



**National Crime Prevention and Privacy Compact
Compact Council Meeting
Portsmouth, Virginia
May 14-15, 2014**

FINAL MINUTES

Ms. Dawn A. Peck, Chairman, National Crime Prevention and Privacy Compact Council (Council), called the Council meeting to order at 9:00 a.m. on May 14, 2014, in Portsmouth, Virginia.

Mr. Gary S. Barron, FBI Compact Officer, conducted roll call of the Council members. The following Council members, or their proxies, were in attendance.

State Compact Officers:

- Ms. Katie Bower, Michigan State Police
Proxy for Ms. Julie A. LeTourneau Lackner, Minnesota Department of Public Safety
- Ms. Wendy L. Brinkley, North Carolina State Bureau of Investigation
- Dr. Natalie A. Chrastil, Wyoming Division of Criminal Investigation
Proxy for Ms. Terry Gibbons on 05/15/2014
- Ms. Terry Gibbons, Georgia Bureau of Investigation
- Mr. Jeffrey R. Kellett, New Hampshire State Police
- Major Timothy P. McGrail, Missouri State Highway Patrol
- Ms. Debbie McKinney, Oklahoma State Bureau of Investigation
- Ms. Dawn A. Peck, Idaho State Police
- Mr. Matthew R. Ruel, Maine State Bureau of Identification
Proxy for Mr. Jeffrey R. Kellett on 05/15/2014
- Ms. Jennifer Sablan, Hawaii Criminal Justice Data Center
Proxy for Ms. Liane M. Moriyama
- Ms. Donna M. Uzzell, Florida Department of Law Enforcement

State/Local Noncriminal Justice Agency Representative:

- Mr. David LeNoir, Georgia Department of Behavioral Health and Developmental Disabilities

State/Local Criminal Justice Agency Representative:

- Captain Thomas W. Turner, Virginia State Police

Federal Noncriminal Justice Agency Representative:

- Mr. Merton W. Miller, Office of Personnel Management

Federal Criminal Justice Agency Representative:

- Mr. Jason Henry, Department of Homeland Security

Advisory Policy Board Representative:

- Mr. Michael C. Lesko, Texas Department of Public Safety

Federal Bureau of Investigation:

- Mr. Jeremy M. Wiltz, FBI CJIS Division
Proxy for Mr. Stephen L. Morris

Other meeting attendees introduced themselves and the agencies they represented.

(Attachment 1)

In her opening comments, Chairman Peck announced Mr. Jason Henry, Department of Homeland Security (DHS), as the new Federal Criminal Justice Agency representative on the Council, completing the term vacated by Mr. Steven W. Cooper's retirement. In addition, she recognized several new State Compact Officers (SCOs) – Mr. Joseph Morrissey of New York, Ms. Rickeya Franklin of Ohio and Mr. Dane Silcox of Connecticut. Chairman Peck expressed her appreciation to proxies that were in attendance. The proxies included: Mr. Mike Richetti, Montana Department of Justice; Ms. Lisa Winston, Arkansas Crime Information Center; Mr. Adam DeCamp, Iowa Department of Public Safety; Ms. Katie Bower, Michigan State Police; Dr. Natalie A. Chrastil, Wyoming Division of Criminal Investigation; Ms. Jennie Temple, South Carolina Law Enforcement Division; and Ms. Jennifer Sablan, Hawaii Criminal Justice Data Center.

Next, Chairman Peck welcomed the non-party state representatives attending the Council meeting. She recognized Mr. Tony Loth, Nebraska State Patrol and Ms. Jo Williams, Washington State Patrol. In addition, she expressed her appreciation for the guest speakers' participation in the meeting. She acknowledged Dr. Gerald Ramker of the Bureau of Justice Statistics (BJS); Mr. David Gavin, the Next Generation Identification (NGI) Executive Outreach; Mr. Owen Greenspan, The National Consortium for Justice Information and Statistics (SEARCH); and Mr. Nathan Tsoi of the Transportation Security Administration (TSA).

Chairman Peck reported that several topics were provided as information only and were included in the meeting registration packets; however, they will not be presented at the meeting. These topics include the National Fingerprint File (NFF) Quarterly Statistics and the Integrated Automated Fingerprint Identification System (IAFIS) Status report. She advised that questions relating to those topics should be addressed to the authors of the staff papers.

Next, she discussed the SCO Council elections. She noted that as of September 30, 2014, there will be four vacant SCO positions on the Council. The officers who have expiring terms are representatives from Hawaii, Minnesota, North Carolina, and Oklahoma. She announced that eight nominations were received for the four vacant positions. Chairman Peck explained that each of the SCOs in attendance received election material and completed ballots are to be provided to the FBI CJIS Division staff.

The ballots were counted and certified on May 14, 2014. At the conclusion of the ballot count, there were two candidates with the highest number of votes and a tie of three candidates for the remaining two SCO vacancies on the Council. In accordance with the Bylaws, Section 5.1, in the case of an election that does not conclusively identify the requisite number of candidates for the vacancies that exist, the Chairman shall conduct a run-off election as necessary to resolve a tie; as such, Chairman Peck conducted a run-off election of the three candidates on May 15, 2014. A run-off ballot was prepared and the SCOs were requested to vote for two of the three candidates for the remaining two SCO vacancies on the Council. The SCOs that voted absentee were also contacted and requested to participate in the run-off election. The run-off ballots were counted and the FBI Compact Officer, Mr. Gary S. Barron, certified the election results on May 15, 2014.

The following SCOs were elected to serve on the Council for a two-year term and their names have been forwarded to the United States (U.S.) Attorney General (AG) for appointment:

- Dr. Natalie A. Chrastil, Wyoming Division of Criminal Investigation
- Ms. Julie A. Lackner, Minnesota Department of Public Safety
- Ms. Liane M. Moriyama, Hawaii Criminal Justice Data Center
- Mr. Matthew R. Ruel, Maine State Bureau of Identification

In the event of a vacancy during the next year, the following individuals were elected as an alternate SCO on the Council and their names were also forwarded to the U.S. AG for appointment:

- First Alternate: Ms. Wendy L. Brinkley, North Carolina State Bureau of Investigation
- Second Alternate: Ms. Katie Bower, Michigan State Police
- Third Alternate: Ms. Debbie McKinney, Oklahoma State Bureau of Investigation
- Fourth Alternate: Ms. Carol Shelton, Maryland Department of Public Safety and Correctional Services

Lastly, Chairman Peck announced that the deadline for topic paper requests for the fall Committee meetings is June 4, 2014. In addition, she noted that the Standards and

Policy (S&P) Committee and the Planning and Outreach (P&O) Committee meetings are tentatively scheduled for September 17-18, 2014, in San Antonio, Texas.

The Council then finalized the draft minutes from the November 2013 meeting, approving them with no changes.

Compact Council Action: Ms. Donna M. Uzzell moved to approve the November 2013 minutes. Seconded by Ms. Wendy L. Brinkley. Motion carried.

Agenda topics were then discussed.

Topic #1 Council Chairman's Report

In her new role as the Council Chairman Ms. Dawn A. Peck provided a Council update. She discussed her vision for the Council over the next two years. She reinforced the theme of partnership and emphasized leadership. She explained that she wants the members of the Council and Committees and SCOs to recognize that they are all leaders. In addition, she noted that the Council is the leader statutorily in the noncriminal justice arena. She believes that by partnering with other organizations such as the Advisory Policy Board (APB), SEARCH, the vendor community, and our private partners, the Council can propel itself as leaders for the noncriminal justice community that can accomplish great success for all in the future.

Next, Chairman Peck discussed focusing on getting people involved in the Council and its process. She recognized the willingness of everyone collectively working together to tackle issues that we are dealing with in this day and age. She further elaborated that the Council and Committee members work very well together, respect one another's opinions, and share ideas in an effort to address noncriminal justice issues.

Chairmen Peck also noted that she would like to focus on taking advantage of technology. She explained that the technology that exists today is very different than the technology that was available five, ten, and twenty years ago. The states need to take advantage of the technology to help propel them in their roles as SCOs and in upholding the rules and procedures established by the Council. She emphasized that they need to make the technology focus a priority.

Chairman Peck announced to the Council members and the gallery that the Compact celebrated its 15th anniversary in April. She advised that 30 states have ratified the Compact. Eleven additional states have signed a Memorandum of Understanding that recognize the Compact and exchange criminal history information in accordance with its established policies and procedures. In addition, eighteen states are participating in the

NFF Program and Ohio and New York are in the queue awaiting participation once the NGI baseline freeze is lifted sometime after the deployment of Increment 4.

She reported that since the November 2013 Council meeting, the Committees have some new members. She recognized new leadership in the P&O Committee as Ms. Terry Gibbons took the helm as the new Chair and Dr. Natalie Chrastil as the new Vice Chair. Ms. Carole Shelton was named as the new Vice Chair of the S&P Committee.

Chairman Peck concluded her report by speaking of the various teleconferences, briefings, and task forces that she's participated in since the November 2013 Council meeting. She and Ms. Donna M. Uzzell, Florida Department of Law Enforcement (FDLE), collaborated with SEARCH in a panel briefing to Senate and House of Representatives judiciary staffers. She explained that the briefing served to educate the staffers on the provisions of the Compact Act of 1998 and the role of the Council, and provided general background on CHRI and the current laws and policies governing its use for noncriminal justice purposes. She also advised that she, along with the New Hampshire SCO Mr. Jeffrey R. Kellett and the APB Council representative Mr. Michael C. Lesko, were asked to participate in the National Defense Authorization Act Task Force in December 2013, helping to provide insight into the use of criminal history record information (CHRI) for noncriminal justice purposes from a state prospective.

Compact Council Action: This topic was accepted for information only.

Topic #2 FBI's Criminal Justice Information Services (CJIS) Division Update

On behalf of Mr. Stephen L. Morris, FBI CJIS Division Assistant Director (AD), Mr. Jeremy M. Wiltz provided an overview of the CJIS Division's current initiatives. He welcomed the Council members and guests to Portsmouth, Virginia. In one of his last official roles as the acting AD, Mr. Wiltz was honored and privileged to have the opportunity to speak to the Council and discuss several of the Division's initiatives.

Mr. Wiltz announced that the CJIS Division welcomed Mr. Morris as the new AD. AD Morris is familiar with the CJIS Division as he was previously a Section Chief and a Deputy Assistant Director.

Next, Mr. Wiltz highlighted his experience with the Compact Team while participating in a NFF on-site readiness assessment at the New York State Division of Criminal Justice Services (NY DCJS). He noted that the on-site was very informative regarding the NFF process and what it takes for a state to become a NFF participant. He thanked the Compact Team and the NY DCJS for including him in the on-site.

Next, he noted some changes in the CJIS Division executive staff. Ms. Robin Stark was promoted to the Resource Management Section Chief. Mr. Sean Ragan is the

new National Instant Criminal Background Check (NICS) Section Chief. Ms. Jamie McDevitt is the acting Global Operations Section Chief. Lastly, Mr. George White was promoted to the CJIS Information Assurance Unit Chief.

Mr. Wiltz briefed the Council on the budget. He explained that the User Fee Study recently finished and the results of the study will be published in the Federal Register (FR). He noted that Rap Back was not included in the User Fee Study as a fee was already published in the FR. Next, he spoke about sequestration. Sequestration affected the CJIS Division last year with a reduction in staffing and will have a long-term effect. He advised that the CJIS Division was able to secure a budget for fiscal years 2014 and 2015. However, there are no signs of what might happen in 2016.

Next, he provided updates on various projects and information sharing programs at the CJIS Division. He announced that on January 30, 2014, the last fingerprint from the legacy fingerprints digitizing project was converted. This was a monumental accomplishment for the Division. In addition, the NICS has seen an increase in E-checks since 2009. Some of the larger retail stores have started using E-check for their firearms background checks. The CJIS Division is in the process of gathering user requirements for the next generation of the National Crime Information Center (NCIC) with the goal of beginning new development in 2016. He stated the Law Enforcement National Data Exchange (N-DEx) has seen an increase in the number of records being ingested into the system. Construction is continuing with the Biometrics Technology Center (BTC) and the building should be complete by early 2015. It will then take several months to get the infrastructure in place. The goal is to start moving people into the building by the summer of 2015. Mr. Wiltz briefed the Council on the Law Enforcement Enterprise Portal (LEEP). Some of the applications available on the LEEP are the active shooter, virtual command center, NCIC mobility, and the Repository for Individuals of Special Concern (RISC). He advised the categories of cargo theft, human trafficking, rape, and hate crime will be included in the Uniform Crime Reporting (UCR) system. Next, he noted that the CJIS Division is working with the Chief Information Officer's (CIO) office on the data center consolidation initiative. Currently, the Department of Justice (DoJ) has a significant number of data centers. The plan is through consolidations and closures to reduce the number of data centers down to three by 2018.

Mr. Wiltz concluded his presentation with a video highlighting the Latent Hit of the Year. Before the video began, Ms. Donna M. Uzzell, FDLE SCO, thanked Mr. Wiltz for taking the time to visit the NY DJCS and learn about the NFF Program.

(Attachment 2)

Topic #3 **Compact Council Action: This topic was accepted for information only.**
Advisory Policy Board (APB) Update

Captain Thomas W. Turner presented the APB update and provided an overview of items supported by the APB at its December 2013 meeting, as they relate to the Council. He recognized the new APB Working Group (WG) Chairs for the mid-2014 through mid-2016 term. Mr. Jeffrey Wallin is the new Chair for the Northeast WG. The North Central WG Chair is Mr. Walt Neverman. Ms. Brenda Abaya is the Western WG Chair. The Southern WG Chair is Lieutenant Colonel Brad Bates. Lastly, Mr. Chester “Duke” B. Longcor is the Federal WG Chair. In addition, he announced the APB Subcommittee Chairs for the 2014-2015 term. The Subcommittee Chairs include Mr. Scott Patterson (Bylaws), Mr. Mike Lesko (Identification Services [IS]), Mr. Scott Edson (N-DEx), Mr. Mike McDonald (NCIC), Ms. Dawn Peck (Compliance Evaluation), Mr. Alan Ferretti (Security and Access [S&A]), Mr. Larry Stelma (UCR), and Ms. Julie Basco (NICS).

Included in the recommendations from the December 2013 meeting were motions to change the nomenclature in the National Incident-Based Reporting System (NIBRS) of Lovers’ Quarrel to Domestic Violence; to allow states to propose an alternative palm validation process for review by a Joint Review Group; and to direct the CJIS Division to implement a Technical and Operational Update (TOU) process that publishes a new TOU on a quarterly basis with a record of changes and a specific version number to track changes to the EBTS. In addition, the APB moved to make a change to the NICS regulations to expand the non-Brady Act uses of the NICS to permit criminal justice agencies and/or other authorized agencies as identified in Title 5, United States Code (U.S.C.), Section 9101 to conduct a NICS background check during the hiring process, certification process, and/or during reinvestigation of criminal justice professionals or other persons authorized by law to carry a firearm; to modify the current CJIS Security Policy (CSP) language in Appendix A: Terms and Definitions and Section 5.6.2.2.1; and, to allow the addition of a deoxyribonucleic acid (DNA) indicator field within a criminal history record indicating whether DNA has been successfully enrolled in the appropriate State DNA Index System, thereby eliminating any DNA flags and related fields that have been previously adopted by the APB. Lastly, the APB moved to approve the new Mobile Device Policy Section of the CSP and that at the time of the detainer transaction, to allow the owning Originating Agency Identifier (ORI) the capability to delete the vehicle data fields in the Wanted Person File record.

In closing, Captain Turner provided a list of upcoming topics that will be presented during the June 2014 APB meeting. Topics include the potential membership additions to the APB; whether animal cruelty should be captured within NIBRS; the possibility of expanding the Law Enforcement Officer Killed to include individuals killed in the line of duty acting on behalf of law enforcement; the Department of Defense’s (DoD) request for access to specific NCIC files; and possible exceptions to the encryption requirement in Section 5.10.1.2 of the CSP. Captain Turner announced that the spring 2014 APB meeting will be held from June 4-5, 2014, in St. Louis, Missouri. The Working Group meetings are scheduled for August 19 and 21, 2014, with the ISO

Conference on August 20, 2014, in Louisville, Kentucky. The Subcommittees will meet on October 21-23, 2014, with a tentative location of Tulsa, Oklahoma. The fall 2014 APB meeting is tentatively scheduled for December 2-5, 2014, with a location yet to be determined.

(Attachment 3)

Compact Council Action: This topic was accepted for information only.

Topic #4 Bureau of Justice Statistics (BJS) Update

Dr. Gerard F. Ramker, BJS, provided a brief update on the Criminal History Record Information Sharing (CHRIS) Project. He thanked the Council for allowing him to present on items of interest to the Council.

Dr. Ramker was pleased to announce the release of the national recidivism study. He explained that the report provides the most comprehensive recidivism study and it was completed as part of the CHRIS Project. As background, Dr. Ramker explained that the recidivism study focused on prisoners released in 30 states in 2005 and were followed through to 2010. His presentation highlighted the results of the study. Among the highlights, he noted that among state prisoners released in 30 states in 2005 approximately two-thirds (67.8%) of released prisoners were arrested for a new crime within 3 years, and three-quarters (76.6%) were arrested within 5 years. More than a third (36.8%) of all prisoners who were arrested within 5 years of release were arrested within the first 6 months after release, with more than half (56.7%) arrested by the end of the first year. A sixth (16.1%) of released prisoners were responsible for almost half (48.4%) of the nearly 1.2 million arrests that occurred in the 5-year follow-up period.

After reviewing the results of the study, Dr. Ramker provided information regarding the 2014 National Criminal History Improvement Program (NCHIP) and the NICS Act Record Improvement Program (NARIP) grants. He explained that the available funding for 2014 went up to \$58 million. \$46,500,000 was appropriated to the NCHIP. Forty-three states submitted applications requesting \$56 million in funding. The NARIP was appropriated \$12 million and eighteen applications were received requesting approximately \$23 million. The BJS staff is currently reviewing each of the applications. He further noted that it is anticipated that the budget for the 2015 NCHIP and NARIP grants will be approximately \$55 million.

Compact Council Action: This topic was accepted for information only.

Topic #5 National Fingerprint File Program Participation Implementation Plan

Ms. Paula A. Barron, FBI CJIS Division staff, provided the NFF Implementation Plan status updates for non-NFF Compact states. As background, Ms. Barron explained that in November of each year the SCOs of non-NFF Compact states are asked to provide an implementation plan which is a status update for that state's progress toward participation in the NFF Program. In November 2013, the FBI Compact Officer requested and received plans from the non-NFF Compact states. Of the 12 non-NFF/Compact states, 10 states provided plans. Ms. Barron directed the Council members to refer to Attachment #1 in the meeting package. The attachment included a chart which listed each of the states and a description of the responses received from the states. Ms. Barron's presentation complimented the attachment and she provided more current information where available.

As Ms. Barron discussed each of the state's implementation plans, she provided information pertaining to teleconferences that the Compact Team participated in with the state, the status of the state's Automated Fingerprint Identification System and Computerized Criminal History system, if the state received NCHIP or NARIP funding, if the state had an NFF on-site readiness assessment, and the anticipated participation date.

Ms. Barron announced that in support of moving states towards NFF participation, the FDLE hosted the second NFF Lessons Learned webinar in April 2014. Mr. David Jobs, Iowa State Police, provided an overview of the state's movement toward NFF. There were 52 attendees from nine of the non-NFF Compact states. Additionally, SCOs from Wyoming and Michigan provided information relating to their experiences with obtaining grant funding for their states' movement toward NFF implementation.

Lastly, Ms. Barron thanked Mr. Wiltz for his support of the NFF Program and for his participation in the NY DCJS on-site readiness assessment.

(Attachment 4)

Compact Council Action: This topic was accepted for information only.

Topic #6 NGI Program Implementation and Transition Update

Mr. Brian L. Edgell, FBI CJIS Division staff, provided an update on the incremental deployment of the NGI and changes to the system. He presented a high-level depiction of the specific milestones with the NGI Program. Mr. Edgell noted that all of the development for NGI is completed at this time.

Mr. Edgell reported that Increment 2 was deployed in August 2011 and involved the implementation of RISC. He advised that RISC will soon be transitioned to another unit within the CJIS Division. Increment 3 involved the implementation of palmprints, latents, and rapid response. Mr. Edgell noted that all contributors saw a threefold increase in accuracy once this system was deployed. He also informed the Council that the latent business line was completely transitioned to the Latent Forensic Support Unit at the CJIS Division.

Mr. Edgell announced that the deployment of Increment 4 will take place on June 15, 2014. The legacy IAFIS will be removed and replaced by NGI. A Universal Control Number (UCN) will be assigned to all civil identities and all newly established criminal identities. However, if agencies are still using the check digit functionality, they will be able to use it for a year. Mr. Edgell further explained that the Rap Back functionality will be turned on, however, agencies interested in participating in the Rap Back Service must complete Appendix 2 and return to the CJIS Division. In addition, he advised that the facial recognition pilot is underway. He noted that once Increment 4 is deployed and the system is stable, then the facial recognition pilot states will be moved from the pilot stage. Included in the Increment 4 deployment is the High Priority Tenprint Search Allocations. Lastly, Mr. Edgell advised that Increment 5 involving the Iris Pilot is underway.

As Mr. Edgell concluded his presentation, he briefly informed the Council of a study that is currently underway at the CJIS Division. The study will likely launch in June 2014 and last approximately one year. He explained the mission of the study is to examine the access of the data that is now available in the NGI. He further explained that an Advisory Group will be created to assist in defining the scope and details of the study. Three members of the APB and members from the Council will be included in the Advisory Group.

(Attachment 5)

Compact Council Action: This topic was accepted for information only.

Topic #7 Implementation of the NGI Enhanced Repository

Mr. Brian L. Edgell, FBI CJIS Division staff, provided a brief summary of the NGI enhanced repository. He explained the difference between the IAFIS and NGI. In the IAFIS, criminal and civil records were maintained in separate repositories. Whereas, in NGI, those records will be consolidated, but logically separated. A UCN no longer implies that the subject has a criminal record.

Compact Council Action: This topic was accepted for information only.

- Topic #8**
- (A) Rap Back Focus Group Update**
 - (B) Possible NGI Enhancements for Processing Retained Civil Tenprint Fingerprint Identification Submissions**
 - (C) The Possible Use of III Messages for Non-Biometric NGI Rap Back Service Transactions**

Mr. David Gavin presented the Rap Back Focus Group Update. He explained that the update would include two focus areas. First, he opened his presentation with topic #8C, the Possible Use of the III Messages for Non-Biometric NGI Rap Back Service Transactions. Mr. Gavin explained that the rap back service is being implemented as an electronic biometric transmission specification (EBTS) service. As such, all of the rap back functions are performed through EBTS transactions. However, some states are asking if III text-based searches may be used for non-biometric records rather than the EBTS transactions. He further clarified that the rap back transactions processed through either the III message format or the EBTS transactions have the same information. In addition, any messages in the III format would be submitted and received through the agency's current III processes and no biometrics would be transmitted. Currently, there is no cross-system communication in place that would allow fee-based rap back transactions to be submitted in the III format.

Mr. Gavin explained there are six transactions that must be created to participate in the Rap Back Service. He reviewed each of the transactions and provided guidance regarding whether the transaction was a good candidate for the III message format. Of the six transactions, he advised that four have some amenability to the III message format. He emphasized that the EBTS transactions remain valid and available. The III message format would be completely optional. In addition, the FBI CJIS Division would need to keep the EBTS transactions and the III message format transactions in sync.

The Council discussed the information and agreed that they wanted the CJIS Division to explore the possibility of using the III messages for non-biometric NGI Rap Back Service transactions; however, the Council believes the results of the research should be provided to the S&P Committee prior to the implementation of the transactions in the III messaging format so the S&P Committee understands the ramifications, how the possible transactions would work, provide input, and then prioritize. In the essence of time, the Council agreed that the results of the research should be provided via telephone conference call to the S&P Committee prior to the fall 2014 committee meetings.

The next area that Mr. Gavin focused on was the possible NGI enhancements for processing retained civil tenprint fingerprint identification submissions. He explained that NGI's Increment 4 does not include storage of the State Identification Number (SID) civil tenprint fingerprint submissions. The enhancement would task the CJIS Division with performing an analysis to determine if the NGI could be modified to store the SID related to civil retention for tenprint identification submission.

Mr. Gavin stated the second enhancement focuses on the civil retained transactions. The question is whether the NGI could be modified to develop \$.A messages that would provide the Hit/No-Hit responses to civil retained fingerprint submissions. The Council discussed the information and moved to have the CJIS Division perform the required analysis to determine if NGI could be modified to develop \$.A. messages that would provide the Hit/No-Hit responses to civil retained fingerprint submissions. The results of the research for the enhancements should be provided to the S&P Committee prior to the implementation of the possible enhancements. In the essence of time, the Council agreed that the results of the research should be provided via telephone conference call to the S&P Committee prior to the fall 2014 committee meetings.

Next, Mr. Gavin briefed the Council on a motion that came from the S&P Committee's March 2014 meeting. The motion was to support the APB's 2005 recommendation to "amend the record to reflect the Originating Agency Identifier (ORI)/Contributing Agency Identifier of the submission, but not the complete civil or criminal cycle from the nondisseminable submission. . . ." He explained the context of the S&P Committee's discussion about all of the identifiers that are in an identity and the desire, in 2005, was that the ORIs of the nonretained submissions that contributed to those identifiers be included in the record. Based on the Council's discussion, the issue was referred to the Rap Back Task Force for further review.

Compact Council Action: Regarding possible **enhancement #1**, Mr. Michael C. Lesko moved to endorse the S&P Committee's recommendation to **accept option #1**, as listed below.

Option #1:

- CJIS perform the required analysis to determine if NGI could be modified to store the SID related to civil retain Tenprint Fingerprint Identification Submissions, affording similar SID processing benefits for civil retained submissions, currently delivered for criminal retained submissions.
- If there is an appropriate means of delivering those benefits, CJIS should proceed with that development.
- If there is not an appropriate means of delivering those benefits, CJIS should report back to the Standards and Policy Committee the specific results of the analysis.

Seconded by Ms. Donna M. Uzzell. Motion carried.

Compact Council Action: Regarding possible **enhancement #1, option #1**, Mr. Michael C. Lesko moved the results of the CJIS Division's research be provided to the S&P Committee prior to the implementation of the possible enhancements. In the essence of time, the Council agreed that the

results of the research should be provided via telephone conference call to the S&P Committee prior to the fall 2014 committee meetings.

Seconded by Ms. Donna M. Uzzell. Motion carried.

Compact Council Action: Regarding the S&P Committee's motion to support the Advisory Policy Board's (APB) 2005 recommendation to "amend the record to reflect the Originating Agency Identifier (ORI)/Contributing Agency Identifier of the submission, but not the complete civil or criminal cycle from the nondisseminable submission. . .," Mr. Jeffrey R. Kellett moved to refer the issue to the Rap Back Task Force for further review and discussion.

Seconded by Mr. Michael C. Lesko. Motion carried.

Compact Council Action: Regarding possible **enhancement #2**, Ms. Donna M. Uzzell moved to endorse the S&P Committee's recommendation to **accept option #1** as listed below.

Option #1:

- CJIS perform the required analysis to determine if NGI could be modified to develop \$.A. messages that would provide the Hit/No-Hit responses to civil retained fingerprint submissions, or report back to the Standards and Policy Committee the analysis results and, if appropriate, prioritization.
- If there is an appropriate means of developing \$.A. Hit/No Hit messages for civil retained fingerprint submissions, CJIS should proceed with that development.
- If there is not an appropriate means of developing \$.A. Hit/No Hit messages for civil retained fingerprint submissions, CJIS should report back to the Standards and Policy Committee the specific results of the analysis.

To further clarify, the results of the research should be provided to the S&P Committee prior to the implementation of the possible enhancements. In the essence of time, the Council agreed that the results of the research should be provided via telephone conference call to the S&P Committee prior to the fall 2014 committee meetings.

Seconded by Mr. Michael C. Lesko. Motion carried.

Compact Council Action: Regarding the possible use of III messages for non-biometric NGI Rap Back Service transactions, Ms. Donna M. Uzzell

moved to endorse the S&P Committee's recommendation to **accept Option #1**, as listed below.

Option #1:

Recommends the CJIS Division perform the necessary research to determine the feasibility of transforming the following types of Rap Back EBTS transactions and their accompanying responses to III messaging format, if possible, for use by Submitters in lieu of EBTS transactions.

1. Rap Back Subsequent Subscription Request – Civil
 2. Rap Back Subsequent Subscription Request – Criminal
 3. Rap Back Maintenance Submission
 4. Rap Back Identity History Summary Request
- If there is an appropriate means of transforming Rap Back EBTS messages to III messaging, CJIS should proceed with that development.
 - If there is not an appropriate means, CJIS should report back to the Standards and Policy Committee the specific results of the research.

Regarding the two previous bullets, the results of the research should be provided to the S&P Committee prior to the implementation of the transactions in the III messaging format so the S&P Committee understands the ramifications, how the possible transactions would work, provide input, and then prioritize. In the essence of time, the Council agreed that the results of the research should be provided via telephone conference call to the S&P Committee prior to the fall 2014 committee meetings.

Seconded by Ms. Wendy L. Brinkley. Motion carried.

(Attachment 6)

Topic #9 National Crime Prevention and Privacy Compact Council Audit Guide

Mr. Randall Wickline, CJIS Audit Unit (CAU), presented the proposed revisions to the newly revamped Audit Guide. He began his presentation by providing the Council with a brief background of the Audit Guide and he highlighted some of the Council's previous discussions on the topic. He explained that in support of the Council's Strategic Plan Objective 2.1, *to ensure compliance with privacy and security standards for the handling of criminal history record information for noncriminal justice purposes*, the Audit Guide was recently reviewed by the Compact Team and the CAU.

Mr. Wickline further explained that due to changes in both policy requirements and the FBI audit processes that have occurred since the Audit Guide's last revision in

2009, the Council approved plans to revise and update the Audit Guide during its November 2013 meeting. Next, Mr. Wickline reviewed the proposed changes to the Audit Guide. The revised Guide features an increased focus on specific considerations for audit development. In addition, he explained that much of the policy information contained in the previous edition of the Audit Guide had been migrated to the Noncriminal Justice Online Policy Resource located on the Council's Law Enforcement Online (LEO) Special Interest Group (SIG).

Lastly, the Council briefly discussed the proposed changes to the Audit Guide and moved to endorse the P&O Committee's motion to proceed with publishing the revised Audit Guide as presented. The Council further moved to post the revised Audit Guide on the Council's LEO SIG.

(Attachment 7)

Compact Council Action: Ms. Terry D. Gibbons moved to endorse the P&O Committee's motion to proceed with publishing the revised Audit Guide as written. Seconded by Mr. David LeNoir. Motion carried.

Compact Council Action: Ms. Terry D. Gibbons moved to post the revised Audit Guide on the Council's Law Enforcement Online (LEO) Special Interest Group (SIG). Seconded by Ms. Donna M. Uzzell. Motion carried.

Topic #10 2013 IAFIS Audit Results Summary

Mr. Todd C. Commodore, FBI CJIS Division staff, presented the 2013 IAFIS Audit Results Summary. He explained that the topic is a result of action taken during a review of the Council's Strategic Plan at the September 2010 P&O Committee meeting. Mr. Commodore further explained that the summary includes the most prevalent findings as they relate to both the NFF Qualification requirements and the Access to CHRI for Noncriminal Justice Purposes. Next, Mr. Commodore provided the Council with a high-level review of the audit results.

(Attachment 8)

Compact Council Action: This topic was accepted for information only.

Topic #11 Council's Identity Verification Guide

Ms. Melody K. Ferrell, FBI CJIS Division staff, presented the P&O Committee's Report on the Council's Identity Verification Guide (Guide). As background, the document was first published by the Council in 2005 and provides guidance on best

practices for verifying the identity of applicants at the time of fingerprinting. Ms. Ferrell explained that during the fall 2013 Council meeting, she presented proposed changes to the Guide that were recommended by the P&O Committee. During the fall 2013 Council meeting, the topic generated significant discussion among the Council members. At the time, the Council decided to incorporate the changes and directed the Compact Team to further refine the Guide and present the recommendations to the P&O Committee at its spring 2014 meeting.

Ms. Ferrell presented the red-lined version of the proposed changes to the Guide. She highlighted each of the recommendations made since the fall 2013 Council meeting. Included among the proposed changes was a revised list of secondary identification documents; language was strengthened within the chain of custody procedures to validate the submission of electronic fingerprint submissions; and, examples of fingerprint fraud were included in the Guide. These changes ensured information contained in the Guide was fully up-to-date, provided additional clarity, and refreshed the appearance of the Guide. Based on the discussion, the Council moved to endorse the P&O Committee's recommendation to accept the changes to the Guide.

(Attachment 9)

Compact Council Action: Ms. Terry D. Gibbons moved to endorse the P&O Committee's recommendation to accept the changes to the new Identity Verification Program Guide. Seconded by Mr. Jason Henry. Motion carried.

Topic #12 Noncriminal Justice Online Policy Resource

Ms. Anissa C. Drabish, FBI CJIS Division staff, presented the Noncriminal Justice Online Policy Resource. She provided a brief background of the web-based library. In a continuing effort to provide educational outreach to the noncriminal justice community, the Compact Team, in collaboration with the CAU, presented a proposal to the P&O Committee at its March 2013 meeting and subsequently to the Council at its May 2013 meeting, to develop a Noncriminal Justice Online Policy Resource. She recalled the ultimate goal of the Noncriminal Justice Online Policy Resource was to centralize the significant policies and supporting resources in one location on the Council's LEO SIG.

Ms. Drabish explained that during the May 2013 Council meeting, the Council endorsed the development of the Noncriminal Justice Online Policy Resource with the plan that as future topics are developed by the Compact Team and the CAU staff and approved by the CJIS Division, each will be presented to the P&O Committee for approval and posted to the Council's LEO SIG.

Next, she briefly highlighted two of the topics that are currently available in the Noncriminal Justice Online Policy Resource. The first resource was the Interstate Identification Index Access for Exigent Circumstances (Purpose Code X). She advised this document was presented and approved by the P&O Committee at its September 2013 meeting. During its March 2014 meeting, the P&O Committee discussed and approved the second resource, which is the Use of FBI CHRI for Noncriminal Justice Purposes.

Ms. Drabish focused the next part of her presentation on how to access the Noncriminal Justice Online Policy Resource through the Council's LEO SIG. She provided a demonstration on accessing the Council's SIG and navigating through the two resources currently posted.

(Attachment 10)

Compact Council Action: This topic was accepted for information only.

Topic #13 Sharing Information on Lessons Learned During National Fingerprint File Implementation

On February 10, 2013, Missouri became the seventeenth state to participate in the NFF program. Major Timothy P. McGrail, Missouri State Highway Patrol, shared with the Council lessons learned during the NFF implementation. He opened the presentation with general information relating to Missouri's Compact ratification, the state's NFF on-site review, the benefits of NFF participation, and the development of the workflow.

In addition, he noted that the state transitioned into an unofficial phased-in approach as the state implemented the applicant process and utilization of Purpose Code I in 2004. He also mentioned that the state requested and received a grant from the NCHIP in 2009 to assist with funding. Allowable costs under the NCHIP included paying for reasonable costs associated with the development and implementation of procedures (including purchase of equipment and development of software) necessary to facilitate operations pursuant to Compact protocols including those relating to participation in the NFF.

Major McGrail stressed the importance of communication and bringing together the vendor information technology (IT) personnel, his agency's IT personnel, and the business personnel assigned to the project. With all of the planning and communication efforts, Missouri implemented NFF in February 2013 with no major events.

Compact Council Action: This topic was accepted for information only.

Additional Windows XP End of Life for Maintenance Support

Mr. George White, FBI CJIS Division, provided the Council with information relating to the Windows XP end of life for maintenance support. He explained that in 2008 Microsoft issued the last service pack and in 2009 the mainstream support ended. In April 2014, the extended support ended and it officially became end of life.

Mr. White briefed the APB Executive Committee and, as a result, the APB executives requested a letter be sent to the community reminding them of the issue. The State Identification Bureaus (SIBs), CJIS Systems Officers, and the state Information Security Officers received a reminder e-mail regarding the Windows XP end of life. Mr. White explained this is an issue because there is a piece in the CSP that requires users to maintain their systems. Users cannot maintain Windows XP if the maintenance support is no longer available. Regarding the path forward, Mr. White noted that the FY 2014 window for NCHIP funding closed in April. The BJS advised that funding will be available for FY 2015. Mr. White noted that replacing Windows XP falls within that funding source, so agencies should begin preparing grant packages if there is a need to replace Windows XP.

Next, Mr. White discussed audit considerations. He explained that if an agency is audited and found to have a Windows XP platform, then the agency will be marked out of compliance and the evaluation will be forwarded to the Compliance Evaluation Subcommittee for review. He advised there is no grandfather clause or waiver available. He also noted that the FBI-approved channelers are required by contract to upgrade their systems to ensure that out of compliance software is not being used to transmit information.

Compact Council Action: This topic was accepted for information only.

Topic #14 (A) SEARCH Update (B) SEARCH – 2012 Biennial Survey Report

Mr. Owen Greenspan, SEARCH, provided updates pertaining to the SEARCH membership activity and initiatives. He opened his presentation with a discussion of the development of Policy Position Statements as an expression of the membership views. He explained that it is a relatively new initiative that the SEARCH Board has undertaken. Illustrative of this approach are the rights of States to establish background check policies, practices and fees within the context of a nationwide approach; integration of justice information systems across all levels of government, to enable the more effective and efficient administration of the justice system; and privacy and civil liberties protections fundamental to effective justice information sharing.

In addition to continuing work on the policy statements, Mr. Greenspan noted that the tentative agenda for the upcoming July 2014 meeting includes an update for Government Affairs, a Member Roundtable, Next Generation Identification update, the BJS Recidivism Study, the National Crime Statistics Exchange, NICS/NCHIP State Success Stories, and the First Responder Network Authority (FirstNet) Update. The meeting will be held in Salt Lake City, Utah, on July 29, 2014.

Mr. Greenspan also provided an update on the Repository Records and Reporting Quality Assurance Program (QAP). He reported that the QAP encouraged data quality and integrity through the development of voluntary performance standards. The QAP is comprised of a checklist developed by an Advisory Committee whose members and participants are from the SEARCH membership, the FBI CJIS Division, and the BJS. He reviewed the checklist and discussed sample questions.

Next, Mr. Greenspan provided an overview of the results of the 2012 Survey of State Criminal History Information Systems, which was published in January 2014. He explained that the survey provides a snapshot of continuing growth, ongoing improvements, and practices associated with the initiation and updating of state held criminal history records. The survey had a great response on some of the key questions. Some of the results that he highlighted included the number of criminal records in the U.S., disposition reporting data, wanted person information, and statistics related to background checks.

(Attachment 11)

Compact Council Action: This topic was accepted for information only.

Topic #15 Proposed Amendments to the National Crime Prevention and Privacy Compact Council Bylaws

Ms. Anissa C. Drabish, FBI CJIS Division staff, presented the proposed amendments to the Council Bylaws. As background, Ms. Drabish explained that in November 2013, the Council directed the P&O Committee to review the Council's bylaws and present any proposed amendments to the Council for consideration. Proposed amendments were provided to the P&O Committee members in December 2013 for their comments and suggestions and during the March 2014 Council meeting, these amendments were discussed at length. Ms. Drabish directed the Council members to refer to attachment #1 of the staff paper for the red-lined version of the proposed changes.

Ms. Drabish advised that during the P&O Committee discussion, the Committee Chair and Council member Ms. Terry Gibbons agreed to sponsor the proposed amendments as decided by the Committee, with Dr. Natalie Chrastil serving as co-

sponsor. These amendments provided consistency and clarity throughout the document as well as aligning more closely with current practices.

The Council discussed the proposed changes and moved to approve the recommendations as presented with an additional change in Section 12.0 that the Committee member “shall relinquish membership on the committee.”

(Attachment12)

Compact Council Action: Ms. Terry D. Gibbons moved to approve the proposed amendments to the Council’s Bylaws as presented in Attachment #1 of the staff paper and with the additional change in Section 12.0 that the Committee member “shall relinquish membership on the committee.” Seconded by Captain Thomas W. Turner. Motion carried.

Topic #16 Changes to the Security and Management Control Outsourcing Standards for Channelers and Non-Channelers

Ms. Paula A. Barron, FBI CJIS Division staff, presented proposed changes to the Security and Management Control Outsourcing Standards (Outsourcing Standard) for Channelers and Non-Channelers to the Council for consideration. Ms. Barron advised that many of the recommendations resulted from the CJIS Division’s update to the CSP and were necessary to align the language in the Outsourcing Standards with the most recent CSP. Additional changes provided clarity and brought the Outsourcing Standards more closely in line with current processing by both the FBI and the states. The recommendations are listed below.

Recommendation #1

Edit Footnote 2 in the OS for Non-Channelers and the OS for Channelers. Language in the Section 5.11.2 of the CSP states all noncriminal justice agency (NCJA) entities without direct access must be audited periodically. Triennial audits are only for entities with direct access to a system. Under the Outsourcing Standard (OS) for Non-Channelers, NCJA’s have no direct access to a system.

Footnote 2

²The Compact Officer/Chief Administrator may not grant such permission unless he/she has implemented a combined state/federal audit program to; ~~at a minimum, triennially~~ **periodically** ~~audit a representative sample of the~~ Contractors and Authorized Recipients engaging in outsourcing with the first of such audits to be conducted within one year of the date the Contractor first receives CHRI under the approved outsourcing agreement.

~~A representative sample will be based on generally accepted statistical sampling methods.~~

Compact Council Action: Ms. Donna M. Uzzell moved to make no change to Footnote 2 as presented in recommendation #1. Seconded by Ms. Katie Bower. Motion carried.

Recommendation #2

The reason for the suggested change in Section 2.03(b) of the OS for Non-Channelers is to provide additional clarity regarding site security.

Compact Council Action: Ms. Donna M. Uzzell moved to approve the change in Section 2.03(b) in recommendation #2 and to add a link to the CJIS Security Policy. The suggested language for Section 2.03(b) of the OS for Non-Channelers is noted below with additions in **bold**.

Section 2.03(b)

The Authorized Recipient shall ensure that the Contractor maintains site security. **(See the current CJIS Security Policy [insert hyperlink])**

Seconded by Ms. Debbie McKinney. Motion carried.

Recommendation #3

The Authorized Recipient that is outsourcing would have a working relationship with the Contractor and would be more aware of the contract terms versus the FBI or state authorizing the request. As such, the reason for the suggested change in Section 2.03(c) of the OS for Non-Channelers is to place the responsibility of providing updated documentation on the relevant Compact Officer or Chief Administrator for disseminating to the Authorized Recipients.

Compact Council Action: Ms. Donna M. Uzzell moved to endorse the recommended changes in Section 2.03(c) in recommendation #3. The suggested language for Section 2.03(c) of the OS for Non-Channelers is noted below with additions in **bold** and deleted language is indicated with **strikeout**.

Section 2.03(c)

The Authorized Recipient **The State Compact Officer/Chief Administrator or the FBI Compact Officer shall** ~~ensure that~~ **make available** the most current versions of both the Outsourcing Standard and the CJIS Security Policy **to the Authorized Recipient** ~~are incorporated by reference at the time of contract, contract renewal, or within 360 calendar days (unless otherwise directed) of notification of successor versions of the~~

Outsourcing Standard and/or **the** CJIS Security Policy, ~~whichever is sooner~~. The Authorized Recipient shall notify the Contractor within ~~360~~ calendar days (~~unless otherwise directed~~) of **the** FBI/state notification regarding changes or updates to the Outsourcing Standard and/or **the** CJIS Security Policy. **The Authorized Recipient shall be responsible to ensure the most updated versions are incorporated by reference at the time of contract, contract renewal, or within the 60 calendar day notification period, whichever is sooner.**

Seconded by Dr. Natalie A. Chrastil. Motion carried.

Recommendation #4

The reason for the suggested change in Section 2.04 of the OS for Non-Channelers is to allow for state input on the approval of network and topological drawings and to ensure Contractor systems comply with state requirements.

Compact Council Action: Ms. Donna M. Uzzell moved to endorse the language in Section 2.04 in recommendation #4. The suggested language for Section 2.04 of the OS for Non-Channelers is noted below with additions in **bold and deleted language is indicated with ~~strikeout~~.**

Section 2.04

The Authorized Recipient shall understand the communications and record capabilities of the Contractor which has access to federal or state records through, or because of, its outsourcing relationship with the Authorized Recipient. The Authorized Recipient shall **request and approve a** ~~maintain an updated~~ topological drawing which depicts the interconnectivity of the Contractor's network configuration: **as it relates to the outsourced function(s). The Authorized Recipient shall understand and approve any modifications to the Contractor's network configuration as it relates to the outsourced function(s). For approvals granted through the State Compact Officer/Chief Administrator, the Authorized Recipient, if required, shall coordinate the approvals with the State Compact Officer/Chief Administrator.**

Seconded by Mr. David LeNoir. Motion carried.

Recommendation #5

The knowledge the state holds in auditing and audit requirements is greater than that of an Authorized Recipient. Additionally, there may already be mechanisms in place with the state to perform this requirement.

Compact Council Action: Ms. Donna M. Uzzell moved to endorse the changes in Section 2.05 in recommendation #5. The suggested language for Section 2.05 of the OS for Non-Channelers is noted below with additions in **bold and deleted language is indicated with ~~strikeout~~.**

Section 2.05

The Authorized Recipient is responsible for the actions of the Contractor and shall monitor the Contractor's compliance to the terms and conditions of the Outsourcing Standard. **For approvals granted through the FBI Compact Officer, t**The Authorized Recipient shall certify to the **FBI Compact Officer that an audit was conducted with the Contractor within 90 days of the date the Contractor first receives CHRI under the approved outsourcing agreement. For approvals granted through the State Compact Officer/Chief Administrator, the Authorized Recipient, in conjunction with the State Compact Officer/Chief Administrator, will conduct an audit of the Contractor within 90 days of the date the Contractor first receives CHRI under the approved outsourcing agreement. The Authorized Recipient shall certify to the State Compact Officer/Chief Administrator that the audit was conducted.**

Seconded by Ms. Wendy L. Brinkley. Motion carried.

Recommendation #6

The reason for the suggested changes in Section 3.02 of the OS for Non-Channelers is to identify who the Authorized Recipient shall provide written approval to, for a Contractor's Security Program.

Compact Council Action: Ms. Donna M. Uzzell moved to endorse the changes in Section 3.02 in recommendation #6. The suggested language for Section 3.02 of the OS for Non-Channelers is noted below with additions in **bold and deleted language is indicated with ~~strikeout~~.**

Section 3.02

The Contractor shall develop, document, administer, and maintain a Security Program (Physical, Personnel, and Information Technology) to comply with the most current Outsourcing Standard and the most current ~~FBI~~ CJIS Security Policy. The Security Program shall describe the implementation of the security requirements **outlined** in this Outsourcing Standard and the ~~FBI~~ CJIS Security Policy. In addition, the Contractor is also responsible to set, maintain, and enforce the standards for the selection, supervision, and separation of personnel who have access to CHRI. The Authorized Recipient shall provide the written approval **to the State Compact Officer/Chief Administrator or the FBI Compact**

Officer of a Contractor's Security Program. **For approvals granted through the State Compact Officer/Chief Administrator, it is the responsibility of the State Compact Officer/Chief Administrator to ensure the Authorized Recipient is in compliance with the CJIS Security Policy.**

Seconded by Dr. Natalie A. Chrastil. Motion carried.

Recommendation #7a

The current language does not address having a security violation plan or a process for reporting.

Compact Council Action: Ms. Donna M. Uzzell moved to endorse adding Section 2.07 with the recommended language as presented in recommendation #7a. The suggested language for Section 2.07 of the OS for Non-Channelers is noted below with additions in **bold.**

Section 2.07

The Authorized Recipient shall appoint an Information Security Officer. The Authorized Recipient's Information Security Officer shall:

- a. Serve as the security POC for the FBI CJIS Division Information Security Officer.**
- b. Document technical compliance with this Outsourcing Standard.**
- c. Establish a security incident response and reporting procedure to discover, investigate, document, and report on major incidents that significantly endanger the security or integrity of the noncriminal justice agency systems to the CJIS Systems Officer, State Compact Officer/Chief Administrator and the FBI CJIS Division Information Security Officer.**

Seconded by Dr. Natalie A. Chrastil. Motion carried.

Recommendation #7b

The current language does not address having a security violation plan or a process for reporting.

Compact Council Action: Ms. Donna M. Uzzell moved to endorse the recommended language in Section 3.03 as presented in recommendation #7b. The suggested language for Section 3.03 of the OS for Non-Channelers is noted below with additions in **bold.**

Section 3.03

The requirements for a Security Program shall include, at a minimum:

- a) Description of the implementation of the security requirements described in this Outsourcing Standard and the CJIS Security Policy.
- b) Security Training.
- c) Guidelines for documentation of security violations **to include:**
 - i) **Develop and maintain a written security violation plan.**
 - ii) **A process in place for reporting security violations.**
- d) Standards for the selection, supervision, and separation of personnel with access to CHRI.

**If the Contractor is using a corporate policy, it must meet the requirements outlined in this Outsourcing Standard and the CJIS Security Policy. If the corporate policy is not this specific, it must flow down to a level where the documentation supports these requirements.

Seconded by Ms. Wendy L. Brinkley. Motion carried.

Recommendation #7c

The current language does not address having a security violation plan or a process for reporting.

Compact Council Action: Ms. Donna M. Uzzell moved to endorse the recommended language in Section 8.01 as presented in recommendation #7c. The suggested language for Section 8.01 of the OS for Non-Channelers is noted below with additions in **bold.**

Section 8.01

Duties of the Authorized Recipient and Contractor

- a. The Contractor shall develop and maintain a written policy for discipline of Contractor employees who violate the security provisions of the contract, which includes this Outsourcing Standard that is incorporated by reference. **The Contractor shall develop and maintain a written security violation plan for security violations. (See also Sections 2.07 and 3.03)**

Seconded by Ms. Wendy L. Brinkley. Motion carried.

Recommendation #8

The reason for the suggested changes in Section 7.02 of the OS for Non-Channelers is to be consistent with the CJIS Security Policy.

Compact Council Action: Ms. Donna M. Uzzell moved to endorse the change in Section 7.02 as listed in recommendation #8. The suggested

language for Section 7.02 of the OS for Non-Channelers is noted below with additions in **bold** and deleted language is indicated with ~~strikeout~~.

Section 7.02

The Contractor shall provide for the secure storage and disposal of all hard copy and media associated with the system to prevent access by unauthorized personnel. **(See the current CJIS Security Policy to address [insert hyperlink])**

a. Physically secure location.

b. Sanitize procedures for all fixed and non-fixed storage media.

c. Storage procedures for all fixed and non-fixed storage media.

~~a. CHRI shall be stored in a physically secure location.~~

~~b. The Authorized Recipient shall ensure that a procedure is in place for sanitizing all fixed storage media (e.g., disks, drives, backup storage) at the completion of the contract and/or before it is returned for maintenance, disposal, or reuse. Sanitization procedures include overwriting the media and/or degaussing the media.~~

~~c. The Authorized Recipient shall ensure that a procedure is in place for the disposal or return of all non-fixed storage media (e.g., hard copies, print-outs).~~

Seconded by Captain Thomas W. Turner. Motion carried.

Recommendation #9

The reason for the suggested addition of a new section in the OS for Non-Channelers is to have a specific section to address the responsibilities for the State Compact Officer/Chief Administrator using a contractor to outsource noncriminal justice administrative functions. The Council will determine if the suggested sections should be included in the proposed new section and if any additional requirements are needed. Language will be adapted to apply to the State Compact Officer/Chief Administrator. If a new section is approved, actual language will be brought before the Council's S&P Committee for review.

***Compact Council Action:* Ms. Donna M. Uzzell moved to endorse the addition of a new section in the OS for Non-Channelers to address the duties of the State Compact Officer/Chief Administrator as listed in recommendation #9. Specific language will be brought back before the S&P Committee for review and approval. The suggested sections for inclusion are noted below in **bold**.**

Section 11.0

Duties of the State Compact Officer/Chief Administrator

Recommended Sections:

2.01 – Outsourcing Request

Footnote 3 – Outsourcing Approval

Footnote 4 – Criminal History Record Checks

2.05 – 90 Day Compliance Review

3.05 – Audits

3.06 – Security Program Review

6.01 – Criminal History Record Checks

8.01(d) – Notification of Changes to FBI CO

8.03(a) – CHRI Suspension or Termination

8.03(b) – Exchange of CHRI Reinstatement

8.04 – Security Violation Notification

8.05 – Investigation Rights of Unauthorized Access to CHRI

8.06 – Audits

9.01 – Outsourcing Standard

9.02 – CJIS Security Policy

9.03/Footnote 5 – Outsourcing Stringency

9.04/9.05 – Outsourcing Modification

9.06 – FBI Compact Officer address

Seconded by Captain Thomas W. Turner. Motion carried.

Recommendation #10

The reason for the recommended additional language in Section 1 and Section 9 in both of the OSs is to determine if the language to address the sole source responsibility of states relating to outsourcing noncriminal justice administrative functions is acceptable to the Council.

Sections 1.09/1.13

Noncriminal Justice Administrative Functions means the routine noncriminal justice administrative functions relating to the processing of CHRI, to include but not limited to the following:

1. Making fitness determinations/recommendations
2. Obtaining missing dispositions
3. Disseminating CHRI as authorized by Federal statute, Federal Executive Order, or State statute approved by the United States Attorney General
4. Other authorized activities relating to the general handling, use, and storage of CHRI **excluding responsibilities obligated under sole source requirements.**

1.20 *Sole Source* refers to the state central repository's responsibility to serve as the sole conduit for the transmission of civil, arrest, judicial, and correctional fingerprint transactions (along with additional CHRI

related to those fingerprint transactions) within the state to/from the FBI's CJIS Division.

9.0 *Miscellaneous Provisions*

9.01 On or after May 15, 2014, outsourcing which would result in a state being bypassed for an approved fingerprint-based background check or any outsourcing of a state's sole source responsibility is prohibited.

9.01~~2~~

9.02~~3~~

9.03~~4~~

9.04~~5~~

9.05~~6~~

9.06~~7~~

Compact Council Action: Mr. Michael C. Lesko moved to endorse the concept of the state's sole source responsibility relating to the outsourcing of noncriminal justice administrative functions and directed the S&P Committee to further refine the language. In addition, the FBI Compact Officer should not approve any agreements that would fall under this purview until the topic is vetted at the fall 2014 Council meeting. Seconded by Ms. Wendy L. Brinkley. Motion carried.

Recommendation #11

Based on a concern that was forwarded to the FBI Compact Officer regarding duplicative background checks for employees performing noncriminal justice administrative functions under Non-Channeling and Channeling, the recommendation is to determine if changes need to be made to Section 2.03(a) of either OS to address background checks for employees working with Non-Channeling and Channeling for the same Authorized Recipient(s).

Compact Council Action: Ms. Donna M. Uzzell moved to make no change to Sections 2.03(a) of the OSs for recommendation #11. Seconded by Ms. Debbie McKinney. Motion carried.

Recommendation #12

This change is recommended because, in practice, the requirement is ineffectual.

Compact Council Action: Ms. Donna M. Uzzell moved to approve the changes in Section 2.01 in each of the OSs as listed in recommendation #12 and requests that the FBI staff further review the recommendation to provide options pertaining to security violations. The options should

be discussed at a future S&P Committee meeting. The current suggested language for Section 2.01 of the OSs is noted below in bold and deleted language is indicated with ~~strikeout~~.

Section 2.01

Prior to engaging in outsourcing any noncriminal justice administrative functions, the Authorized Recipient shall: (a) Request and receive written permission from (1) the State Compact Officer/Chief Administrator² or (2) the FBI Compact Officer³; **and** (b) provide the **State Compact Officer/Chief Administrator or the FBI Compact Officer** copies of the specific authority for the outsourced work, criminal history record check requirements, and/or a copy of relevant portions of the contract as requested.; ~~and (c) inquire of the FBI Compact Officer whether a prospective Contractor has any security violations (See Section 8.04). The FBI Compact Officer will report those findings to the Authorized Recipient and, when applicable, to the State Compact Officer/Chief Administrator.~~

Seconded by Captain Thomas W. Turner. Motion carried.

(Attachment 13)

Topic #17 Legislative Update

Mr. Thomas G. Aldridge, FBI, Office of the General Counsel, Criminal Justice Information Law Unit, provided an overview of legislation introduced in the 113th Congress that may significantly affect the noncriminal justice use of the III and the noncriminal justice user community. Some of the bills he discussed included House Resolution (H.R.) 4022, the Security Clearance Reform Act of 2014. This bill requires the President to submit a strategic plan to the appropriate congressional committees to improve security clearance and background investigations carried out by the federal government. Next, he briefed the Council on Senate (S.) 1618, Enhanced Security Clearance Act of 2013, which is similar to H.R. 4022. This requires the Office of Personnel Management (OPM) to implement an enhanced security system.

Mr. Aldridge also discussed S. 1926. Title I is the Homeowner Flood Insurance Affordability Act. Title II is the National Association of Registered Agents and Brokers Reform Act of 2014 and has been incorporated into a larger bill and is identical to amended S. 534 and H.R. 1155 and similar to H.R. 1064, which are stand-alone bills entitled The National Association of Registered Agents and Brokers Reform Act of 2013. The bill establishes a national association of registered agents and brokers, the Association, which is a nonprofit corporation. The Association, if requested by an insurance producer licensed in a state, shall submit identification information as required

by the AG and a request for a national background check to the FBI. The identification information is not specified as fingerprints.

Lastly, Mr. Aldridge briefed the Council on H.R. 3902, the Child Protection Improvements Act of 2013. Section 3 of the bill amends 42 U.S.C. 5119(a), et seq. This bill is the same as S. 1362 except it eliminates the background checks of individuals in the electronic life and safety industry. The requirements of the AG are to inform covered entities and individuals how to request a state and a national background check. Further, a state and national background check shall include fingerprints, documents required by state law for a state background check, and an appropriate user fee.

Compact Council Action: This topic was accepted for information only.

Topic #18 Federal Partners Report to the Council

Mr. Merton W. Miller, OPM, provided the federal partners report to the Council. He opened his presentation by emphasizing the important work from a national security prospective that the Council members help support relative to records. He spoke about some of the legislative and White House activity that recently occurred. He also discussed the Record Access Task Force and the focus that it received through the National Defense Authorization Act and subsequently the report that went to Congress was signed by the White House. Lastly, he spoke about the future of background investigations.

(Attachment 14)

Compact Council Action: This topic was accepted for information only.

Topic #19 Compact Council Strategic Plan Update

Ms. Anissa C. Drabish, FBI CJIS Division staff, presented the Council's Strategic Plan Update. She reported that during the March 2014 P&O Committee meeting, the members reviewed the detailed Status Report and focused only on those items that were scheduled for review. However, she noted that for the Council's update, the members should only refer to the Scorecard. As a reminder, the Scorecard is designed to provide a quick visual status of each of the strategic actions. She remarked that most of the strategic actions are green, which means the Council is proceeding on schedule toward meeting its goals and objectives. However, there are a few items in goals 3 and 4 that are either yellow or red, and the plan is to address those at the fall 2014 P&O Committee meeting.

After quickly reviewing the setup of the Scorecard, Ms. Drabish reviewed each of the objectives, discussed the color assigned to each strategic action, provided a status

update, and presented several accomplishments that supported each of the strategic actions. Some of the successes included the Compact Team conducted NFF on-site readiness assessments with the NY DCJS and the Maine State Bureau of Identification, Missouri and Iowa presented NFF Lessons Learned at the March 2014 S&P Committee meeting, and the Georgia Department of Behavioral Health and Developmental Disabilities volunteered to participate in the civil fingerprint image quality pilot program.

(Attachment 15)

Compact Council Action: This topic was accepted for information only.

Topic #20 Transportation Security Administration Office of Intelligence and Analysis – Overview of Programs

Mr. Nathan Tsoi, TSA, provided a brief overview of three programs in the Office of Intelligence and Analysis Division. The programs include the HAZMAT endorsement (HME) located on commercial driver's license cards, the Transportation Worker's Identification Credential, and the TSA Pre-check Program. All three of the programs require a security threat assessment, which is comprised of a fingerprint-based national and state (nine states currently participate in the HME program) criminal history records check and a lawful presence check. Mr. Tsoi provided background information and statistics pertaining to each of the programs.

Compact Council Action: This topic was accepted for information only.

Topic #21 Sanctions Committee Report

Mr. Bradley Truitt, Sanctions Committee Vice Chairman, addressed the Council with the Sanctions Committee's report. The Sanctions Committee met on May 13, 2014, and reviewed responses to the Sanctions' letters that were disseminated based on the review of audit findings during the November 2013 meeting. The Sanctions Committee reviewed the responses to the Sanctions letters and determined that three states would be sent letters of closure and another state would be sent a follow-up letter.

The Sanctions Committee reviewed a summary of recently conducted audits from eight states for appropriate action. Recommendations were based on the following criteria: violations of articles of the Compact to include III misuse and Compact rules. Non-NFF Compact states are also reviewed for compliance with the NFF qualifications; however, these findings are only provided for informational purposes. Based on these requirements, the Sanctions Committee made the following recommendations: six states receive a letter of concern and closure and two states receive letters of recommendation.

The Sanctions Committee reviewed audit findings from four MOU states for appropriate actions. The recommendations were based on the following criteria: violations of articles of the Compact to include the III misuse and the Compact rules. Based on these requirements, the Sanctions Committee made the following recommendations: three states were recommended to receive letters of recommendation and one state receive a letter of concern and closure.

The Sanctions Committee reviewed audit findings from three non-Compact, non-MOU states for appropriate actions. The recommendations were based on the following criteria: Non-Compact and non-MOU states are reviewed for violations of articles of the Compact to include the III misuse and the Compact rules. Based on these requirements, the Sanctions Committee made the following recommendations: it was recommended that two states receive letters of concern and closure and one state receives a letter of recommendation.

The Sanctions Committee reviewed audit findings from one federally regulated agency for appropriate action. The Sanctions Committee also reviewed the corrective action plans implemented by the agency. The recommendation was based on the following criteria: violations of articles of the Compact to include the III misuse and Compact rules. Based on these requirements, the Sanctions Committee recommended that the agency receive a letter of commendation and closure.

The Sanctions Committee reviewed audit findings from three FBI-approved channelers for appropriate action. The Sanctions Committee also reviewed the corrective action plans implemented by the agencies. Recommendations were based upon the requirements outlined in the Outsourcing Rule and the Outsourcing Standard. Based on these requirements, the Sanctions Committee made the following recommendations: it was recommended that one agency receive a letter of recommendation and two agencies receive letters of concern and closure.

Compact Council Action: Captain Thomas W. Turner moved that the Council accept the Sanctions Committee report. Seconded by Ms. Donna M. Uzzell. Motion carried.

Topic #22 Civil Fingerprint Image Quality Pilot Update

Ms. Riley J. Davis, FBI CJIS Division staff, provided a brief update on the civil fingerprint image quality pilot program. As background, she explained that in March 2013, the CJIS Division hosted a civil fingerprint image quality discussion in which 22 individuals from the fingerprint community participated, along with members of the S&P Committee, and several CJIS Division subject matter experts. The discussion focused on different issues that might be affecting civil fingerprint image quality, as well as possible

solutions on how to lower the reject rates for civil fingerprint image quality. As a result of the discussion, the Council voted at its May 2013 meeting to approve a pilot program.

Ms. Davis provided details regarding the pilot, including how states were selected for the program. After the initial review, five states were selected to participate. Four states agreed and only one was unable to participate due to active major system upgrades. However, the latter state had success in the interim so it appears the system upgrade worked very well for them. Next, she explained that the participating states are in various stages of the pilot. She also identified some common themes in the pilot states including the lack of electronic fingerprint capture for civil fingerprints.

(Attachment 16)

Compact Council Action: This topic was accepted for information only.

Topic #23 Biometric Interoperability Update

Mr. Robert Holman, FBI CJIS Division staff, presented the biometric interoperability update which provides the NGI users with information regarding the implementation of biometric-based interoperability between the FBI CJIS Division and other federal agencies. He briefly touched upon the progress made in relation to biometric interoperability and some of the cumulative statistics.

Mr. Holman reported that the CJIS Division had been working with INTERPOL Washington, as well as the DHS Office of Biometric Identity Management (OBIM), in an effort to make INTERPOL notices accessible to the DHS stakeholders via the NGI. The first phase was completed in November 2013 and provides the initial capability for the automated sharing of the IDENT through the NGI.

In addition, Mr. Holman advised that the DHS oversight groups signed the Criminal Justice Purpose Memo in September 2013. He stated that this memorandum recognizes the ability for all U.S. criminal justice agencies to query the IDENT by submitting biometrics (including latent fingerprints) for all criminal justice purposes without having new U.S. criminal justice users first seek approval. The DHS has implemented a technical solution to separate criminal justice transactions from noncriminal justice transactions within the IDENT. The CJIS Division and the OBIM have established a working group to coordinate deployment for this effort.

In relation to latent interoperability, Mr. Holman advised that the automated functionality for full latent interoperability will exist for all users with the deployment of NGI increment 4. This will not be an automatic search. He further clarified that users will need to select whether to search the latent submission in an external system by utilizing the Name of Designated Repository (NDR) field. Even though the technical

infrastructure will be in place for latent users to search external systems, participation is not automatic. It will require coordination with the FBI CJIS Division and the external user. Mr. Holman also advised that the technical infrastructure to support record linking is going to be delivered with the NGI Increment 4; however, it will not be implemented until it is available within the DHS IDENT.

Regarding next steps, he reported that the NGI functionality enhancements will be delivered incrementally in the coming months. He stated a letter was sent on April 7, 2014 to the CJIS Systems Agencies, SIBs, interface agencies, and working group members, outlining the additional interoperability services for 2014. Additional types of transactions will automatically be forwarded to the IDENT for a search. The Criminal Fingerprint Card Non-Urgent transactions were deployed in April 2014 and the Criminal Print Direct Route transactions will be deployed in the very near future, as well as Criminal No Answer transactions. The FBI CJIS is working to address the impacts to the biometric interoperability participants as the transition to the NGI occurs.

In conclusion, Mr. Holman advised that the Global Initiatives Unit will continue to work closely with the DHS as well as the DoD to help to expand biometric interoperability and to identify and close any information sharing gaps.

(Attachment 17)

Compact Council Action: This topic was accepted for information only.

Topic #24 Departmental Order (DO) Update

As background, the DO was established in 1973 and permits a subject to request a copy of his/her own criminal history from the FBI for review and/or correction. Over the years, the Council has expressed concern relating to the possible misuse of the DO, in that the criminal history record may be used for the benefit of potential employers and other noncriminal justice entities.

In a continued effort to address the concern raised by the Council, Ms. Paula J. Zirkle, FBI CJIS Division staff, provided a brief update on the ongoing efforts to modify the DO fingerprint processing procedures. She provided the Council with statistics regarding the number of third-party requests and discussed the monthly outreach efforts to states regarding entities that may be misusing the DO and possibly bypassing the state's Public Law 92-544 statutes. As a result of these information-sharing efforts, Ms. Zirkle announced that third-party dissemination was significantly reduced in fiscal year 2013 and it appears that the trend is continuing into fiscal year 2014. In addition, Ms. Zirkle highlighted the categories and states in which the DO is disseminated to a third-party. She advised that she will continue to reach out to states to provide educational outreach.

Compact Council Action: This topic was accepted for information only.

Topic #25 National Fingerprint File Quarterly Statistics

Handouts provided for information only; not presented.

Topic #26 IAFIS Status Report

Staff paper provided for information only, not presented.