

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

**MINUTES OF MEETING
Tuesday, December 17, 2019
Florida Department of Law Enforcement Headquarters
Tallahassee, Florida**

Members Present:

Carolyn Timmann for Clerks, Martin County Clerk of Circuit Court and Comptroller
Charles Schaeffer, 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)
Travis Paulk, 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 9:04 a.m. Chair Timmann requested a motion to approve the July 8, 2019 minutes. Sheriff Prendergast moved and Council Member Smith seconded the motion to adopt July 8, 2019 minutes. Motion passed. Chair Timmann requested a motion to approve the September 16, 2019 minutes. Sheriff Prendergast moved and Council Member Smith seconded the motion to adopt September 16, 2019 minutes. Motion passed.

ITEM 1
Sunshine Law Briefing
Assistant General Counsel Jeff Dambly
Florida Department of Law Enforcement
Information and Discussion

Chair Timmann recognized FDLE Assistant General Counsel Jeff Dambly who provided an overview of the requirements of the Sunshine Law. The basic rule is any conversation or discussion between members related to the Council and any topics that may be brought to the Council for discussion must be on the record and in a publicly noticed meeting.

Assistant General Counsel Dambly reminded Council members they must be mindful of conversations during breaks, in telephone conversations, and during social events, whether in a formal or informal setting. The Sunshine Law does not apply to communication between staff and Council members; however, using staff as a go between is prohibited. Violation of the Sunshine Law is a second-degree misdemeanor and can result in a fine of up to \$500.00.

Chair Timmann asked if members had any comments on the agenda item, and stated she would make time for public comment. Sheriff Prendergast moved to approve the agenda and Council Member Hollingsworth seconded. Motion passed.

ITEM 2
Criminal Justice Grants/Federal Funding Work Group (FFWG) Update
Bureau Chief Rona Kay Cradit
Florida Department of Law Enforcement
Information and Discussion

Chair Timmann recognized Bureau Chief Rona Kay Cradit who provided an overview of Florida's criminal justice grants process. Chief Cradit explained FDLE administers multiple Department of Justice (DOJ) grants, including: the Edward Byrne Memorial Justice Assistance Grant, the Residential Substance Abuse Treatment Program, the National Criminal History Improvement Program, the NICS Act Record Improvement Program, the Project Safe Neighborhoods, the Prison Rape Elimination Act, and the Bulletproof Vest Program.

The grants of primary interest to the CJJIS Council are the National Criminal History Improvement Project (NCHIP) and the NICS Act Record Improvement Program (NARIP). The goal of NCHIP is to help state and tribal governments improve the accuracy, utility, and interstate accessibility of criminal history records; and enhance records of protective orders, automated identification systems, and other state systems which support national records and their use for name and fingerprint-based criminal history background checks. The NARIP program strives to enhance the completeness, automation, and transmittal of records to state and federal systems used by the National Incident Criminal Background System. NARIP and NCHIP are not mutually exclusive; there are some overlap improvements. Both grants are considered cooperative agreements, meaning the federal awarding agency, which in this case DOJ, is more substantially involved with helping FDLE carry out the grant related activities.

Florida competes for grant funding with all states nationwide, and the awards depend on clearness and accuracy of our state's grant proposals; the clearness and accuracy of other states' proposals; how many states apply; and how much money is available. Therefore, it is important we provide DOJ with clear and concise grant applications that align with current federal priorities. Every year, as soon as the federal application becomes available, FDLE issues a call for concept

papers. The Federal Funding Work Group (FFWG) reviews the submitted papers, and based on their review, moves approved projects forward to DOJ. For 2019, we were awarded money to assist the clerks of court with their conversion/uplift to the NIEM XML format.

Because the 2020 solicitation has not been finalized and released, FDLE cannot identify the specific NCHIP and NARIP grant priorities; however, they will probably be similar to the 2019 priorities. DOJ has released its 2020 program plan schedule, and plan to release the solicitation between January and March 2020. Based on the DOJ schedule, it is not too early to start thinking of concept papers. Once the solicitation is released, we have 30 to 60 days to select the projects and then write and submit the application for review with award decisions by the DOJ Bureau of Justice Statistics expected between July and September 2020.

The FDLE Office of Criminal Justice Grants (OCJG) has helpful information and grant writing resources available on its website <http://www.fdle.state.fl.us/Grants/Home>. Agencies can also call or email OCJG staff. The telephone number is (850) 617-1250, and the email address is criminaljustice@fdle.state.fl.us.

ITEM 3

Criminal Justice Data Transparency (CJDT) Pilot County Project Update

The Honorable Ken Burke, CPA, Pinellas County Clerk of Court and Comptroller and Executive Director Adam McGill Ross, Office of the State Attorney, 6th Judicial Circuit

Information and Discussion

Chair Timmann recognized the Honorable Ken Burke, Pinellas County Clerk of Court and Comptroller and Executive Director Adam McGill Ross, Office of the State Attorney, 6th Judicial Circuit who provided an update on the Criminal Justice Data Transparency (CJDT) Pilot County Project. Clerk Burke also introduced Catherine Moore from the Pinellas County Clerk of the Court and Sam Harden from Measures for Justice (MFJ).

Clerk Burke explained there are 184 data elements named in statute for seven entities (Clerk of the Court, State Attorney, Public Defender, County Detention Facility, Department of Corrections, Justice Administrative Commission, and the Criminal Regional Conflict Counsel) to collect and report. Of the 184 data elements, 139 represent criminal elements related to defendant/criminal case data. The remaining 45 elements are workload elements, which represents statistical data, such as count or dollar amount. Clerk Burke stressed the importance of Uniform Arrest Affidavit (UAA), the Uniform Statute Table, and the upcoming deadlines from the legislature. Additionally, he shared the pilot counties' project timeline; shared importance of the different entities working together; and the importance of the data dictionaries, including the data elements and their respective definitions.

Clerk Burke stated his appreciation of what MFJ has brought to the pilot. MFJ provided three people to assist with the pilot, and no fee was paid to MFJ. Sam Harden (MFJ) discussed the work they and pilot counties have completed. Representatives from Pinellas and Pasco counties held definition meetings where they discussed line-by-line each data element. Mr. Harden explained they wanted to create definitions that would allow for accurate comparison and sampling statewide.

Clerk Burke stated Pinellas and Pasco counties are ready to submit the 20 data elements defined in the first version of the partial data dictionary received by the clerks of court in September 2019. Clerks will need time to coordinate with their vendors to program 47 of the 67 data definitions being offered in today's data dictionary into their systems. Additionally, not all of the data elements

are currently captured; therefore, it will require entities to start capturing the data and will require programming of their systems. Clerk Burke also discussed the reporting of data in the Offender Based Transaction System (OBTS).

The following questions and comments were posed:

- State Attorney Larizza: Have you submitted definitions to FDLE for consideration by the CJJIS Council for consideration?
 - Yes, the definitions were submitted in April 2019.
- State Attorney Larizza: Have you had a chance to review the definitions provided by FDLE?
 - Clerk Burke stated he has not had a chance to review the recent FDLE Clerks of Court Data Dictionary; however, the data elements reviewed in the State Attorneys Data Dictionary mirrored much of what was recommended.
- State Attorney Larizza: Regarding your OBTS statement, are you currently submitting some data to FDLE required by statute?
 - Clerk Burke stated 27 of the 67 required data elements are currently being captured in OBTS; there may be more provided through other entities, such as Department of Corrections.

Adam Ross discussed the Uniform Arrest Affidavit and its importance, along with the importance of uniform statute tables. The UAA dovetails into the booking process, and we need to ensure we have as accurate information as possible.

Mr. Ross stated we need to decide how to process charges associated with a notice to appear (NTA), and Clerk Burke explained there are various types of NTAs across the state. Additionally, Clerk Burke stated different law enforcement agencies have and use different protocols for the issuance of NTAs, i.e. there is no uniformity in the process. Mr. Ross suggested the creation of a uniform NTA that could be considered for the future.

- Major Roufa offered a comment to the Council Members. Speaking to the issue of the NTA versus the physical arrest, booking, and the UAA, within the Florida Highway Patrol (FHP) Record Management System (RMS), there is a charging document, and within the charging document, there is a check box for an NTA versus a physical arrest. Maybe we could use the statutory terminology for a uniform charging document?
 - Director Schaeffer explained NTA is a national problem. At the federal level, they are considering allowing less than 10 fingers for a cite and release. Nationally, approximately 40% of the arrests are issued through an NTA that do not result in a booking, and because those individuals are not booked, their criminal records do not reflect the NTA-related arrests. Those NTAs are lost in the system. Currently, Florida officers can use two-finger readers for identification, so if we can make an identification on an individual using a two-finger reader, why can't we submit those prints with the NTA and update the person's criminal record. Right now, it is not authorized at the national level, but it is being considered. Director Schaeffer agreed with Major Roufa. We should have one way to arrest people. If they go to booking, that arrest information goes to the sheriff and to the jail, and if they are released on site, that information should go to the clerk for docketing. This process is something to move forward with during implementation; it is a design issue for UAA.

- Chair Timmann: Offered follow-up. Assuming the federal standards allows for two-finger capture for a record, would we need to amend Florida legislation to adopt those standards?
 - Director Schaeffer: We would need to amend Florida Statutes to allow for an NTA.
- Chair Timmann asked if NTAs also add to the error rate on the criminal histories?
 - Director Schaeffer stated this doesn't but it does result in less information being available on a person's criminal history, meaning the accuracy of the RAP sheet.
- Director Schaeffer explained FDLE applied for \$750,000 for the clerks during the federal grant solicitation process in anticipation of the needs for the clerks of court to make changes related to CJDT and the NIEM uplift.
- Chair Timmann asked if OBTS data is used for CJDT?
 - Director Schaeffer responded OBTS will become the legacy model. FDLE will pay for the central site changes, and if the grant solicitation is approved, the clerks can use federal passthrough funds to make changes in their systems. It improves quality of criminal history data, which falls directly under the NCHIP guidelines. By using the NIEM-XML schema, the data can be validated at the source prior to sending to FDLE. With OBTS, because it is a flat file, the data cannot be validated until it is sent to FDLE.

ITEM 4

Criminal Justice Data Transparency (CJDT)

Bureau Chief Renee' Strickland

Florida Department of Law Enforcement

Action Item

Chair Timmann recognized Bureau Chief Renee' Strickland who briefed the Council on the status of the Criminal Justice Data Transparency initiative. FDLE is continuing to have meetings with the reporting groups, pilot counties, and legislative staff. The project is in planning phase, and part of that phase includes the creation of a CJDT Communication Management Plan, which is included in Council meeting packet. The steering committee has reviewed and approved the CJDT Communications Management Plan. Chief Strickland asked the Council to review the document and provide feedback on how FDLE can improve our communication. The CJAdmin Information Exchange Package Documentation (IEPD) has also been updated, and the link is on the CJNet. The procurement is in process.

Chief Strickland discussed the state financial assistance grant offering. Seven applications were received, and those applications are being evaluated. The funding requests total a little over \$1 million, and FDLE anticipates awards in January. Chief Strickland also discussed the data dictionary review process. There are two different groups: admin or administrative elements group and the defendant/person case elements group. FDLE tries to consistently report across all entities. We started at the beginning, meaning the arrest process, so it dovetails into what we are doing with the Uniform Arrest Affidavit and FIBRS.

Public Defenders v1.2, Justice Administrative Commission v1.1, and the Regional Conflict Counsel v1.1 Data Dictionaries

For the Public Defenders v1.2, Justice Administrative Commission v1.1, and the Regional Conflict Counsel v1.1 Data Dictionaries, the following areas were updated or added: guide for use, expanded definitions, and NIEM-XML codes. Chief Strickland noted all three of these entities report annually.

The following comments were provided:

- Council Member Payne commented he had discussed the concerns with the Public Defender Data Dictionary with Chief Strickland and her staff prior to the meeting and had resolved those concerns.
- Chair Timmann asked the audience if anyone had questions or comments on the Justice Administrative Commission or the Regional Conflict Counsel Data Dictionaries.
 - Chief Strickland stated her staff had shared the two dictionaries with those stakeholders along with the IEPD approximately one month prior to today's meeting, and they have not heard any feedback from either group.
 - Chair Timmann asked for confirmation that they have had about one month to review the dictionaries.
 - Chief Strickland confirmed that is correct.

Director Schaeffer asked the Council to consider these data dictionaries as living documents. It is important to establish what is workable today and what we can implement. As we implement, data elements can always be added to the dictionary; however, if we wait for perfection, we will be waiting for a long time.

Action Item: Chair Timmann asked for a motion to approve the Public Defenders v1.2, Justice Administrative Commission v1.1, and the Regional Conflict Counsel v1.1 Data Dictionaries. Sheriff Prendergast motioned to approve the three dictionaries, and Member Smith seconded. The motion passed.

State Attorneys Data Dictionary v1.2

Chief Strickland reviewed the changes included in the State Attorneys Data Dictionary v1.2. The new version includes elements to help FDLE add defendant person identifiers to assist with matching. Legislation requires FDLE to uniquely identify each person reported and match them across all reporting entities. Data received for CJDT is broader than fingerprint-based arrest data that comes into our criminal history system. It includes the NTAs discussed earlier. Arrest elements were added to help match to the charge. The updated data dictionary also includes expanded and standardized definitions, re-organized elements, and NIEM-XML codes.

- State Attorney Larizza stated he has not received any negative feedback from the other state attorneys, at least initially, and likes the caveat that the Council may revise dictionary at a later date.

Action Item: Major Roufa motioned to approve the State Attorneys Data Dictionary v1.2, and State Attorney Larizza seconded. The motion passed.

County Detention Data Dictionary v 1.2

Chief Strickland reviewed the changes included in the County Detention Data Dictionary v 1.2. The newest version includes local and legislative feedback, and it includes case, defendant, and workload elements. New elements include flags and indicators for people. Definitions were expanded, including those for UAA standardization. The updated dictionary has re-organized elements, a guide for use and added NIEM-XML codes.

Chair Timmann asked if representatives for the sheriffs' offices had any questions or comments.

- Chief Mike Allen, Polk County Sheriff's Office referred to page 41 and asked that on the "reason for admission" to remove the reference to new conviction.
 - Chief Strickland stated that was a point of discussion during the last monthly meeting. FDLE has no issue with the change being made.
- Chief Allen referred to page 79 and questioned the maximum capacity of a facility, which can be ambiguous. He suggested using the set definition from the Florida Model Jail Standards (FMJS).
 - Chief Strickland stated FDLE has no issue with adopting the FMJS definition.
- Chief Allen referred to page 81 which stems from the definition on page 80 referencing per diem. He recommended changing the definition by using the annual budget, divided by average inmate population, divided by 365 days. The resulting calculation is how much it costs each day for an inmate to be incarcerated.
 - Chief Strickland asked Chief Allen to provide the exact language to be included, and FDLE will move forward with the recommendation.
- Chief Allen explained the only other suggestion he has is the reference to frequency of reporting. Can the definition include how often to send data?
 - Chief Strickland stated how often the data is transmitted is not included in the specification; however, the legislature did specify how often the data should be captured. It is up to the entities on how often to send data, as long as it meets legislative requirements. The legislation requires most elements to be submitted at least monthly; however, some administrative elements only need annual submission. FDLE hopes to be able to accept the data as frequently as it is provided, whether daily, weekly, or monthly. FDLE can ask for clarification and update the reporting frequency as FDLE promotes the next dictionary updates through the use of CJIS Memos.

Action Item: Sheriff Prendergast motioned to approve the County Detention Data Dictionary v 1.2, with changes identified. Council Member Smith seconded. Motion passed.

Follow-up: Chief Allen confirmed that the changes identified were accurately documented in the County Detention Data Dictionary v 1.2.

Clerks of Court (COC) Data Dictionary v1.1

Chief Strickland discussed the Clerks of Court Data Dictionary v1.1. She reiterated the FDLE IEPD is a single NIEM-XML data standard for person and case data. For the clerks, there are two data dictionaries: one for OBTS/CCH and one for CJDT. There are elements in OBTS/CCH that are not required for CJDT, and there are elements required for CJDT that are not required for OBTS/CCH. NIEM-XML has the minimum data elements required by both dictionaries. There are some differences between the COC OBTS Data Dictionary and the CJDT Data Dictionary; however, there are no conflicts.

This data dictionary includes feedback from entities through conference calls and emails. It includes new data elements, flags, bond elements, personal identifiers, expanded definitions, NIEM-XML codes, and the most common hearing types. The Lee County Clerk of Court and staff took the lead in gathering and consolidating hearing information from the clerks of court statewide.

- Chair Timmann: The clerks received the data dictionary on December 16, 2019 and have not had a chance to review the document.

Action Item: State Attorney Larizza motioned to table the Clerks of Court Data Dictionary v1.1 to allow time for the clerks to review and provide recommendations. A follow-up Council meeting should occur as soon as possible, but in accordance with the Sunshine Law reporting timeframe requirements. Council Member Smith seconded, and the motion passed.

- Regarding the Communication Management Plan, Council Member Sawyer stated the Council may want to consider holding more frequent meetings, maybe monthly or as needed, to meet the needs and deadlines of these projects. This could be short term, depending on what is required for the different projects under the purview of the Council.
 - Chair Timmann commented that this is great suggestion. Does this change require an action or is it more administrative?
 - Director Schaeffer explained it is administrative, but staff does need guidance on the depth of these monthly communications. FDLE wants to provide what the Council members request and need to see, yet not bombard them with items not truly relevant to their needs. We currently report monthly to the legislature, the Governor's Office, and the Department of Management Services, Division of State Technology, but FDLE does not know if the Council wants the same granularity in our reporting.
 - Member Sawyer stated the Council would benefit from the status reports on the different projects and any action items that might come before Council, but the reporting does not need to be in great detail. FDLE does not need to create a separate report.
 - Director Schaeffer recommended FDLE add the Council members to the list of people who receive what we send to the legislature; it is an in-depth report.
 - Chief Strickland commented staff will also ensure related CJIS Memos are forwarded to the Council.
 - Major Roufa noted some of the information is timely. Should we implement a mechanism to approve information quickly, and come back to Council for formal approval at a later date? Major Roufa stated on other councils and committees the chair or other individuals can give an informal approval and a formal approval can be obtained at the next meeting.
 - Chair Timmann asked Major Roufa to research and bring forward for consideration at the next meeting.

Chief Strickland provided the Council members with a short-term focus. FDLE will finalize the procurement and the state financial awards, and FDLE will publish the updated data dictionaries and the FDLE IEPD. FDLE is continuing to hire staff and move project planning to the implementation phase with a "go-live" by January 2020, initially using CCH data, such as dispositions available at the prosecution and court phases. As the project progresses, the data will expand.

- State Attorney Larizza asked reference what FDLE is publishing in January, is there a plan to publish what the pilot is doing or is it from other information, such as OBTS?
 - Chief Strickland responded this is data from our criminal history system and includes the last 10 years of data.

ITEM 5

Criminal Case Initiation Workgroup (CCIW) Project The Honorable Judge Martin Bidwell, 17th Judicial Circuit Information and Discussion

Chair Timmann recognized the Honorable Judge Martin Bidwell, 17th Judicial Circuit, who provided an overview of the Criminal Case Initiation Workgroup (CCIW) Project. The Florida Courts Technology Commission (FCTC) is a standing committee under the purview of the Florida Supreme Court and is comprised of 25 members representing the judiciary, law enforcement, clerks throughout Florida, Florida Bar members and members of the public. In 2017, the chair of the FCTC asked Judge Bidwell to chair the CCIW focusing on the initiation of criminal court cases electronically. The workgroup looked at all stages of the criminal case process from arrest to booking to the clerks and then to the judiciary. The workgroup realized there is a wide disparity in how cases are initiated throughout the 67 counties in Florida. Members determined a uniform set of data elements was necessary to move the project forward. Ultimately, a well-vetted set of data elements were compiled by the CCIW and then submitted to the FCTC for review and approval. The FCTC approved the testing of the exchange of these data elements in a test environment in Seminole County. The Seminole County test environment has been successful, and they plan to go live in January.

In October, the CCIW met and discussed data elements moving to the work flow. The work flow portion is on hold for the FDLE UAA and Uniform Statute Table projects because members do not want the two projects possibly going in different directions. The Uniform Statute Table is important, and it impacts multiple projects.

The following comments and questions were offered:

- Council Member Smith: Regarding the CCIW, the courts are not necessarily on the UAA. Can you comment?
 - Judge Bidwell explained judges need a form; judges need to view a document electronically. Judge Bidwell stated he did not know who would be responsible for creating the form. The Supreme Court has rule making authority for forms, but the form needs to be data driven.
- State Attorney Larizza: It appears the work of the CCIW is in parallel with what the Council is doing and has approved. Can we consider incorporating their work into our project?
 - Chair Timmann explained she requested the CCIW to speak before the Council, so the Council could be aware of what the CCIW has accomplished. The judge mentioned the need for the judiciary and the clerks to have a static form or a final affidavit.
 - Director Schaeffer stated CCIW is a logical, common sense thing to do, and it is a logical phase two of what we are currently doing. Legislation and funding provided for the UAA was scoped solely between law enforcement and booking. We know something happens after booking, but we do not have funding to move into booking. OSCA can seek a Legislative Budget Request (LBR), but it is not in FDLE's realm to seek funding for the courts. The Council can make the recommendation to seek funding for the courts, but it typically takes a state entity to push forward an LBR. We are still in the contract phase, but we expect to be able to speak with a vendor after December 23, 2019. At that point, we will discuss the bundling of CJDT, UAA, and FIBRS. When the procurement process is complete, we can discuss the design, and we do have ideas on how we can have an electronic affidavit, similar to how an

officer can make a sworn statement in the eWarrants system. The initial UAA workgroup focused on data elements, and the workgroup incorporated data elements from OSCA and the CCIW. The next phase of the project will use another set of subject matter experts (SME) who will view the data elements from a workflow engineering perspective. In the workflow or phase two of the project, we will ask FCTC for representatives to provide us with a window into where we are going, but we cannot change the scope of what we were originally tasked.

- State Attorney Larizza asked if they are doing work that could impact CJDT in a positive way, could we work with them?
 - Director Schaeffer explained that once we engage a vendor and begin having Joint Application Design (JAD) sessions about how we implement, then the FCTC could provide an SME on what happens in court or what happens in first appearance.
 - Major Roufa stated: the first step is the initiation of the case or the arrest affidavit, and we are there. The next step is the vision on how to make it happen, and that is also occurring.
- Chair Timmann commented this may be a communication or definition issue. Judge Bidwell, the clerks, and state attorneys view an arrest affidavit as a document. It is not data that ends at booking; it is a document that comes into the court system.
 - Director Schaeffer stated there can be a document. If the officer can attest to the arrest on the arrest affidavit, the document can be created; however, we cannot integrate that document into the court systems until we receive additional funding.
 - Major Roufa commented this occurs in uniform citation system. Now that type of process needs to transition into the UAA.
- Chair Timmann stated she had heard there were concerns that the UAA Workgroup felt they hadn't completed their work. I want to hear from the courts to ensure elements are included in final document.
 - Director Schaeffer explained FDLE took the data elements and the work the CCIW performed and included in the UAA Data Dictionary. The Council voted on the UAA Data Dictionary. If the courts want to add to the document, please let us know.
- Chair Timmann commented not all of the data elements in UAA Data Dictionary are necessary in a court record, so we want to make ensure those elements do not transition into the clerk record. This is due to security and redaction requirements.
 - Director Schaeffer stated the time to do that is in the design phase, but we first must obtain a vendor.
 - Chair Timmann asked if full input from all stakeholders in the design phase will occur?
 - Director Schaeffer explained design up to booking will occur, and we collect the information required for post-booking and place it in a "parking lot" for phase two.

ITEM 6

Uniform Statute Table

The Honorable R.J. Larizza, State Attorney, 7th Judicial Circuit and
Executive Director Adam McGill Ross, Office of the State Attorney, 6th Judicial Circuit

Action Item

Chair Timmann recognized the Honorable R.J. Larizza, State Attorney, 7th Judicial Circuit, and Executive Director Adam McGill Ross, Office of the State Attorney, 6th Judicial Circuit, who discussed the need for a Uniform Statute Table. One of the concerns for the state attorneys is accuracy. There are 20 judicial circuits, and not all of the state attorneys in those circuits use the same statute table. This may also be true for the clerks and law enforcement.

State Attorney Larizza asked several general questions to obtain more clarity of their origin and use. Is the Uniform Statute Table mandatory and for whom? Who creates the table? The state attorneys would prefer one table for all circuits. Can the Uniform Statute Table be used across all entities, including state attorneys, law enforcement, and the clerks? State Attorney Larizza stressed how a Uniform Statute Table was important for the success of the other statewide initiatives, including UAA. He also questioned if the table could be transferrable; could it have the ability to pre-populate across the entities and incorporate it into their systems.

The following comments were provided:

- Director Schaeffer responded FDLE has a statute table, but it is not used as the statewide standard. The statute table can be uploaded into a system. FDLE needs help from the state attorneys in agreeing what the statute table should be. FDLE would prefer to collaborate with the 20 judicial circuits, and if State Attorney Larizza will spearhead that task, FDLE will provide staff necessary to help. The requirement for law enforcement to use a Uniform Statute Table is in the UAA statute, and through the use of the UAA, FDLE can enforce an approved Uniform Statute Table across all entities.
 - State Attorney Larizza explained he wants to ensure all stakeholders are allowed to weigh-in. The Florida Department of Corrections (DOC) has an excellent statute table with enhancers that might not necessarily be incorporated in other areas.
 - Director Schaeffer stated two tables, or subsets, are needed: one identifies with what a person can be charged and the other identifies of what a person can be convicted on.
 - Major Roufa commented the Florida Highway Patrol (FHP) uses FDLE's arrest table because it is a standard, and there has been confusion for officers on which charges to use. Major Roufa stated he has had to explain to troopers the charge they chose could only be used in the sentencing phase. For law enforcement, it needs to be lockable, so an officer can only choose a charge in the arrest phase, not a charge from the sentencing phase.
 - Director Schaeffer explained there could be one table that could be filtered by entity type/requirement, such as law enforcement, clerk of the court, DOC, or state attorney.
 - Major Roufa commented an officer needs to know what he or she can charge against an individual, and the best knowledge resource for that decision is the state attorney.
 - Council Member Ling stated, the state attorney is the intermediary and the best point of contact for chargeable offenses.

Action Item: Major Roufa motioned to establish a Uniform Statute Table Workgroup. Sheriff Prendergast seconded, and the motion passed. Chair Timmann stated the workgroup membership will include representatives from DOC, prosecutors, judiciary, public defenders, the law enforcement associations, and possibly the clerks, if it pertains to them. FDLE will staff the workgroup.

ITEM 7
Florida Incident-Based Reporting System (FIBRS)
Planning and Policy Administrator Andrew Branch
Florida Department of Law Enforcement
Information and Discussion

Chair Timmann recognized Planning and Policy Administrator Andrew Branch to provide a status update on the FIBRS Project. Administrator Branch explained the project is in the planning phase, and he anticipates the project planning documentation to be provided to the steering committee by the end of December 2019.

A copy of the FIBRS Communication Management Plan was included in the Council's agenda binder, and FDLE encourages feedback. The Projects Office is evaluating better ways of communicating with local agencies through the use of a collaboration tool, quarterly newsletters, CJIS Memos, oversight reporting, monthly webinars, and technical training on FDLE's IEPD. The statement of work is complete, and the procurement is in process. FDLE anticipates finalizing the procurement in January 2020.

The high-level project milestones at this point are: the implementation of the Florida repository to collect and store data; the National Crime Statistics Exchange Program (NCS-X); financial and technical support for non-NCS-X agencies, and the implementation of a state-sponsored record management system (RMS).

The Bureau of Justice Statistics selected 31 Florida agencies to establish a statistically sound national sample, which included 11 sheriffs' offices, 19 police departments, and one state agency, namely FHP. These numbers might change as we learn more about the reliance of some of the agencies to other agencies. As an example, Daytona Beach Police Department utilizes the Volusia County Sheriff's Office records management system.

Since the CJJIS Council's approval of the FIBRS Data Dictionary and the FDLE IEPD, FDLE met with the vendors representing most of the agencies in Florida. It is important to note the Florida IEPD has more requirements than NIBRS; therefore, vendors who are compliant with NIBRS may not meet the requirements for FIBRS. FDLE anticipates awarding funding to the NCS-X agencies in February 2020.

The RMS workgroup gathered business requirements for the state-sponsored RMS, and the draft statement of work is almost complete. As soon as the statement of work is complete, FDLE plans to release a Request for Information and begin the procurement process in Spring 2020. The FIBRS and RMS short-term focus includes statute mapping; continuation of staff hiring; the finalization of the procurement, the NCS-X grant awards, and the project planning documentation; and the project implementation.

The initial statute mapping to FIBRS offense codes will be posted to the CJNet will occur by the end of December 2019. To assist agencies' transition, FDLE reviewed criminal statutes and mapped them to their appropriate FIBRS offense code. This process involved reviewing the content for the records (statutes and subsections) listed in FDLE's Arrest Statute Table and determining which FIBRS offense definition(s) match each record. The appropriate FIBRS group code, offense code, and offense description are then added to each record number listed in the Arrest Statute Table to form a standardized statute map for all agencies to use.

This first statute map can be incorporated into agencies' business processes and records management systems to further assist with transitioning to FIBRS reporting. Agencies are encouraged to review the table and share it with their RMS vendor, IT personnel, or other appropriate parties as needed to implement the necessary changes to their RMS. Ultimately, this data will be merged with the published FDLE Arrest Statute Table.

ITEM 8

Uniform Arrest Affidavit (UAA)

Bureau Chief Renee' Strickland
Florida Department of Law Enforcement

Action Item

Chair Timmann recognized Chief Strickland who briefed the Council on the status of the UAA Project. FDLE is completing the UAA planning phase, and the UAA Communication Management Plan is included the Council agenda binder. As with the other communication management plans, FDLE encourages feedback. The procurement is in process.

In the long term, the solution will include address validation, geocoding, and the ability to communicate with RMS, Jail Management Systems (JMS), and other systems as the project moves forward.

UAA Data Dictionary v1.1

Chief Strickland provided the Council with an update on UAA Data Dictionary v1.1. Updates to the UAA Data Dictionary include the addition of XML mapping and clarification to meet XML standards. For example, FDLE separated offense date elements from incident date elements; separated court instructions field into name, date, time and address elements; and split phones for international and domestic numbers. FDLE reorganized the data dictionary and how it maps to XML, and added two elements: behavioral threat assessment management and juvenile civil citation referral explanation. The signature field was already incorporated into the data dictionary.

The following questions and comments were posed:

- Chair Timmann stated the workgroup recommended an element indicating whether or not a victim requested to have Person Identifiable Information (PII) protected, pursuant to Marsy's Law. Is that still included?
 - Chief Strickland explained the workgroup discussed this topic in detail. There is a victim element that provides the Marsy's Law rights notification. The workgroup did not think they could capture the acceptance or refusal of those rights because the information was not static. There was additional action in a separate judicial committee looking at how to capture the information.
 - Chair Timmann responded this may be a communication issue. She explained that based on the suggestions and recommendations she had heard, if a victim invokes his or her rights to have the information protected, there was an indicator on file that would follow the file throughout the process. This affects redaction, viewing, and efficiencies. Chair Timmann indicated she had heard the inclusion of the indicator was recommended.
 - Major Roufa explained the group does not know how to implement it now but are working through it. Currently, officers initiate the arrest and create a record. The record then goes to the jail and transitions to the clerk of court. If at some point during the progression of the file, the victim invokes his or her right for PII protection, the prior file contributors are unaware of the invocation. If at all possible,

officers need to have a check-box for victim, so all entities accessing the record can be aware of the victim's decision.

- State Attorney Larizza commented that is the opt-in provision. A lot of law enforcement are asking the victims if they wish to invoke their PII protection rights.
- Chief Strickland stated the general consensus in the meetings was the victim's PII rights information was located in the narrative.
- Major Roufa responded people have to read the narrative to locate the victim information, and there is no mechanism that would allow for that information to be filtered out. Officers need the ability to identify a person as a victim of a crime.
- Chief Strickland explained the arrest affidavit does identify person types, such as victim, defendant, witness, and parent as related to juveniles.
- Chair Timmann stated that for court record purposes, there needs to be an indicator. There are some victim data elements that move with the court record.
- State Attorney Larizza asked if a motion was needed to incorporate the opt-in provision into the UAA?
- Major Roufa stated the workgroup is looking to the legislature for guidance this session. Victim data needs to be in a structured format that can be queried, not in a narrative format, as it is currently held. The legislature may decide all victim information is protected, and if that occurs, the opt-in indicator becomes less relevant; however, it could be added later. If the victim can be clearly identified, this would be beneficial. If the legislature gives further guidance, the opt-in can be added.
- State Attorney Larizza stated this is currently a problem with public records because a victim will invoke his or her protection rights at some point and the other affected entities are unaware of the invocation.
- Chair Timmann stated her preference is to add the opt-in. It can be changed if clarification comes in later. Currently, clerks' offices are bogged down because they are constantly calling the state attorneys and victim's advocates to determine whether victim's information can be released or if it needs redacting. It would be helpful to have the indicator.
- Director Schaeffer stated that from a data perspective, the element is easy to add to dictionary before we get into the design phase.
- Chief Strickland requested who can provide guidance regarding the specific language for adding this new element to the data dictionary and sending the exact wording to FDLE specifying the opt-in check box for UAA?
- State Attorney Larizza stated he could assist with the opt-in language.

Action Item: State Attorney Larizza motioned for the opt-in for Marsy's Law for victims to be incorporated into the UAA, and he can assist with the language, if that would be helpful. Chair Timmann clarified the motion to adopt the UAA Data Dictionary v1.1 and add the new element language. Seconded by Council Member Smith. Motion passed.

Follow-up: State Attorney Larizza provided the initial language and confirmed update was accurately documented in the UAA Data Dictionary v1.1.

Council Member Sawyer asked the Communications Management Plan include a monthly report.

ITEM 9

National Topics

Director Charles Schaeffer
Florida Department of Law Enforcement
Information and Discussion

Chair Timmann recognized Criminal Justice Information Services Director Charles Schaeffer who offered remarks on current national topics impacting or possibly impacting Florida.

Director Schaeffer explained the entry of emergency risk protection orders (ERPO). Previously, Florida could enter ERPOs into the Florida Crime Information Center (FCIC), but not into the National Crime Information Center (NCIC). On behalf of the Marjory Stoneman Douglas Commission, Florida advocated and obtained an opinion by the FBI's General Counsel on what is allowable in NCIC. As of now, the following ERPO scenarios are allowed for entry into NCIC:

- An ERPO is initiated by a criminal justice entity and signed by a criminal justice judge;
- An ERPO is initiated by a civilian and signed by a criminal justice judge; or
- An ERPO is initiated by a criminal justice entity and signed by civil judge

If an ERPO is initiated by a civilian and signed by a civil court judge, the order will not be allowed into NCIC.

Another topic being discussed is when does criminal justice information (CJI) become a public record? Currently, law enforcement agencies must protect CJI pursuant to the FBI CJIS Security Policy, but at what point can CJI become a public record. The guidance provided was if the CJI is revealed in open court, the CJI can become publicly releasable. The question then becomes if that window opens because the public record is in the court room, does the window ever close. The United States Attorney General is reviewing when the CJI policy does and doesn't apply in open court, and they will provide guidance.

Cloud computing is another important national topic. Currently, there is a difference between the FBI CJIS Security and the Federal Risk and Authorization Management Program (FedRAMP) regarding what can be done with data. FedRAMP allows data to be used by federal partners in ways the states are not allowed. This disparity was brought to the attention of the FBI, and the FBI is establishing an Interpretive Guidance Task Force, which will meet for the first time in January 2020. Miami-Dade Police Department Commander Jose Rivero will represent Florida. The task force will provide guidance to the criminal justice community nationally as to when a protection that has been afforded to a cloud provider is sufficient for the storage and processing of CJI. The outcome of the task force's work may result in changes in the FBI CJIS Security Policy, which may make it easier to place CJI in the cloud. It does not affect FDLE's current agreement with Microsoft. The Interpretive Guidance Task Force will evaluate other cloud providers.

- Council Member Ling asked about the makeup of the task force and is Commander Rivero the only Florida representative?
 - Director Schaeffer stated Commander Rivero is the only Florida representative, and the task force is comprised of approximately six people nationwide.
 - Council Member Ling asked if there is any technical representation?
 - Major Roufa explained Commander Rivero's background is technical.
 - Director Schaeffer stated Commander Rivero is Miami-Dade Police Department's Chief of Information Officer, but there is no other representation from Florida.

Lastly, national systems consider Pacific Islander (P) a subset of being Asian, and as a consumer, you may see the P race code on records depending on the system being queried. There was a discussion about normalizing P across the nation, but when reviewing the data, only .2% of the population of criminals were from Hawaii or Guam; therefore, the change was not approved.

ITEM 10 – Report from the Emerging Technology Committee

Chief Information Dennis Hollingsworth
Florida Department of Juvenile Justice
Information and Discussion

No report.

CLOSING REMARKS

Chair Timmann reminded the Council members there were informational items at the back of the binders. Additionally, FDLE staff will reach out to the Council members to schedule a conference call to discuss the Clerks of Court Data Dictionary.

Council Member Payne motioned to adjourn; seconded by Sheriff Prendergast. The meeting was adjourned at 12:35 p.m.