the FIBRS project; part of the funding will assist local agencies with the modification of the different record management systems (RMS) and the creation of a state-sponsored RMS.
4. Biometric Identification Solution (BIS) Modernization: FDLE is requesting \$3.9 million for the first of three phases for the BIS modernization, which will be spread over multiple fiscal years.

The following questions and comments were posed:

- Chair Timmann: To clarify, is FDLE still trying to include a mechanism to replace the need for separate OBTS reporting in the CJDT project?
 - Chief Strickland: CJDT requirements and the contract with the vendor have things in place for FDLE to move forward with the OBTS and CJDT submissions. That is the intent, but it is not called out.
 - Director Schaeffer: It is in the project, but it is not in the LBR.
- Chair Timmann: Is the UAA project included in the FDLE LBR?
 - Chief Draa: \$7.4 million is in the FDLE LBR for the UAA project; however, the amount may increase. If appropriated, FDLE will continue into next fiscal year and have something up and running in 2021.

ITEM 3 – Florida Incident-Based Reporting System (FIBRS) and Use of Force (UoF)

Bureau Chief Reneé Strickland
Florida Department of Law Enforcement
Information and Discussion

Chair Timmann recognized Bureau Chief Reneé Strickland who provided a status update on the Florida Incident-Based Reporting System (FIBRS) and Use of Force (UoF) projects. FDLE is working with the Federal Bureau of Investigation (FBI) to meet their mandate of no longer accepting summary-based crime statistics beginning January 1, 2021. Since the Council last met, FDLE finalized the Information Control Document (ICD); completed many of the development tasks; placed the UoF module in production; placed other modules related to broader FIBRS requirements in the test environment; and will begin the state certification process.

For the UoF module, FDLE began receiving UoF incidents and Zero Reports in September 2020, and as of December 14, 2020, 99 agencies are participating in the module. Based on information received from different agencies, FDLE anticipates over 200 agencies participating by the end of 2021. CJIS Memorandum 2020-12 was released, and it contains details on how to come on-board using FIBRS and the UoF module specifically. The UoF module has two options: the ability to submit XML, and a user interface where individuals manually enter the data. FDLE's Information Delivery and Training (ID&T) Team is providing training on the user interface every two weeks, and for the initial training, 59 agencies participated. The training is not posted on the CJNet public calendar; it is part of an agency's on-boarding process once an account has been established. FDLE is submitting test submissions to the FBI. Florida is the first state to submit UoF data by NIEM-XML to the FBI, and we will only submit data that has gone through our verification process.

Other modules submitting data include Uniform Crime Report (UCR)/National Incident-Based Reporting System (NIBRS), law enforcement counts, LinX/NDEx data, and Florida elements that relate to hate crime, cargo theft and human trafficking. CJIS Memorandum 2020-15 provides more information. Participation in FIBRS does not change Florida's annual summary reporting for 2020; summary 2020 annual data submission during the normal reporting cycle begins on January 1, 2021. There may be overlap. FDLE recently sent a survey asking agencies their progress towards participating in FIBRS. Almost 300 agencies responded, and over 200 indicated they will be ready to participate in 2021. FDLE will work with agencies to transition their UCR submission of incident-based (FIBRS) data and incident-based LInX data to align with the FBI's direction of one submission for both NIBRS and NDEx. This change is not required, but it is encouraged.

There are currently 32 agencies testing in FIBRS. When an agency contacts FDLE to set up an account, follow-up with the agency occurs to confirm the primary agency contact and who is authorized to verify the agency's data. FDLE is working on its state certification process with FBI NIBRS. XML certification for NIBRS is different than flat file certification an agency's vendor may be doing in other states, and it is different than a summary certification. The FBI certifies the state, not the individual contributing agencies participating in XML. FDLE will work to certify each agency to ensure data is submitted properly and errors are addressed before moving the agency from test to production environments. The data submitted to the FBI in the test environment will only be used for testing and certification processes. Data in the test system will not be moved to production; agencies will need to resubmit data once the state is certified and if the agencies should choose to resubmit the data. Only the data in the production system will be published as crime data.

The Bureau of Justice Statistics selected 31 Florida agencies to participate in the National Crime Statistics Exchange (NCS-X) Program. Of the 31 agencies, 15 agencies requested and received grant funding: eight police departments, six sheriffs' offices, and the Florida Highway Patrol. Some of the agencies are testing, and some have begun submitting grant claims. \$800,000 in state support was also available to local agencies. 44 agencies requested over \$2 million in funding, and the state awarded \$805,557. 21 agencies executed contracts. Three declined, and two were not awarded. The other agencies are in progress. FDLE focused on agency training, transition/upgrade costs and participation in LInX. On average, each agency received \$19,000.

FDLE completed the requirements gathering for the state-sponsored Record Management System (RMS) and the procurement is in process. There are 10 agencies interested in using the state-sponsored RMS.

The FIBRS short-term focus:

- Finalize the RMS procurement and obtain Florida NIBRS certification;
- Project implementation to include FIBRS and law enforcement officer count, LinX, and the RMS;
- FBI FDLE joint training on the FBI's classification of crime and Florida specific crimes – Tentatively scheduled for March 2021; more information is coming for those agencies that are interested; and
- Shift from IEPD to data dictionaries for UoF and FIBRS – We will discuss at a future meeting.

ITEM 4 – Criminal Justice Data Transparency

Bureau Chief Reneé Strickland
Florida Department of Law Enforcement

Action Item

Chair Timmann recognized Bureau Chief Reneé Strickland who briefed the Council on the status of the CJDT project. FDLE continues to meet with the reporting groups, pilot counties, and legislative staff. Since the last CJJIS Council meeting, FDLE moved items into development. Staff are completing testing tasks and supporting local agencies. The link between the statute table and agencies in CJDT, FIBRS, and CCH has been expanded, and FDLE is moving toward a single source of management.

FDLE published the Florida CJIS Portal ICD in September 2020, which explains how to submit the data, and CJIS Memo 2020-13 in October 2020. The Clerk of Court Data Dictionary v1.2.1 was approved by the Council in November 2020. The ICD contains sample XML test code, and on a recent stakeholder call, an agency suggested using the samples to validate connectivity to our test system because they do not contain any errors. Once connectivity to our system is established, then an agency can continue with test code generation. FDLE has also published an errata, which is an error list for technicians. For CJDT, including FIBRS and CCH, there will be a single service account for agencies for XML reporting.

Due to technical difficulties experienced during the meeting, the Council decided to address the CJDT action item; move to the next action item (#7); and then return to the agenda items, in order.

State Attorney Data Dictionary v.1.4

FDLE met with the State Attorney Work Group to discuss changes included in the State Attorney Data Dictionary v.1.4. The changes to the State Attorney Data Dictionary synchronizes with some of the changes made to the Clerk of Court Data Dictionary approved in November. There were five changes, added appendices, and corrected some xPaths.

Chair Timmann asked Council Member Larizza if he and the state attorneys had any concerns, and he stated he had no concerns. Council Member Larizza had discussed the data dictionary with the circuits, and no one had any objections or comments.

Action Item: Chair Timmann asked for a motion to approve State Attorney Data Dictionary v.1.4. Sheriff Prendergast moved to approve State Attorney Data Dictionary v.1.4, and Major Roufa seconded. The motion passed.

ITEM 7 – Uniform Statute Table
The Honorable R.J. Larizza, State Attorney
7th Judicial Circuit
Action Item

Chair Timmann recognized the Honorable R.J. Larizza, State Attorney, 7th Judicial Circuit. Council Member Larizza recommended the Council adopt the FDLE statute table for use to create a uniform statute table. Council Member Larizza has discussed this issue with the other state attorneys, but he has not discussed the issue with other state agencies, law enforcement agencies or clerks.

The following questions and comments were posed during the discussion on the uniform statute table:

- Major Roufa: To clarify, FDLE has a uniform charging statute table for law enforcement and a table for the clerks, as well. Should we move to have both for their specific purposes?
 - Council Member Larizza: We need one table the clerks, the judiciary, the state attorneys, and law enforcement can use. The problem is how we implement or integrate everything into one table.
 - Chair Timmann: Moving to one table was my impression too.
 - Major Roufa: We can roll the tables into one, but we need to codify them appropriately because there are charges that will be brought at the law enforcement level, and there are different charges that may be made after a conviction. We need to make that distinction. If we don't, then an officer could pull up a charge that might be inappropriate at the time of arrest. If we can make a distinction on a singular table where the appropriate statutes can only be available to law enforcement and the other statutes can be available later in the process, then that is the right direction.
 - Council Member Sawyer: Major Roufa's explanation answered my question. The discussion with the Florida Courts Technology Commission with Judge Bidwell has been about having a single statute table, and if we are moving into that direction, it will be well received by the courts.
 - Council Member Larizza: The detailed work will have to be performed by FDLE. The vision is for staff from entities that use the tables to iron out the details.
 - Chief Sparkman: The FDLE Statute Table that is published is actually one table, but we offer two views.
- Chris Sella for the Florida Wildlife Commission (FWC): Some of the FWC statutes are incorrect and we are having difficulty getting them fixed. FWC cannot submit to FIBRS until the issues are corrected.
 - Director Schaeffer: Please contact me or Chief Sparkman for follow-up of the issue.

Action Item: Chair Timmann summarized the motion as follows: Begin by utilizing the current FDLE statute table as the model to build from moving forward, and as it has been clarified by FDLE, that means it incorporates the entire statute table and charging table in one table but mindful of how it is accessed and the appropriate views. Moving forward, all of those things will be reviewed and clarified to make sure everyone has the components that are most appropriate, but it is still one uniform table. Council Member Larizza moved, and Major Roufa seconded. The motion passed.

At this point, the meeting returned to the planned agenda items, in order.

ITEM 5 – Uniform Arrest Affidavit
Director Charles Schaeffer
Florida Department of Law Enforcement
Information and Discussion

Chair Timmann recognized Director Charles Schaeffer who provided a status update on the Uniform Arrest Affidavit (UAA) Project. FDLE is working with the vendor to create a re-baselining of the project. The final draft from the vendor has been received and staff are in the process of reviewing the schedule. Once schedule review is complete, it will be vetted through FDLE's internal process and be reviewed by the project and executive steering committees. Once approved, a contract modification will be initiated, and once the contract is signed by both the vendor and FDLE, the project will resume. FDLE expects to relay more information after the first of the year, and we can notify the Council once finalized.

The following questions and comments were posed:

- Chair Timmann: What about the notices to appear (NTA)?
 - Director Schaeffer: The capability for NTAs will be available for the UAA as a type of an arrest, but there are some other detail issues that need to be addressed, such as failure to appear (FTA) and direct file or an indictment that are not captured. The Office of State Courts Administrator (OSCA) Livescan Project will eventually help close some of that gap. By having a livescan in the courtroom, when convicted on an NTA, it allows for the convicted person to be fingerprinted in open court and the conviction be sent to FDLE as a stand-alone disposition. It will take several years to close some of the gaps. Additionally, this is not just a Florida problem; it is a national problem. As criminal justice or justice reform is reviewed and how crime is viewed across the country, the NTA and civil outcomes of crimes are yet to be answered. The court case initiation is part of FDLE LBR.

ITEM 6 – Biometric Identification Solution (BIS) Upgrade
Bureau Chief Robin Sparkman
Florida Department of Law Enforcement
Information and Discussion

Chair Timmann recognized Bureau Chief Robin Sparkman who provided a status update on the Biometric Identification Solution (BIS) Modernization Project. The current BIS entered service in 2009 with an initial five-year life expectancy, and it has undergone three major upgrades since implementation to extend its life expectancy. BIS is under a maintenance contract through the end of 2022.

FDLE is concerned BIS cannot be expanded further, and expect a degradation of service in terms of slower processing times and increased manual effort following the conclusion of this maintenance contract. The age of the hardware, the hardware failure, and the time and effort to recover from a hardware failure are concerns.

BIS contains: 9.5 million criminal subjects, 30.5 million unique criminal fingerprint submissions, 8.5 million palm print submissions, and 4.5 million booking photo submissions. On the consumer side on a daily basis, the system receives 2,300 criminal print submissions and 6,700 applicant history checks, and it receives 1.5 million Rapid ID checks per year from over 9,000 Rapid ID devices across the state of Florida.

The objectives for the BIS upgrade are as follows:

- Move to a cloud-based system, which will offer on-demand flexible storage capability, immediate disaster recovery, and redundant cloud-based backup;
- Improve matching capabilities;
- Faster comparison processing;
- Incorporate Rapid ID;
- Expand biometric capabilities which could include facial and iris recognition; and
- Ability to expand new workflows, including NTA.

FDLE hopes to accomplish this upgrade in phases. Phases 1 will take 12-18 months and will move the database and Rapid ID to the cloud. Phase 2 will take 12 months and will move latent print processing to the cloud. Phases 1 and 2 could happen concurrently. Phase 3 will take 12 months and it will move tenprint processing to the cloud.

Stakeholder participation is important. The modernization will require changes to many systems including latent print stations, Civil Workflow Control System for Civil Fingerprint Processing, CCH, FALCON, livescan stations and county Automated Fingerprint Identification Systems.

ITEM 8 – Office of the State Courts Administrator Livescan Grant

Chief Information Officer Roosevelt Sawyer, Jr.

Office of the State Courts Administrator

Information and Discussion

Chair Timmann recognized Council Member Sawyer who provided an update on OSCA's livescan grant. Since the last meeting, progress has been made with administrative items, and the data elements are completed as required for the clerk of courts, Case Management System, the digital fingerprint software, and FDLE to communicate. A rough development estimate of \$408,000 from the fingerprint vendor to configure systems was received. The draft ICD and draft scope document are complete. Currently, funding is set through 12/31/2020. FDLE has prepared a funding request extension through NCHIP; however, due to technical issues with the Federal Bureau of Justice Statistics' system, the system is unavailable and the application cannot be submitted. Council Member Sawyer will provide an update during the next Council meeting.

OSCA has proposed legislative issues. Due to pandemic, the in-person court proceedings are limited, and the backlog of criminal cases is increasing. The judicial branch is recommending proposed revision language to Florida statutes governing fingerprinting to establish a process for electronically capturing and collecting fingerprints in court when a guilty judgement is entered in a remotely-conducted proceeding. It would remove the requirement that a judge certify the taking of the fingerprints for purposes of a guilty judgement and instead require the certification to be entered by the officer or employee of the court or criminal justice employee who takes the fingerprints. In discussion with FDLE, the collection of the Social Security Number may be unnecessary for at time of sentence.

The following questions and comments were posed:

- Chair Timmann: To clarify, is the funding in terms of the pilot or statewide?
 - Council Member Sawyer: It is for the pilot.
- Chair Timmann: Could the work from the pilot conceivably be transferred statewide?
 - Council Member Sawyer: Yes, it could conceivably be transferred statewide. The equipment rollout will require additional funding.
- Council Member Ling: Which county is in the pilot?
 - Council Member Sawyer: It is Volusia County.
- Chair Timmann: What is the target date for when FDLE can accept statewide data CJDT testing?
 - Chief Strickland: We can accept whenever entities are ready. All but one report is prepared for XML. There is a Department of Corrections' report that will be ready next year.
 - Director Schaeffer: To clarify, we are able to receive NIEM-XML, but we will not accept pipe delimited.
- Chair Timmann: For publishing on the website, when will it be posted on the website
 - Council Member Sawyer: It depends on contributors and passing testing. Confidentiality must be maintained.

CLOSING REMARKS

Sheriff Prendergast moved to adjourn, seconded by Council Member Larizza. The meeting was adjourned at 4.24 p.m.