

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

MINUTES OF MEETING

Thursday, June, 10, 1999

The meeting was called to order by Chairman Ken Palmer at 10:15 at the Florida Department of Law Enforcement Headquarters in Tallahassee, Florida.

Members Present:

Chairman Ken Palmer, State Courts Administrator
Jim Blackford, Designee for Lawrence W. Crow, Jr., Sheriff, Polk County
Randy Esser, Designee for Executive Director Fred Dickinson III, Department of Highway Safety and Motor Vehicles
Arnold A. Gibbs, Chief, Cape Coral Police Department
Earl Kellow, Designee for Secretary Michael W. Moore, Department of Corrections
Dan Zinn for Barry Krischer, State Attorney, Fifteenth Judicial Circuit
Nancy Daniels for Bob Dillinger, Public Defender, Sixth Judicial Circuit
Karen Rushing, Clerk of the Court, Sarasota County
Mike Francis for Jimmie Henry, Chair, Florida Parole Commission
Elaine Bryant, Designee for Secretary Bill Bankhead, Department of Juvenile Justice
Donna Uzzell for Daryl McLaughlin, Assistant Commissioner, Department of Law Enforcement

Members Absent:

Carolyn Snurkowski, Designee for Attorney General Robert A. Butterworth
Sid Klein, Chief, Clearwater Police Department
James Lowman, Sheriff, Escambia County

ITEM 1

Legislative Report

CJNET Rule, Juvenile Disposition Proviso Language, Public Defenders

Mr. Mike Ramage
Florida Department of Law Enforcement

Mr. Ramage was requested to defer the Public Defender issue until Nancy Daniels was present. HB 391 was the mechanism the FDLE used for other proposals that relate to criminal history management that was passed through the Legislature. In addition to the Public Defender language, this bill implements the Foley Amendment. The Foley

Amendment allows volunteer organizations to obtain a fingerprint based criminal history check for volunteers from both FDLE and the FBI if they meet the requirements. This check is not mandatory for these organizations and becomes effective July 1, 1999.

HB 775 is the Tort Reform Act that includes language that will increase the utilization of background investigations for employers on prospective employees.

HB 391 also adopted the National Crime Prevention and Privacy Compact in Florida and names FDLE's Executive Director as the executor of the compact. HB 391 further refines FDLE's Information Management mission. It includes language that says in conjunction with this Council, FDLE will determine and regulate access to the Criminal Justice Network by the state's criminal justice agencies and may authorize entities that offer or provide a product, program, or services determined to be of substantial value to the criminal justice information needs of the state's criminal justice agencies a special limited presence on the CJNet. FDLE is authorized to enter into contracts, conduct pilot studies and projects. It also allows FDLE to enter into agreements by which products, programs, or services of value to FDLE or information needs of the criminal justice agencies are provided in lieu of a fee that would normally be charged.

This bill also repeals F.S. 943.051 (passed in 1998) since language is "rolled into" the above provisions. It also revises the seal and expunge statutes to clarify processes and to assure that certain language adopted in other statutory sections is incorporated into the seal and expunge provisions.

HB 349 authorizes arresting agencies to submit fingerprint cards/data to FDLE for any juvenile taken into custody for any offense, not just felonies and the specified misdemeanors. These offense records are for criminal justice purposes only.

Mr. Ramage advised there was an error on the handout he provided. Under HB 121 known as the Three Strike Bill which requires the Clerk of Courts to furnish CCH records to the U.S. Department of Immigration NOT Education.

Mr. Ramage discussed SB 338, the Kayla McKean Child Protection Act, which authorizes the sharing of local criminal history in addition to CCH information with persons responsible for child protective investigation and placement.

SB 954 pertains to non-residents meeting the criteria to carry concealed firearms in Florida when licensed in their home state to do so. The issue is how law enforcement officers will be able to timely obtain essential information.

SB 1666, the Child Protection Act, implements restrictions on who may inspect a dependent child's records absent a court order. This would be of interest to the Clerks and now includes child abandonment cases.

The Public Defender issue will be discussed when Ms. Daniels arrives.

APPROVAL OF THE MINUTES OF THE JANUARY 26, 1999 MEETING

The Council unanimously approved the minutes.

ITEM 2
Telecommunications Work Group
Current Status of the CJNet
Standards and Procedures for Commercial Applications on the CJNet
Policy on CJNet for Single County Application
Certificates for Network Security
Mr. Tom Watkins & Mr. Kevin Patten
Florida Department of Law Enforcement

Chairman Palmer stated that the Council requested the Telecommunications Work Group to adopt some policies that govern the development of the CJ Network in Florida. At the October meeting, the Council adopted a set of policies and procedures for that purpose. An application and review committee was also created under the auspices of the Telecommunications Workgroup and initially determined that FDLE would approve non-policy applications and the Council would approve any applications with policy implications. In January this policy was amended to provide that the CJJIS Council Steering Group, which includes the Chair and representatives from the four entities that the Council has direct oversight for, would be responsible for reviewing the non-commercial applications.

The other issues that need to be discussed are commercial applications, which came up in the context of two prospective offerings. One was DBT and FLASH and the other was Digital Standard, Inc. and the TRACKING application. The TRACKING application was put on the network and then withdrawn because the appropriate process had not been completed prior to its original placement on the network. In January, the Council discussed a committee approval issue, whether or not DLE had the authority to adopt rules relating to commercial applications. Mr. Ramage has advised that we now have the legislative authority.

Another issue arose in regard to intra-county applications that will be discussed and also the overall set of procedures which will be implemented in regards to security and a certification process for CJNet users. The Public Defenders are concerned about access to CJNet and the relative security issues involved with these procedures.

Included in the handout material are two documents, proposed guidelines for website implementation and CJNet application development guidelines, and the CJNet User Agreement.

There are also some issues that the Clerks have raised in regards to the actual construction of the network that have surfaced with efforts to connect the Clerks.

Mr. Watkins advised that over the last several months a number of applications to the CJNet have been submitted. Two applications were referred to the Steering Group and both were approved. The first one is the Brevard County BULLET application which

created some questions that will be discussed later and the second was a latent fingerprint statistics program that was submitted from FDLE.

In the TAB ONE handout there is an application from the Broward Sheriff's Office that would normally not come before the Council. The Telecommunications Workgroup wanted the Council to see the kinds of applications that are being submitted. One item that was brought up for discussion during this review was the statement that 20 users from the Public Defenders Office would use this application. Subsequent conversations with the Broward Sheriff's Office have verified that the Public Defender's Office would not be allowed CJNet access to this application, only access through their local network which incorporates the Public Defender. The Telecommunication Workgroup recommends this application be approved. The Council approved Broward Sheriff's Office application for CJNet.

Mr. Esser asked how they deny access to the Public Defender? Mr. Watkins advised the Public Defender is accessing only on the local area network side of their environment and they will firewall on the outside for access to the CJNet environment. Broward County will provide this in writing.

Mr. Francis raised the issue of auditing CJNet usage. Mr. Watkins advised that at the present time, FDLE is not auditing the CJNet, however they do monitor the traffic on the network. Mr. Esser asked if the User Agreement has a provision allowing an audit. Mr. Watkins advised that the individual agencies agree to the established procedures and policies that are in place or will be in place by FDLE. It does not specifically address an audit.

Mr. Palmer raised his concern that agencies would be using the state network in lieu of local networks and the need for auditing the CJNet usage. The Telecommunications Work Group does review the applications for their intent as well as the audience being targeted.

The next request from the Telecommunications Work Group came from Sheriff Lee in Hendry County who would like to access commercial e-mail accounts such as POP3. The Workgroup requests approval of this request to be used on the CJNet. The Workgroup does not anticipate a traffic load issue. This request was approved.

The third item is from Dan Zinn who requested utilization of the CJNet for providing connectivity to backup disaster recovery sites. The Telecommunications Workgroup recommended non-approval and the Council agreed.

The Telecommunications Workgroup was given the authority to approve or deny applications to the CJNet unless the application has significant policy implications through a motion that was passed by the Council. The Council also decided that an application that is not approved by the workgroup could be appealed to the Council. The Council also requested a standing agenda item for applications approved or disapproved.

The Telecommunications Work Group was directed to provide the Council with a proposed set of criteria that could be used as a guideline for reaching the goal of a high level of consolidation while minimizing the number of connections.

Mr. Watkins made a recommendation to adjust the guidelines for Web Site Implementation Development Guidelines as well as the Criminal Justice Network Application Developmental Guidelines with modifications. Chairman Palmer requested clarification of the term “user.”

The Council requested Mr. Ramage to prepare a draft that consolidates the User Agreement with a Providers Agreement. This draft will be reviewed by the Steering Committee before bringing this document before the Council.

Mr. Watkins recommended that the procedure for Access to Commercial Site Offerings via the Criminal Justice Network be approved as provided in the handout. Chairman Palmer proposed a motion approving the procedure as a starting point for negotiations with interested providers for the purposes of conducting a pilot program and that FDLE would solicit and enter negotiations with an appropriate provider for that purpose. This motion was passed. For the purpose of the pilot, it was decided that FDLE be the sponsoring agency.

The remaining items of the Telecommunications Workgroup were tabled to enable the Juvenile Justice Workgroup to present its report to the Council.

ITEM 5
Juvenile Data Sharing Workgroup
Ms. Jan Wright
Florida Department of Juvenile Justice

The Juvenile Data Sharing Workgroup met and came up with two recommendations for the Council to consider which they feel will enhance juvenile data sharing. The first is to look at the potential of a single criminal justice identifier number that would follow a youth through the entire system. Before this could be accomplished, each member agency would have to be inventoried to determine how they create their identifiers. The second recommendation is in reference to sharing data. There is no way to cross-reference one element to another element. The workgroup wants to start small with demographic-related data on entities and perhaps come up with a way of cross-referencing data elements in order to establish a dictionary of elements. Chairman Palmer requested a broader representation for this workgroup. There was a general consensus that the workgroup should proceed with this direction.

ITEM 2 (Continued)
Telecommunications Work Group
Current Status of the CJNet
Certificates for Network Security

Mr. Joey Hornsby presented an overview of the status of the certificate issue. The vendor for the certificates will be on-site at FDLE within the next two weeks. Implementation of certificates on the CJNet should begin within six to eight weeks. The certificate process will augment the user code/password to access an application, only if the application desires this option. Mr. Hornsby proposed points of contact within the agency that will be responsible for validating the certificate user. The certificates will be valid for three years.

Mr. Kevin Patten reported on the current status of the CJNet and consolidation efforts. Mr. Patten provided a handout that broke down the numbers on consolidation to include two counties where consolidation is occurring, seventeen counties where consolidation has been agreed upon, eight counties that have not agreed to consolidation, and twenty counties where consolidation is not technically possible.

Mr. Patten also reported that consolidation efforts could result in the estimated reoccurring savings of \$180,000 - \$200,000 per year. There are 18 counties that have not yet been visited.

ITEM 3
Policies and Standards Work Group
Mr. Kenneth Palmer
Mr. Dan Zinn

Chairman Palmer provided a handout that defines the project approach as one that will identify, describe, document and define the key interagency information exchanges among justice agencies, which represent the integration of justice information systems. A total of six reports will be developed throughout the course of this project giving broad conceptual context, relating the experiences of jurisdictions that have implemented integration, and articulating agency-specific universal information exchange models for law enforcement, prosecution, courts, local jails and probation.

The workgroup suggests the Council request through SEARCH or through a direct application to obtain funds to direct this process. The Council agreed that the subcommittee for this workgroup proceed with attempts to obtain funding.

ITEM 4
Sentencing Process/Forms Work Group
Mr. Ken Palmer

Chairman Palmer advised that the results from the subcommittee of the Supreme Court revealed that the movement of paperwork is a big issue. There is a great need to streamline the paperwork and perhaps consolidate some of these forms such as a standard plea agreement form. Some circuits are using a standard form but not all of them. Another issue is trying to generate the uniform judgement and sentence form and the necessary commitment papers right out of the sentencing hearing so there is no substantial delay of these processes. This would probably require a high level of

standardization and automation. There is also some interest from the Department of Corrections to have an electronic transmission of commitment papers.

The counties need to be identified as possible candidates based on their potential for developing a solution that could be replicated, volume of work, and other issues.

ITEM 6

Report on Task Force Addressing Clerk's Issues Clerk's Suggestions for Modifying Council Procedures

Mr. Wayne Quinsey

Florida Department of Law Enforcement

Mr. Wayne Quinsey reported that FDLE, OSCA, Florida Association of Court Clerks and the Clerks of the Court have been working very hard for the last several years on the Consortium project. A task force has been established to include Clerks Karen Rushing, Sarasota County; Betty Strifler, Citrus County; DeWitt Cason, Columbia County; Barbara Scott, Charlotte County; and Marsha Stiller, Martin County. The first meeting was held on May 18, 1999 and resulted in the identification of many issues. In reference to the Consortium project, the task force is recommending focusing on one county, Columbia County, which agreed to be the pilot, to look at all the relevant issues. The pilot project will also include a non-Consortium county, Sarasota County. The task force will also look at the 1999 NCHIP funds. FDLE will receive approximately \$1.2 million in federal grant funds which will be passed through to the Clerks of Court for juvenile disposition reporting. The Clerks were requested to assist FDLE in establishing criteria for distribution of these funds.

Chairman Palmer discussed the requests received from Ms. Betty Strifler, President of the Florida Association of Court Clerks. Ms. Strifler requested that the agenda for the Council meetings be distributed fourteen days prior to the scheduled meeting, that all policies and rule changes be adopted but final consideration be forwarded to the next scheduled meeting, that all policies adopted by the Council be published and distributed to agencies within 14 days of adoption and such adoptions not be effective for a period of sixty (60) days from adoption, and that statutory modification be sought by the Council to permit appeal to the Governor and Cabinet by a constitutional agency when that policy infringes on the statutory or constitutional authority of that agency.

Director Uzzell stated that when a rule change is required for Council actions the necessary steps are taken by FDLE.

Chairman Palmer stated the Council doesn't have a formal set of by-laws and operating procedures and he asked FDLE to take a look at this issue and make suggestions to the Council.

Ms. Rushing advised that the Memorandum of Understanding has been approved by the Clerks since the agreement has been stripped of the NCIC/FCIC language with the agreement that those Clerks choosing to use those services would sign the standard agreement.

**ITEM 7
FCIC II**

Ms. Brenda Owens
Florida Department of Law Enforcement

Ms. Brenda Owens reported that the cutover for FCIC II was completed on February 7, 1999. Network stability was the main problem for about three months. On May 25, 1999, a new set of communications software was installed which has greatly increased the stability of the system. Approximately 1400 new devices are being added to the network weekly. There are requests for approximately four to six thousand devices. Acceptance testing is expected to begin within 90 – 120 days. FDLE is working with DJJ to provide on-line capabilities through an FCIC transaction into their files and a website on CJNet. FDLE is also working with DOC to include inmate release information in FCIC as well as early releases and images. Currently there are over 3,000 images in the FCIC person's database. The system is fully Y2K compliant and ready for NCIC 2000, which will be implemented on July 11, 1999.

Director Uzzell advised that there is a great demand not only for inmate release information but also for court released supervision information.

Ms. Owens thanked the Department of Highway Safety and the Department of Corrections for their efforts during the cutover.

**ITEM 8
Integrated Criminal History Network**
Mr. Gerald Brooks
Florida Department of Law Enforcement

Mr. Gerald Brooks reported that the final testing for Printrak has been successfully completed, and during the testing 97% of the searches were completed within two minutes. The volume and percentage of transactions have increased. Connections to the system have been completed by the Leon County JAC, Nassau County SO, Lake County SO, Okeechobee County SO, Palm Beach County Assessment Center as well as Palm Beach County SO. On June 1, Hernando County connected to the system, and Martin County should start connecting next week. The following counties are awaiting connection: Broward, Clay, Duval, Manatee and Sarasota.

Due to the recent statute change, all juvenile arrests are now being added to the criminal history file. A meeting with DJJ staff personnel to discuss connectivity issues with JAC's has resulted in a commitment by FDLE to place data circuits in any JAC that is required to have them.

A new in-house program called IDIS has been implemented at FDLE to process incoming cards. It was developed by PRC with assistance from the FBI. IDIS is a desktop type scanning workstation. Several have been purchased as well as additional staff hired to process these cards into the system.

ITEM 10
Election of Officers

Chairman Palmer declined to continue as Chairman of the Council. Mr. Palmer also requested the Council develop a formal set of by-laws that addresses issues of proxy votes, terms of chair and vice-chair, when elections should be held, committee structure, and role of the steering committee.

Daryl McLaughlin was unanimously elected as Chairman of the CJJIS Council and Karen Rushing was unanimously elected as Vice Chair.

Ms. Nancy Daniels thanked everyone on behalf of the Public Defenders for the recent legislative efforts.

Mr. Earl Kellow advised that DOC had entered into an agreement with the Vine Corporation, which made a presentation at a previous Council meeting.

The meeting was adjourned at 1:45 p.m.