

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

**MINUTES OF MEETING
Monday, July 19, 2021
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)
Roosevelt Sawyer, Jr., Designee for Elisabeth H. Kiel, Office of the State Courts Administrator (OSCA)
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
Charles Broadway, Chief, Clermont Police Department
Wendy Ling, Designee for Secretary Mark S. Inch, Department of Corrections (DC)
R.J Larizza, State Attorney's Office, 7th Judicial Circuit
David Medina, Software Development Manager, 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)

WELCOME MEMBERS and OPENING

Chair Timmann welcomed Council members and attendees then called the meeting to order at 10:02 a.m. Chair Timmann recognized Council Members Michelle Pyle and recently appointed member Chief Charles Broadway. Chair Timmann mentioned there are several positions currently vacant on the Council: a police chief, public defender, Department of Children and Families and Department of Juvenile Justice representatives. FDLE has contacted the respective associations and agencies seeking representatives to fill the vacancies. Chair Timmann requested a motion to approve the December 15, 2020 minutes. Sheriff Prendergast moved and Council Member Ling seconded the motion to adopt the December 15, 2020 minutes. The 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 who provided 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 board or commission meeting must be held in public and open to the public; reasonable notice of a meeting must be given; and minutes must be taken.

The Sunshine Law applies to any formal board or commission meeting where two or more members of that board or commission are discussing matters that may come before the group. Regardless, if the meeting occurs in Florida or on vacation outside of Florida; or if communication is by fax, text, or email, the Sunshine Law still applies. It is the content of the communication that determines whether or not the law applies. The Sunshine Law does not apply to communication between staff and Council members; however, using staff as a go between is prohibited. The Sunshine Law is applicable to those who have decision-making authority, the law does not apply to someone fact-finding.

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 \$500.00. 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.

ITEM 2 - Grants Update

Bureau Chief Cody Menacof
Florida Department of Law Enforcement
Information and Discussion

Chair Timmann recognized Bureau Chief Cody Menacof who provided an overview of Florida's criminal justice grants process. Chief Menacof explained FDLE administers multiple Department of Justice (DOJ) grants and state federal assistance projects, including: the Edward Byrne Memorial Justice Assistance Grant, the Residential Substance Abuse Treatment Program, the National Criminal History Improvement Program (NCHIP), the National Instant Criminal Background Check System (NICS) Act Record Improvement Program (NARIP), 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 NCHIP and the 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 record checks. The NARIP program strives to enhance the completeness, automation, and transmittal of records to state and federal systems used by the NICS. NARIP and NCHIP are not mutually exclusive; there are some overlap improvements.

Florida competes for grant funding with all states nationwide, and the awards depend on quality 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 to provide DOJ with clear and concise grant applications that align with current federal priorities. FY 2021 NCHIP priority areas include updating and automating case outcomes from courts and prosecutors in state or tribal records and the Federal Bureau of Investigation's (FBI) Criminal History file, and improving the access to information concerning persons prohibited from possessing or receiving a firearm for mental health reasons. FY 2021 NARIP priorities include identifying, flagging, and making immediately accessible to NCIS records of persons prohibited from purchasing or possessing firearms for domestic violence convictions and/or for mental health reasons.

Every year, as soon as the federal application becomes available, FDLE issues a request for concept papers. The Federal Funding Work Group (FFWG) reviews the submitted papers, and based on their review, moves approved projects forward to DOJ.

ITEM 3 - Legislative Update

Senior Management Analyst II Bobbie Smith and Senior Budget Officer Cynthia Barr
Florida Department of Law Enforcement
Information and Discussion

Chair Timmann recognized Senior Management Analyst II Bobbie Smith and Senior Budget Officer Cynthia Barr who provided a legislative update. Analyst Smith provided an overview of two bills of interest to the Council; HB 7051 and SB 890.

HB 7051 makes several changes to operations and standards of law enforcement and correctional agencies and training for law enforcement officers, correctional officers, and correctional probation officers. Beginning July 1, 2022, law enforcement agencies are required to report use-of-force incidents that result in serious bodily injury, death, or the discharge of a firearm at a person to FDLE on a quarterly basis. The bill requires the data must include all information collected by the FBI National Use-of-Force Data Collection.

SB 890 addresses the use of electronic databases by a law enforcement officer. The bill requires the Criminal Justice Standards and Training Commission to provide training on the authorized access to and use of personal identification information contained in electronic databases used by a law enforcement officer in his or her official capacity. The training must be part of the curriculum required for initial certification and as part of the 40-hour required instruction for continued employment or appointment. There are penalties associated with the misuse of electronic databases.

Senior Budget Officer Barr discussed funding FDLE received for FY 21-22 for Florida Incident-Based Reporting System, Criminal Justice Data Transparency, and the Uniform Arrest Affidavit projects. FDLE received \$25 million for these initiatives; approximately \$6.3 million in pass through funds and \$2.5 million in contingency funding. This funding removes the fiscal barrier for the projects.

Deputy Director Kristi Gordon introduced herself to the Council. Director Gordon oversees the Criminal Justice Analytics Bureau (CJAB) and Business Services. Director Gordon introduced Bureau Chief Phillip Suber who oversees the daily operations and management of CJAB.

Agenda items 5 through 6 were discussed next.

ITEM 5 - Criminal Justice Data Transparency (CJDT)

Planning and Policy Administrator Ebony Tisby

Florida Department of Law Enforcement

Action Item

Chair Timmann recognized Planning and Policy Administrator Ebony Tisby who briefed the Council on the status of the CJDT project. The CJDT solution is accepting data from contributors. All report types can be submitted with the exception of Florida Department of Corrections Incarceration report. The report is expected to be in production in November 2021. The public portal includes data from the County Corrections Annual Report, County Corrections Weekly Report, County Corrections Daily Report, and the State Attorney Annual Report. Enhanced features were recently made to the public portal. The changes allow the public to download all data. Administrator Tisby provided an overview of changes on several data dictionaries.

The Florida Department of Corrections Data Dictionary v.1.1 changes include:

- Renaming data dictionary to include Computerized Criminal History submissions;
- Adding guide for use, appendices, and new data elements;
- Expanding element definitions; and
- Reordering data elements.

Chair Timmann asked Council Member Ling if she had any concerns, and she stated she had no concerns and indicated if there are additional edits or changes FDLE and the Department of Corrections will work together.

Action Item: Chair Timmann asked for a motion to approve Florida Department of Corrections Data Dictionary v.1.1. Sheriff Prendergast moved to approve Florida Department of Corrections Data Dictionary v.1.1, and Council Member Ling seconded. The motion passed.

The Clerks of Court Data Dictionary v.1.3 changes include:

- Adding the prosecutor charge status data element;
- Updating business rules related to sentencing date and charge disposition date;
- Updating court appearance date, charge degree code, charge level, charge offense numeric, defendant immigration status, and social security number elements; and
- Updating xPaths for warrant number, driver license state/county, and type of confinement.

The new prosecutor charge status data element is a result of issues identified in testing with the pilot counties (Pasco and Pinellas). The addition of the data element requires modifying business rules to reflect the charge disposition date cannot be before the arrest or prosecution initiation date and the sentencing date cannot be before the date of arrest. The changes will allow contributors to submit data for non-fingerprint-based arrests (direct file, indictment, notice to appear). Chair Timmann mentioned the new element is also necessary to accurately reflect the workload for contributors and all clerks agree the proposed solution addresses the issue. Chair Timmann stressed the importance for contributors to continue testing to identify issues, as well as the legislature frequently requests updates on which agencies are testing and submitting data into production.

Action Item: Chair Timmann asked for a motion to approve Clerk of Court Data Dictionary v.1.3 and business rules. Sheriff Prendergast moved to approve Clerk of Court Data Dictionary v.1.3 and business rules, and Chief Broadway seconded. The motion passed.

The County Detention Data Dictionary v.1.3.1 changes include:

- Updating elements for weekly admission for revocation of probation or community control and weekly admission for revocation of pretrial release (defined week as Sunday – Saturday).

Chair Timmann asked Council Members Prendergast and David Medina if they had any concerns, and both stated they had no concerns.

Action Item: Chair Timmann asked for a motion to approve County Detention Facility Data Dictionary v.1.3.1. Sheriff Prendergast moved to approve County Detention Facility Data Dictionary v.1.3.1, and Council Member Ling seconded. The motion passed.

ITEM 6 - Uniform Arrest Affidavit (UAA)

Planning and Policy Administrator Ebony Tisby
Florida Department of Law Enforcement

Action Item

Chair Timmann recognized Planning and Policy Administrator Ebony Tisby who provided a status update on the Uniform Arrest Affidavit/Florida Arrest Affidavit (UAA/FAA) Project. UAA is the project, FAA is the product. FDLE staff is currently testing the FAA application and developing a formal state-wide roll-out plan for onboarding agencies. FDLE anticipates beginning onboarding activities with a test group in August 2021 with formal onboarding and training with the remaining agencies starting in September and running through the end of 2021.

The Uniform Arrest Affidavit Data Dictionary v.1.2 rev. 1 changes include:

- Updating height and arresting agency person identifier data elements

The following questions and comments were posed during the discussion on the uniform arrest affidavit:

- Chair Timmann: What agencies are on the uniform arrest affidavit workgroup? My understanding is the clerks are not represented.
 - Administrator Tisby: UAA includes a project steering committee and a workgroup. The workgroup created the elements for the data dictionary. The project steering committee is responsible for the scope, schedule, and budget of the project.
- Chair Timmann: There is concern not all the key contributors are involved in the project (the clerks, state attorneys, chiefs, and the courts). How is case initiation for the courts being integrated into the project?
 - Administrator Tisby: We are not there yet; we are taking a phased-in approach to the project.
- Chair Timmann: The clerks and courts will continue to raise the issue that a static image be created to memorialize the arrest at the time it occurs.
- Chair Timmann: Will notices to appear be incorporated into the project so we have the same data elements throughout and develop a uniform notice to appear?
 - Administrator Tisby: We are working on notices to appear and what data to capture.

- Chair Timmann: Are the proposed UAA data elements being brought in to be uniformly consistent throughout the CJDT project?
 - Administrator Tisby: Yes.
- Council Member Sawyer: Can you elaborate more on the formal onboarding estimated to take place in September?
 - Administrator Tisby: Onboarding is a phased-in approach to include training by the vendor and FDLE staff. Contributors will receive testing credentials and once those entities have successfully tested, they will receive production credentials. FDLE will communicate with the contributors when the onboarding process is ready to begin.
- Council Member Sawyer: When do you anticipate onboarding and training to go live?
 - Administrator Tisby: Pilot onboarding will take place in August and begin rolling out to others in September.
- Council Member Sawyer: Will the workgroup you mentioned earlier be responsible for implementation?
 - Administrator Tisby: The workgroup consists of subject matter experts on the data elements and business rules. The project steering committee is responsible for the scope, schedule, deliverables, and budget to remain on target.
- Amy Wigglesworth: Will the Department of Correction be part of the UAA?
 - Administrator Tisby: The UAA is available to criminal justice agencies if it meets an entity's business processes and needs.
- Amy Wigglesworth: Who represented Department of Correction on the UAA?
 - Administrator Tisby: We will get back to you.
- Council Member Pyle: FDLE is scheduling a call with Judge Bidwill the week of July 26 to discuss moving forward with the court case initiation phase of the project. A feasibility study may be necessary to determine the proper vehicle to include the additional information and costs associated.

Technical difficulties were experienced during portions of the discussion on Uniform Arrest Affidavit.

Chair Timmann asked Council Member Roufa if he had any concerns, he stated he had no concerns.

Action Item: Chair Timmann asked for a motion to approve Uniform Arrest Affidavit Data Dictionary v.1.2 rev. 1. Sheriff Prendergast moved to approve Uniform Arrest Affidavit Data Dictionary v.1.2 rev. 1, and Council Member Sawyer seconded. The motion passed.

ITEM 4 - Florida Incident-Based Reporting System (FIBRS) and Use of Force (UoF)

Planning and Policy Administrator Ebony Tisby
Florida Department of Law Enforcement
Information and Discussion

Chair Timmann recognized Planning and Policy Administrator Ebony Tisby who provided a status update on the Florida Incident-Based Reporting System (FIBRS) and Use of Force (UoF) projects. FDLE is onboarding agencies, and is working through the FBI testing process. FDLE continues to work on the National Incident-Based Reporting System certification requirements. As a result of moving to FIBRS, FDLE has discontinued reporting the Semi-Annual Report of summary Uniform Crime Report (UCR) data.

UoF 2020 data was submitted to the FBI in March and 2021 UoF data can be submitted to FDLE at any time. On July 1, 2022, s. 943.6872, F.S. (HB 7051) goes into effect requiring agencies to submit UoF data to FDLE at least quarterly. FDLE will communicate a CJIS Memo advising agencies of the new law.

As Senior Budget Officer Cynthia Barr mentioned during the legislative update briefing, FDLE received state financial assistance pass through funds for 2021. FDLE is establishing the application process, and a survey will be sent to agencies shortly.

Technical difficulties were experienced during portions of the discussion on Records Management Systems.

ITEM 7 - Records Management System

Planning and Policy Administrator Ebony Tisby
Florida Department of Law Enforcement

Action Item

Chair Timmann recognized Planning and Policy Administrator Ebony Tisby who provided a status update on the Records Management System. A contract was signed with SmartCOP for a statewide RMS. The RMS will be hosted by Department of Highway Safety and Motor Vehicles/Florida Highway Patrol and initially contracted for 200 users. User acceptance testing is scheduled to start August 2021 with a production go-live date of September 30, 2021.

Administrator Tisby shared the next wave in data project initiatives. FDLE is working to:

- Improve the collaborative efforts for the data projects;
- Enhance the dual submission process for the data projects;
- Continue its outreach efforts to engage and onboard new data contributors;
- Assist agencies in working towards transitioning their systems and processes to FIBRS reporting;
- Develop a process for agencies to submit partial (less than 12 months) Summary UCR data; and
- Expand data integrity practices and operational procedures within all data projects.

The following question was posed during the discussion on the records management system:

- Council Member Sawyer: The Council receives quarterly updates on CJDt and UAA. If possible, it would be nice to receive updates on the other projects. Receiving the updates will assist Council members in preparing for future meetings.

ITEM 8 - 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 discussed the hard work the Uniform Statute Table Task Force has addressed since the last Council meeting. The Task Force requested the Council's input on three items related to the statute table; criminal element or penalty statute location, drug statute offenses, and offense numeric code values.

Criminal element or penalty statute location issue: The statutory citation for some criminal charges is cited at the penalty while others are cited at the criminal element. The task force was asked to make a recommendation regarding the appropriate location from the statute for its citation (entry) on the Uniform Statute Table.

- Recommendation: Cite at the location of the element, with the option to consult the Task Force about statutes that are not clear-cut concerning the location of the element. This recommendation is in line with current practices; FDLE has been citing new statute entries at the element consistently since 2019.

Chair Timmann asked the Council to vote on items Council Member Larizza is asking to move forward. The Council can meet at a later date to address pending issues.

Drug statute offenses – Chapter 893 issue: Chapter 893 is complex outlining numerous controlled substances including schedules, derivatives, chemical compounds, and common names, modes of illegality (possession, sale, manufacture, etc.), and various locations. The Task Force was asked to make a recommendation for how to accurately and consistently reflect the myriad of drug offenses on the uniform statute table.

- Recommendation: Requires additional consideration as it conflicts with the recommendation to cite entries at the element. Citing at the element requires separating the locations and intents and is the recommended course of action by FDLE Office of General Counsel.

The following comment was posed during the discussion on the uniform statute table:

- Council Member Sawyer. Did the Task Force discuss the sentencing scoresheet and the uniform statute table complimenting the sentencing scoresheet?
 - Council Member Larizza: To my knowledge no, although it is an excellent point considering a statute number must be included in the scoresheet.

Offense numeric code values issue – Arrest Offense Numeric (AON) code values are used to organize, describe, and provide clarification of criminal charges when documented in state repositories. Some categories have become a 'catch all' causing unrelated entries to be categorized similarly. The Task Force was asked to make a recommendation to determine the best way in which to update/clarify and select the appropriate code values to be associated with each statute entry on the Uniform Statute Table.

- Recommendation: Update AON code values based on evaluated needs using the National Crime Information Center (NCIC) code values as reference. FDLE has received requests to include numeric code values for human trafficking, terrorism, and computer crimes, all of which have a similar NCIC code value but an AON/Florida Crime Information Center code value does not currently exist for these crime categories.

Additional recommendation of the Task Force: The statute table is generally updated following session and ready for publication in the fall of each year (around September/October) but is published only after approval by the CJJIS Council who typically meets in December. In order to approve the changes in a timelier manner, the Council agreed to hold special meetings for the approval of the statute table.

Action Item: Chair Timmann asked for a motion to approve the Task Force recommendations and acknowledge that work continues. Council Member Larizza moved to approve the Task Force recommendations and acknowledge that work continues, and Sheriff Prendergast seconded. The motion passed.

ITEM 9 - 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 a five-year initial life cycle expectancy and has experienced three major upgrades since implementation. BIS is under maintenance contract through December 2021. Because BIS is at its end-of- life, a degradation of service is expected and perhaps unpredictable behavior. FDLE and the vendor have taken mitigation steps by mirroring hard drives and upgrading the tape backup system.

The BIS upgrade is a phased approach using a cloud-based solution; immediate disaster recovery, redundant cloud-based backup; improved matching capabilities; faster comparison processing; future biometric capabilities to include iris identification; and flexible/increased storage capacity on demand in the cloud. FDLE's Legislative Budget Request (LBR) for 2021 was not funded. Staff is exploring grant options and the FDLE plans to pursue an updated LBR in 2022.

Action Item for FDLE: FDLE to provide list of UAA project steering committee and workgroup members, and FIBRS status reports. Information was provided to Council members on July 21, 2021.

CLOSING REMARKS

Chair Timmann asked if the Council members had additional comments. Council Member Prendergast requested future meeting packets be broken down so as they are not so large, this will make it easier for the members to find various documents. Chair Timmann indicated the next Council meeting is scheduled for November 30, 2021. The meeting will be in person; however, a video conference will be scheduled for those who are unable to participate in person. Interim meetings will be scheduled to approve changes to several data dictionaries and statute table changes. The meeting was adjourned at 11:50 a.m.