

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

**MINUTES OF MEETING
Thursday, August 21, 2014 9:30 a.m.
FDLE, 2331 Phillips Road
Tallahassee, FL**

Members Present:

Cindy Sanz, Designee for Commissioner Gerald Bailey, Florida Department of Law Enforcement (FDLE)
Robert Musco, Chief, Green Cove Springs Police Department
Eleese Davis, Designee for Interim Secretary Mike Carroll, Department of Children and Families (DCF)
Robert Fields, Designee for Terry L. Rhodes, Department of Highway Safety and Motor Vehicles (DHSMV)
Carolyn Timmann for Clerks, Martin County Clerk of Court
Doug Smith, Designee for Secretary Mike Crews, Department of Corrections (DC)
Mary Fahlstrom for Don Eslinger, Sheriff, Seminole County
Hamilton Davies for Katherine Fernandez Rundle, State Attorney's Office, Eleventh Judicial Circuit
Stacy Scott, Public Defender, Eighth Judicial Circuit
PK Jameson, Office of State Courts Administrator (OSCA)
Lee Massie, Kissimmee Police Department
Larry Ashley, Sheriff, Okaloosa County

Members Absent:

Carolyn Snurkowski, Designee for Attorney General Pam Bondi
Gina Giacomo Designee for Tena Pate, Chair, Florida Commission of Offender Review (COR)
Scott Morgan, Designee for Interim Secretary Christina Daly, Department of Juvenile Justice (DJJ)

WELCOME MEMBERS and OPENING

Chair Musco welcomed Council members and attendees.

Minutes of the December 18, 2013 CJJIS Council Meeting

Chair Musco requested approval of the minutes of the December 18, 2013, CJJIS Council meeting. Council members moved and seconded motion to adopt the December 18, 2013 minutes. Motion passed.

**ITEM 1
Sunshine Law**

General Counsel Thomas Kirwin
Florida Department of Law Enforcement
Information and Discussion

Chair Musco recognized General Counsel Thomas Kirwin of the FDLE. General Counsel Kirwin briefed the Council on the Florida Sunshine Law. The Sunshine Law requires that 1) meetings of boards or commissions must be open to the public; 2) reasonable notice of such meetings must be given; and 3) minutes of the meeting must be taken. The Sunshine Law applies to all discussions or deliberations as well as the formal action taken by a board or commission. The Law is applicable to any gathering, whether formal or casual, of two or more members of the same board or commission to discuss some matter on which foreseeable action will be taken by the public board or commission. There is no requirement that a quorum be present for a meeting to be covered under the law.

**ITEM 2
2014 SB 1030 Relating to Cannabis**

Director David Coffman
Florida Department of Law Enforcement
Information and Discussion

Chair Musco recognized Forensic Services Director David Coffman of the FDLE. Director Coffman briefed the Council on SB 1030. Director Coffman discussed various sections of SB 1030 and the rule meetings held by Department of Health on the Compassionate Use Registry.

**ITEM 3
Rapid DNA**

Director David Coffman
Florida Department of Law Enforcement
Information and Discussion

Chair Musco recognized Forensic Services Director David Coffman of the FDLE. Director Coffman briefed the Council on the Federal Bureau of Investigation's Rapid DNA project. The initiative is in the early stages of development and the ultimate goal of the project is to place Rapid DNA devices in

booking facilities and collect, analyze, submit, and search DNA results in the FBI Combined DNA Indexing System (CODIS) to determine if a suspect's DNA is linked to any unsolved crimes.

The Rapid DNA Device performs DNA analysis in approximately 80 – 90 minutes from the time the swab is placed in the instrument. The goal is that once the DNA profile is submitted from the booking facility to the CODIS system FDLE will be able to return any potential matches in a matter of minutes. The response will be that an arrested individual in the agency's custody has matched to an unsolved crime in a particular jurisdiction. The booking facility, the investigating agency, and the DNA Database will all be notified of this match. It will be the responsibility of the investigating agency to request the suspect be held pending further questioning. It was emphasized that this is the ultimate goal of this project and it should be noted that currently DNA results developed by these Rapid DNA Devices are not eligible for entry into CODIS. Federal law must be changed in order to allow DNA results to be submitted from these instruments, when the analysis was performed outside of an accredited laboratory. The cost of each rapid DNA device is approximately \$300,000, and each device can analyze four to seven samples at a time. The cost to analyze a sample is approximately \$300 per sample. As of August 2014, FDLE's DNA Database houses and has available to search over one million convicted and arrested offender samples.

ITEM 4

Computerized Criminal History (CCH) Update

Mr. Mark Scharein

Florida Department of Law Enforcement

Information and Discussion

Chair Musco recognized Information Systems and Services Administrator Mark Scharein of the FDLE. Mr. Scharein updated the Council on the status of the CCH project. The Legislature appropriated funding for FDLE to replace the CCH system. FDLE released the intent to negotiate, and staff will review the proposals in October 2014. FDLE estimates the project will take approximately 36 months. Enhancements of the new system include allowing contributing agencies to correct their records and the ability to capture notices to appear.

ITEM 5

2014 SB 528 Relating to Sex Offenses

Ms. Mary Coffee

Florida Department of Law Enforcement

Information and Discussion

Chair Musco recognized Planning and Policy Administrator Mary Coffee of the FDLE. Ms. Coffee briefed the Council on changes to sex offender laws resulting from the passage of SB 528. The bill requires a registrant to report specified information on vehicles the registrant owns and vehicles owned by a person who resides at a registrant's permanent address, Internet identifiers (prior to their use), tattoos or other identifying marks, palm prints, passports, professional license information, immigration status information, and volunteer status at a Florida institution of higher education. Additional changes in the bill include: adds several sexual misconduct offenses which require a person to register as a sexual offender/predator, requires that the petition for removal of registration be filed in the court where the conviction or adjudication occurred, changes the victim age criterion for a petition for removal of registration requirements under the "Romeo and Juliet" statute from 14 to 13 years, and requires the FDLE to inform the clerk of the court if a person petitioning for a name change is a registrant.

ITEM 6
Federal Rapback

Mr. Tim Giesecke
Florida Department of Law Enforcement
Information and Discussion

Chair Musco recognized Bureau Chief Tim Giesecke of FDLE. Mr. Giesecke briefed the Council on federal rapback program. In September 2014, the Federal Bureau of Investigation (FBI) will launch increment four of their Next Generation Identification (NGI). A feature of increment four is the federal rapback program. This program is similar to Florida's retained applicant program. Once enrolled in the program, a person's fingerprints are retained; when the person is arrested FDLE notifies the appropriate entity of the arrest. Benefits of NGI include, retaining criminal and civil fingerprints at the FBI, enhanced photo capability, ability to search scars, marks and tattoos, and submission of palm prints.

Agenda item 11 was added and discussed next.

ITEM 11
Offender Based Transaction System (OBTS) Criminal Justice Data Element Dictionary Update

Ms. Reneé Strickland
Florida Department of Law Enforcement
Information and Discussion

Chair Musco recognized Planning and Policy Administrator Reneé Strickland of FDLE. Ms. Strickland briefed the Council on the OBTS Data Element Dictionary project. The Florida Court Clerks and Comptrollers (FCCC) OBTS Committee, in conjunction with FDLE and OSCA identified changes for the reporting of criminal dispositions to state agencies. The Committee also includes representatives from corrections, the State Attorney and 10 clerks of court. The Committee approved the first formal update to the OBTS Criminal Justice Data Element Dictionary since 1997. Some of the changes include: modification of date fields to 8 digits (MMDDYY to YYYYMMDD), modification of the Florida Statute numbers and financial fields to accept more characters, addition of some critical data elements (Clerk Clock-In Date, Date Pre-trial Diversion Successfully Completed, Date Supervision Completed), and modifications to the reporting of sentence data (Length of Confinement, Probation or Community Control as well as Court Docket Number Relating to Sentence Status). FDLE anticipates being able to accept criminal disposition data in the new format by November 2014.

ITEM 7
National Crime Statistics Exchange (NCS-X)
Ms. April Cross
Florida Department of Law Enforcement
Information and Discussion

Chair Musco recognized Planning and Policy Administrator April Cross of FDLE. Ms. Cross briefed the Council on National Crime Statistics Exchange (NCS-X). The Bureau of Justice Statistics (BJS) is spearheading the NCS-X project. BJS is surveying 400 law enforcement agencies in the United States, thirty of which are in Florida. FDLE is working with the selected law enforcement agencies and the associations on the survey. A concern among law enforcement agencies is the reporting format, going from current summary format to incident-based and the perception of the data. The Council recommended if Florida moves to incident-based reporting to also report the summary format for a specified time period to show the difference incident-based reporting has on the data.

ITEM 8
Automated License Plate Reader (ALPR)
Deputy Director Charlie Schaeffer
Florida Department of Law Enforcement
Action Item

Chair Musco recognized Deputy Director Charlie Schaeffer of FDLE. Deputy Director Schaeffer briefed the Council on the ALPR.

The 2014 Legislature passed SB 296 and HB 7005 which addressed automated license plate readers and issues pertaining to transportation. SB 296 created a public records exemption for all images obtained from an automatic license plate recognition system as well as any personal identifying information in any data generated from images obtained from such a system. HB 7005 included language that FDLE, in consultation with Department of State, establish a retention schedule for records obtained through automated license plate recognition systems. FDLE requested input from the Criminal and Juvenile Justice Information Systems Council in developing the guidelines.

At the December 18, 2013 CJJIS Council meeting, a motion was made to reconstitute the ALPR Workgroup to review the standards to collect the data (to include retention and investigative uses). The Workgroup consisted of Council member Stacy Scott and representatives from law enforcement agencies. The Workgroup drafted guidelines for the use of ALPR using the International Association of Chiefs of Police (IACP) model as a framework.

The Council discussed the use of the data (tactical vs. investigative/intelligence) and privacy concerns. The privacy impact assessment by the IACP states, a license plate number identifies a specific vehicle, not a specific person. Although a license plate number may be linked or otherwise associated with an identifiable person, this potential can only be realized through a distinct, separate step (e.g., an inquiry to a Secretary of State or Department of Motor Vehicles data system). Absent this extra step, the license plate number and the time and location data attached to it are not personally identifying. Thus, even though license plate reader systems automate the collection of license plate numbers, it is the investigative process that identifies individuals.

The Council had lengthy discussions on who should have access to the data, how should officers respond to alerts, how the data is stored and purged, and how to handle misuse. The Council discussed the time frame for retaining the data. Based on national studies, most ALPR users store the data for 1 – 3 years.

It should be noted that there is a possibility that the guidelines may need to go through the rule promulgation process. FDLE will verify with Department of State.

- Motion: Council member Doug Smith moved that the Council recommend the license plate reader data be retained for 3 years. Motion seconded and passed.
- Motion: Council member Doug Smith moved that the Council not set a minimum retention schedule unless directed to do to. Motion seconded and passed.

The Council discussed modifications to the Automated License Plate Reader Guidelines. After much discussion, it was decided that FDLE will incorporate the Council member's changes into the document.

Action Item: FDLE will incorporate recommendations received prior to the Council meeting and send the revised Guidelines to Council members. Council members will provide feedback to FDLE, FDLE will include the recommendations and forward the Guidelines to the Florida Sheriffs Association and Florida Police Chief Association for comments. After the associations review, FDLE will disseminate the Guidelines to the Council for final review and discuss with the Council via conference call. The process should be completed by October 2014.

<p style="text-align: center;">ITEM 9 Photo Sharing and Targeted Interstate Photo Sharing (TIPS) Deputy Director Charlie Schaeffer Florida Department of Law Enforcement Information and Discussion</p>
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Chair Musco recognized Deputy Director Charlie Schaeffer of FDLE. Deputy Director Schaeffer briefed the Council on the Nlets Interstate Sharing of Photos (NISP). FDLE and HSMV are participating in a project with Nlets on the sharing of driver license photos among states. Some states also share corrections photos. To access the data, agencies use a specific query in the Florida Crime Information Center eAgent software. Items agencies should consider when utilizing the system include guidelines for use, implications for misuse, and public record requests.

Deputy Director Schaeffer also shared with the Council the NLETS Targeted Interstate Photo Sharing (TIPS) initiative. TIPS extends the image capability directly to officers on the street. TIPS allows users to attach a photo to a BOLO or Administrative Message and includes the transmission of photos of wanted persons, missing children, vehicles, identifying scars, marks, and tattoos.

<p style="text-align: center;">ITEM 10 CJJIS Council Meeting Dates Director Jennifer Cook Pritt Florida Department of Law Enforcement Information and Discussion</p>

Chair Musco recognized Director Jennifer Cook Pritt of FDLE. Director Pritt briefed the Council on future Council meeting dates. Potential meeting dates are January 21, 2015 in Tallahassee, Florida and July 14 – 16, 2015 at the CJIS Symposium at Sawgrass Marriott Gold Resort and Spa, Ponte Vedra, Florida.

Action Item: FDLE to provide Council with additional information and solicit feedback on Council members’ availability for the proposed meeting dates.

Chair Musco opened the floor for discussion.

The Council requested the agenda be provided to them with ample time to review the items.

Action Item: Vice Chair Doug Smith asked FDLE to research if the Fish and Wildlife Conservation Commission (FWC) should be represented on the Council. Staff advised that would require a statute change. FDLE will research and report at the next Council meeting.

<p style="text-align: center;">CLOSING REMARKS</p>

Chair Musco thanked members for their attendance. The meeting was adjourned at 1:50 P.M.