

AGENDA
FLORIDA DEPARTMENT OF LAW ENFORCEMENT

November 22, 2005

- ITEM 1. Respectfully submit the **Minutes of the October 4, 2005 Cabinet Meeting.**

(See Attachment 1)

RECOMMEND APPROVAL

- ITEM 2. Respectfully submit the **Florida Department of Law Enforcement's Quarterly Performance Report 1st Quarter Fiscal Year 2005-2006 and Contracts, Agreements, and Purchases over \$100,000 from July 1 through September 30, 2005.**

(See Attachment 2)

RECOMMEND APPROVAL

- ITEM 3. Respectfully submit the **Florida Department of Law Enforcement's 2006 Proposed Legislative Initiatives.**

(See Attachment 3)

RECOMMEND APPROVAL

Cabinet Affairs Contact
Administrator Heather Smith
410-7001

MINUTES
FLORIDA DEPARTMENT OF LAW ENFORCEMENT

October 4, 2005

The Florida Department of Law Enforcement met on this date in the Cabinet Meeting Room, LL-03, The Capitol, Tallahassee, Florida with the following Cabinet members present:

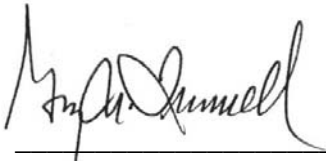
Honorable Jeb Bush, Governor
Honorable Charles H. Bronson, Commissioner of Agriculture
Honorable Charlie Crist, Attorney General
Honorable Tom Gallagher, Chief Financial Officer

ITEM 1. Respectfully submit the **Minutes of the September 7, 2005 Cabinet Meeting.**

Motion to approve by Chief Financial Officer Gallagher. Seconded by General Crist. Minutes approved without objection.

ITEM 2. Respectfully submit the **Florida Department of Law Enforcement's Proposed Legislative Budget Request for Fiscal Year 2006-2007.**

Motion to approve by Chief Financial Officer Gallagher. Seconded by Commissioner Bronson. Request approved without objection with Governor Bush abstaining for purposes of presenting his own budget to the Florida Legislature.



Guy M. Tunnell
Commissioner



Carol Bishop
Secretary

The background of the entire page is a repeating pattern of the Florida Department of Law Enforcement seal. Each seal features a central figure holding a scale of justice, surrounded by the text "DEPARTMENT OF LAW ENFORCEMENT" and "STATE OF FLORIDA". The Great Seal of the State of Florida is also visible within each seal, with the motto "IN GOD WE TRUST".

Quarterly Performance Report

Fiscal Year 2005-2006
First Quarter

Guy M. Tunnell, Commissioner

Executive Direction and Support Program

Executive Direction and Support Services

| | | |
|---|------|-----|
| • Administrative support costs as a percent of total agency costs | 3.5% | 4% |
| • Number of grants disbursed | 158 | 400 |
| • Total number of agencies accredited | 127 | 117 |
| • Number of cases awarded emergency violent crime funds | 22 | 18 |

Investigations and Forensic Science Program

Crime Laboratory Services

| | | |
|---|------------------|--------------|
| • Number / percent of lab service requests completed | 19,580 / 86% | 73,112 / 95% |
| • Average number of days to complete lab service requests | | |
| 1. AFIS (Automated Fingerprint Identification System) | 40 | 45 |
| 2. CER (Computer Evidence Recovery) | 48 | 90 |
| 3. Chemistry | 65 ¹ | 30 |
| 4. Crime Scene | 40 ¹ | 30 |
| 5. Firearms | 167 ¹ | 80 |
| 6. Latents | 77 ¹ | 60 |
| 7. Microanalysis | 163 ¹ | 115 |
| 8. Serology / DNA | 169 ¹ | 111 |
| 9. Toxicology | 29 | 40 |
| • Number of DNA samples added to the DNA Database | 12,948 | 36,000 |
| • Number of crime scene service requests completed | 135 | 600 |

Investigative Services

| | | |
|--|-----------|-----------|
| • Number of criminal investigations worked | 1,094 | 2,500 |
| • Number / percent of criminal investigations closed | 250 / 23% | 900 / 46% |
| • Number / percent of closed criminal investigations resolved | 213 / 85% | 702 / 78% |
| • Number / percent of criminal investigations closed resulting in arrest | 168 / 67% | 585 / 65% |
| • Number of short-term investigative assists worked | 2,458 | 3,678 |
| • Number of domestic security concerns reported and responded to by Regional Domestic Security Task Forces | 210 | 1,000 |

Mutual Aid and Prevention Services

| | | |
|--|---|----|
| • Number of dignitaries provided with FDLE protective services | 4 | 52 |
|--|---|----|

Public Assistance Fraud Investigative Services

| | | |
|--|----------------------|----------|
| • Amount of fraudulent benefits withheld as a result of public assistance fraud investigations | \$3.0 M ² | \$20.1 M |
| • Number of public assistance fraud investigations conducted | 704 ² | 5,625 |

Florida Capitol Police Program

Capitol Police Services

| | | |
|--|--------|--------|
| • Number of criminal incidents per 1,000 employees | 1.84 | 9.38 |
| • Number of officer patrol hours | 25,426 | 96,432 |
| • Number of calls for service | 2,178 | 7,489 |

| | 1 st Quarter Performance | Standard FY 05-06 |
|--|--|----------------------|
|--|--|----------------------|

Information Program

Network Services

| | | |
|---|--------|---------------|
| • Percentage of responses from FCIC hot files that contain substantive information within defined timeframes | 99.9% | 98% |
| • Percentage of time FCIC is running and accessible | 100% | 99.50% |
| • Percentage response to criminal history record check customers within defined timeframes | 100% | 94% |
| • Percentage of criminal arrest records received electronically (through AFIS) for entry into the criminal history system | 88% | 89% |
| • Number of certified operators | 55,099 | 55,643 |

Prevention and Crime Information Services

| | | |
|--|------------|-------------------|
| • Percentage of criminal history information records compiled accurately | 93% | 93% |
| • Number of responses to requests for criminal history record checks | 672,359 | 1,770,000 |
| • Number of registered sexual predators / offenders identified | 35,684 | 32,196 |
| • Number of missing children cases worked through MCIC | 2,354 | 3,000 |
| • Number of arrest records created and maintained | 17,032,375 | 15,965,000 |
| • Number of criminal history errors corrected | 27,420 | 130,000 |
| • Number of disposition records added to the criminal history file | 231,352 | 750,000 |

Professionalism Program

Law Enforcement Training and Certification Services

| | | |
|--|-------------|--------------------|
| • Number / percent of individuals who pass the basic professional certification examination for law enforcement officers, correctional officers, and correctional probation officers | 1,650 / 78% | 5,600 / 80% |
| • Number of course curricula and examinations developed / revised | 111 | 135 |
| • Number of examinations administered | 2,178 | 7,000 |
| • Number of individuals trained by the FCJEI | 191 | 764 |
| • Number of law enforcement officers trained by D.A.R.E. | 55 | 145 |
| • Number of professional enforcement certificates issued | 5,752 | 25,000 |
| • Number of domestic security training courses delivered | 75 | 150 |

Law Enforcement Standards Compliance Services

| | | |
|--|-------|--------------|
| • Percentage of training schools in compliance with standards | 75% | 80% |
| • Number of breath-testing instruments inspected | 292 | 491 |
| • Number of discipline referrals processed for state and local LEOs, COs, and CPOs pursuant to Chapter 120, F.S. | 364 | 1,500 |
| • Number of criminal justice officer disciplinary actions | 128 | 452 |
| • Number of program and financial compliance audits performed | 631 | 2,000 |
| • Number of records audited to validate the accuracy and completeness of ATMS2 record information | 3,088 | 8,000 |



Hurricane Katrina Response – As Hurricane Katrina approached the Gulf Coast, Florida law enforcement agencies began preparation efforts and pre-staging personnel and logistical support in Florida's panhandle. Florida's focus, through the Emergency Management Assistance Compact, became the six southern most counties of Mississippi. In the days immediately following the hurricane, law enforcement personnel were deployed to coordinate and assist in search and rescue operations, security missions, and humanitarian efforts. From August 30 through September 30, a total of 287 FDLE members worked over 32,963 hours on the response to Mississippi as a result of Hurricane Katrina. During the relief and recovery efforts, over 2,000 Florida law enforcement personnel, as part of ESF 16, responded to the needs of the impacted citizens of Mississippi. Also during this quarter, FDLE members worked in excess of 12,000 hours responding to Hurricanes Dennis, Katrina and Rita from the Florida Keys to the Florida Panhandle.

Child Safety Initiatives – On August 2, Governor Jeb Bush and FDLE announced an expansion of the state's Amber Alert system, providing wireless customers with free text notification when an Amber Alert is issued. This public / private partnership provides an additional tool for law enforcement and will increase awareness of Amber Alerts and Florida's missing children. Wireless subscribers capable of receiving text messages and whose wireless carrier participates in the Wireless Amber Alerts initiative may receive alerts by registering at www.missingchildrenalert.com. During this quarter, FDLE activated 8 Amber Alerts resulting in the successful recovery of 4 children.

Also during this quarter, FDLE was invited to participate with the U.S. Department of Justice (DOJ) in the creation of a national sex offender public registry. Florida is one of 36 states that has made data available from our state's sex offender/predator registry as part of this single, national-level search system that is being offered by the DOJ. The new site (www.nsopr.gov) uses the Internet to search for and display public sex offender data from state and territory registries through a single query. The site was designed to promote public safety by using existing sex offender data, and allows states and local agencies to retain control over their data. The National Sex Offender Public Registry allows citizens to simply enter a name, zip code, county or other query to search for registered sex offenders across the participating states. The Department of Justice will continue efforts to obtain participation from every state by December 2005.

FDLE Launches Statewide Inmate Locator Service – On September 26, FDLE announced the availability of a new statewide system for Florida investigators to find a person incarcerated in participating county or state facilities. The system, called JANUS/JusticeXchange, provides criminal justice agencies with a centralized, web-based query that searches jail inmate data through a single mouse click. In addition to Florida data, JANUS/JusticeXchange contains data from participating institutions in other states, as well as photographs and information about an offender's violent indicators. Previously, investigators seeking inmate information were required to contact jails and prisons individually to see if they housed a particular suspect, witness, or subject of a warrant. JANUS/JusticeXchange also contains a "watch" feature, which allows investigators to "flag" the system with a suspect's name and receive immediate notification if that suspect is booked into any of the participating facilities.

¹ Average number of days to complete lab service requests – Laboratory turnaround standards and productivity were significantly affected by the relocation of the Pensacola laboratory to new modular facilities, the increase in the number of service requests received, and the number of members currently in trainee status.

² Public Assistance Fraud Services – Changes in federal food stamp program policies have resulted in the reduction of Administrative Hearings, a non-judicial process for case disposition. As a result, the Public Assistance Fraud program is engaged in more cases that involve criminal prosecution, which require more time and effort to investigate.

Florida Department of Law Enforcement 2006 Legislative Package



Department of Law Enforcement General Bill House Bill 151 (Representative Adams) / Senate Bill 544 (Senator Fasano)

- Provides for FDLE to retain fingerprints submitted by agencies for criminal history background screening as authorized by law. The fingerprints may be entered in the statewide automated fingerprint identification system and may be searched against arrest fingerprint cards. Any identified arrest records of a person subject to background screening will be reported to the employing agency. Agencies may participate in the search process by payment of an annual fee and must inform FDLE of changes in employee status.
- Authorizes FDLE to retain the fingerprints of law enforcement, correctional, correctional probation officers, and criminal justice employees. This will allow for notification to the employing agency if an officer or employee is arrested in Florida. Fingerprints are retained by FDLE only as authorized by law.
- Currently criminal court judges have access to criminal records using FCIC but civil court judges do not. The Office of the State Courts Administrator, acting on the recommendation of the Trial Court Technology Committee, requested that *all* Florida judges have access to Florida criminal records in FCIC for use in their case-related decision, whether the case is criminal or civil. The provision authorizes FDLE to grant online access to Florida criminal justice information to each judge in the state courts system.
- FDLE is statutorily designated as the central repository for Florida criminal history records; these records are accurate, complete, and are supported by positive fingerprint identification. Each day, approximately 2,500 new arrests are added and existing records are updated. The bill provides for statutorily authorized or mandated criminal history record checks to include a Florida criminal history provided by FDLE and specifies that national criminal history checks must be submitted by FDLE unless otherwise required by federal law.
- FDLE requires a legible set of fingerprints to support a name change and change to the criminal history files. FDLE is requesting a “set” of fingerprints be submitted rather than a “copy” of the fingerprints.
- The bill requires court clerks to begin submitting juvenile disposition reports to FDLE beginning January 1, 2008.
- The bill adds the crime of voyeurism and other sexual predator and sexual offender predicate offenses to the list of crimes for which a criminal history record may not be expunged or sealed when adjudication is withheld. Other provisions establish an expiration date of 12 months from issuance for certificates of eligibility for expunged or sealed records.
- Provides for access to expunged and sealed criminal history records for determining an applicant’s eligibility for employment at a Florida seaport.
- The bill authorizes FDLE to have access to sealed records to conduct background checks for firearm purchase determinations in accordance with state law and the federal “Brady Act.”

- Federal law prohibits the transfer of a firearm to any person who has been adjudicated mentally defective or who has been committed to a mental institution. However, the records are not readily accessible to FDLE for use when conducting the required background check on a potential firearm purchaser. The bill authorizes FDLE to create a database with information provided by clerks that would be used to determine eligibility to purchase a gun.
- Currently victims and witnesses certified to be in the state's protective services are eligible to be in the program for a maximum of 2 years. The bill provides for victims and witnesses to be recertified each year, as necessary, for up to 4 years to facilitate the length of time it takes for a case to go to trial.
- The bill provides civil immunity to FDLE, other law enforcement agencies, and media representatives for complying in good faith to record or release Amber Alert or Missing Child Alert information provided by law enforcement.
- As recommended by the Criminal Justice Standards and Training Commission, the bill revises officer basic recruit and continuing training in the area of diverse populations to allow agencies the flexibility to determine the amount of hours that are appropriate. Diverse population training remains a mandatory requirement for officer training.
- "Housekeeping" provision that specifies that DUI/BUI fines remitted to FDLE will be deposited in the Operating Trust Fund instead of the Criminal Justice Standards and Training Trust Fund (recommendation based on an Auditor General finding). Also provides for investigative costs recovered via court order to be deposited in the Forfeiture and Investigative Support Fund instead of the Operating Trust Fund.
- Eliminates and clarifies specific language requiring annual financial audits by criminal justice selection centers as recommended by Auditor General.
- The bill clarifies that FDLE will investigate all public assistance provided to residents of the state and adds the Agency for Workforce Innovation, as the agency responsible for administering subsidized child day care under the School Readiness Program.
- Provides FDLE with authority to purchase goodwill/promotional material for conferences and meetings.
- Prohibits misuse of FDLE emblem, name, or logo.

Florida Department of Law Enforcement 2006 Legislative Package



Sexual and Career Offenders House Bill 327 (Representative Porth) / Senate Bill 646 (Senator Campbell)

- Adds “career center” to the definition of an educational institution. Additional registration is required when a registrant enrolls or works at an institution of higher education. The requirement notifies institutions of the presence of the registered sexual predator/offender on campus. This revision is necessary to comply with the federal Campus Sex Crimes Prevention Act.
- Removes confusion regarding prior convictions that have an earlier offense date by clarifying that the criteria apply “regardless of the date of the offense of the prior felony.”
- Requires that any employee of the Department of Juvenile Justice or employee of a contracted provider who is convicted of sexual misconduct with a detained or supervised juvenile offender must register as a sexual predator or sexual offender. The Department of Juvenile Justice requested this provision.
- Removes confusion regarding prior convictions that have an earlier offense date by clarifying that the criteria apply “regardless of the date of the offense of the prior felony.”
- Clarifies the delineation between the criteria for the various circumstances under which an individual is required to register as a sexual offender in Florida. Some sexual offenders who have established residence in Florida, whose offenses occurred in other states, have avoided prosecution and registration requirements. This change clarifies that meeting any one of three sets of criteria is enough to constitute registration as a sexual offender in Florida.
- Corrects a bill-drafting error listing “predator” instead of “offender.”
- The two statutes regarding career offender registration (one directing FDLE functions, the other directing Department of Corrections) are not aligned in regards to the operational dates of enactment. Department of Corrections uses a starting date of 7/1/2002. FDLE uses a starting date of 1/1/2003. This bill conforms the FDLE registration criteria for career offenders with the career offender registration statutes governing the Department of Corrections.