



Minutes

Criminal Justice Information Services

Advisory Policy Board

June 5-6, 2019

Jacksonville, Florida

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Criminal Justice Information Services

Advisory Policy Board

August 8, 2019

Mr. Nicky J. Megna
Federal Bureau of Investigation
CJIS Division
1000 Custer Hollow Road
Clarksburg, WV 26306

Dear Nicky:

I have reviewed the minutes and hereby certify that they accurately reflect the proceedings from the June 5, 2019 Criminal Justice Information Services Advisory Policy Board meeting held in Jacksonville, Florida.

Sincerely yours,

Mr. Michael C. Lesko
Texas Department of Public Safety
Chairman, CJIS APB

Representing the interests of the local, state, federal, and tribal criminal justice community

Criminal Justice Information Services (CJIS)
Advisory Policy Board
June 5-6, 2019
Jacksonville, Florida

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**CRIMINAL JUSTICE INFORMATION SERVICES (CJIS)
ADVISORY POLICY BOARD (APB) MEETING**

June 5, 2019
Jacksonville, Florida

Meeting Report

Mr. Michael C. Lesko, Texas Department of Public Safety (TXDPS), and CJIS APB Chair, called the meeting to order at 9 a.m., June 5, 2019, at the Hyatt Regency, Jacksonville, Florida.

Mr. Nicky J. Megna, Federal Bureau of Investigation (FBI), CJIS Division, and Acting Designated Federal Officer (DFO) for the CJIS Advisory Process, welcomed everyone and led attendees in the Pledge of Allegiance.

Mr. Megna provided housekeeping notes and introduced the head table:

Mr. Lesko

Mr. Michael DeLeon, Assistant Director (AD), FBI, CJIS Division, Clarksburg, WV

Mr. Christopher Piehota, FBI, Executive Assistant Director (EAD), Science and Technology Branch (STB), Washington, D.C.

Mr. Brian Wallace, Marion County Sheriff's Office, Salem, Oregon, and CJIS APB First Vice Chairman

Mr. Charles Schaeffer, Florida Department of Law Enforcement (FDLE), and CJIS APB Second Vice Chairman

Mr. James Gerst, Senior Level Advisor, FBI, CJIS Division, Clarksburg, WV

Mr. Joseph Klimavicz, Chief Information Officer (CIO), U.S. Department of Justice (DOJ)

Mr. Lesko welcomed everyone to the meeting. He explained this round had been exceptionally difficult due to the government shutdown, which resulted in the one day APB meeting. He then introduced new APB member Ms. Leslie Moore, Kansas Bureau of Investigation. Ms. Moore is the Compact Council representative for the APB. Mr. Lesko recognized the contributions of two members leaving the process. Mr. Nicholas Del Romano, Pennsylvania State Police, representing the Northeastern Working Group and Mr. John Thompson, National Sheriff's Association (NSA) representative.

Mr. Lesko then called the roll of the CJIS APB members and recognized the Working Group Chairs. ***(See Appendix A for the Roll Call.)***

Mr. Lesko noted appreciation to the vendors who sponsored breaks for the meeting. Gallery attendees were invited to approach the microphones to introduce themselves. ***(See Appendix B for a complete Meeting Attendee List.)*** He concluded introductions by acknowledging the FBI staff supporting the meeting, who introduced themselves. He then introduced Mr. Sean Ryan, Assistant Special Agent in Charge, FBI Jacksonville Field Office and Sheriff Mike Williams, Jacksonville Sheriff's Office, both who provided opening remarks.

Agenda items were then addressed. **(See Appendix C.)** Staff papers were distributed via e-mail to attendees prior to the meetings. **(See Appendix D.)**

APB ITEM #1 Executive Briefings

Mr. Piehota opened by thanking the CJIS team for supporting another great APB. He then provided a brief on the current focus of the FBI's STB. **(See Appendix E, PowerPoint.)** He noted many categories of crime are now digital. The FBI is trying to determine how each of those should be addressed moving forward. Threats remain the same, but are compounded now by the fact they can be digital in nature with no physical boundaries. The criminal element has a much broader access to victims. They are even hiring professionals to assist them in digital crimes. The FBI is trying to help individuals orient themselves to these new threats.

Policy and legislation are not keeping pace with the speed of technological innovation. Drones, and privacy issues are forefront. The FBI is working to help individuals understand the need for additional legislation that will help law enforcement better address these issues.

He advised ubiquitous surveillance systems are now available to the general public. They are often impacting the ability to conduct field operations (as undercover operatives are detected) and noted individuals are also collecting and aggregating tremendous amounts of data. Adversaries are getting smarter and targeting law enforcement. They are gathering information in various places to include the education systems where future leaders are and appear to be playing a long game with the information gathered.

He touched on investigative genealogy, a term coined by the FBI Laboratory. He spoke about the utility found in the various genetic testing companies collecting information from the general public. The FBI is working with their investigative partners on the related ethical, investigative, legal, and privacy issues. He pointed out the use of the information like that used in the Golden State Killer investigation is helpful, but is not a silver bullet. In that particular case it allowed investigators to eliminate possibilities but ultimately required strong investigative work.

The Operational Technology Division is focusing on Computer Network Operations and Computer Network Exploitation. He expressed concern for the loss for victims and opined the number reported of \$2.7 million, is likely much more but not reported.

Looking ahead, he noted the speed of innovation and access to technology necessitate collaboration with law enforcement partners. 5G access, the internet of things, and artificial Intelligence will create new vulnerabilities, along with the new capabilities. Drones will bring mobile intercept and delivery issues. Their ability to move further and do more without detection will bring new problems and require thoughtful action from law enforcement.

He expressed his pleasure at the selection of Mr. Michael DeLeon as the new AD for the CJIS Division and closed by thanking the APB members for their strong and continued partnership.

Mr. DeLeon provided an overview of his previous positions and experience, citing 30 years of law enforcement experience. **(See Appendix F, PowerPoint.)** He advised he was happy to be selected for the new position. He will focus on efforts to enhance officer safety while respecting the rights of

citizens. He previously served as the Special Agent in Charge (SAC) of the Phoenix Field Office where he worked with 22 tribes and shared numerous miles with the Mexican border. He understands tribal and immigration issues. He also served as a Delaware State Trooper which allows him to bring that perspective.

He noted Mr. Michael Christman, had been recently selected to serve as the Deputy Assistant Director (DAD) of the Operational Programs Branch at CJIS. Mr. Christman previously served as the Section Chief, FBI Cyber Investigations and has extensive criminal justice experience. He also recognized the strong leadership of Ms. Kim Del Greco, DAD, CJIS Information Services Branch, who brings 24 years of experience with the FBI and continues to provide strong institution knowledge. He also acknowledged the presence of some of the CJIS Division's Section Chiefs in attendance: Mr. William McKinsey, Biometric Services Section (BSS); Mr. Brian Griffith, Information Technology Management Section; Mr. Scott Rago, Global Law Enforcement Support Services Section; and recently named Mr. Greg Nelson who will be serving as the Chief for the newly created National Threat Operations Section.

Mr. DeLeon touched briefly on the various systems managed by the CJIS Division.

Related to the National Crime Information Center (NCIC), the division continues the move to NCIC Third Generation (N3G). The response by the vendor community to the name search solicitation was good. The move to the user of Extensible Markup Language (XML) by all continues to be important.

Related to Uniform Crime Reporting (UCR), the countdown continues to transition all agencies to reporting via the National Incident-Based Reporting System (NIBRS) by January 2021. To date, 3,500 agencies are committed to the transition. The division has continued to increase engagement and marketing, that includes the redesign of the NIBRS Website, addition of the NIBRS Toolbox available on the website and production of 14 computer-based tutorials.

The National Use of Force Data Collection launched in January 2019, and he noted the division is pleased to be hosting it on behalf and at the request of our law enforcement partners.

Lastly, the UCR Program has released the most recent Ambush Study and it is been well received.

Regarding the National Data Exchange System (N-DEx), there are currently 7,334 agencies contributing information. The system contains 30 million records, and has experienced a 50% increase in records over the last two years. Most recently the Innocence Lost records were added in an effort to combat child sex trafficking and exploitation.

Regarding Next Generation Identification (NGI), the National Iris Service will move forward and provide fully automated identification and verification to various partners, while ensuring a strong privacy policy. The targeted date for availability is 2020.

Regarding the National Instant Criminal Background Check System (NICS), the system continues to experience record transactions; finishing last year as the second highest year for transactions, and on track to have the third highest year for transactions in 2019. Mr. DeLeon reiterated the importance of law enforcement partners in providing timely and complete disposition information.

Regarding the National Threat Operations Center, formally the Public Access Line, he noted the evolution into an operations center that can distribute the calls received. This required the creation of a

new section and restructure of the division, as well as the hiring of additional staff to handle the 3,000 tips received daily. CJIS continues to work on ways to streamline the process. Threats to life leads will require immediate contact with state and local law enforcement.

He closed by expressing his happiness in the new role as AD at CJIS. He appreciated the services provided by CJIS as a customer and looks forward to playing a part in building future partnerships to move law enforcement forward.

Next, Mr. Lesko introduced Mr. Joseph Klimavicz, DOJ, CIO. **(See Appendix G, PowerPoint.)** Mr. Klimavicz explained his office serves criminal justice and noncriminal justice agencies across the DOJ, the federal government, and numerous federally recognized tribes under the Tribal Access Program (TAP). Users include 100 federal agencies and, by the end of 2019, more than 400 tribal agencies. At the June 2018 APB, the DOJ's vision for CJIS system agencies services transformation initiative was discussed. This transformation is seeing significant progress but has several challenges. The biggest challenges are the cost to maintain; difficulty navigating; and the extensive training requirement.

The benefits seen in Phase I of the deployment is the use of commercial-off-the-shelf (COTS) systems. These systems will be less costly to maintain, as well as more secure. Modern web and mobile interfaces will allow access from any device, anywhere. There will be a generic Criminal Justice Information Network (CJIN) biometric kiosk to use beyond the current TAP customer base.

Mr. Klimavicz explained, moving forward, they will measure services that provide flexible spending control, broad network access to support mobility in the field, faster deployments, making changes one time, and keep in compliance with national standards and capabilities. The architecture is consistent with modern information technology (IT) approaches and the benefits will include speed, flexibility, manageability, lower costs, and consistent delivery.

APB ITEM #2 Chairman's Report on the NCIC Subcommittee

This agenda item was presented by Mr. Walter M. Neverman, Wisconsin DOJ, and Chair of the NCIC Subcommittee. **(See Appendix H, PowerPoint.)** Mr. Neverman reported the NCIC Subcommittee met via teleconference on April 23, 2019. The subcommittee addressed five topics with five recommendations to present for the APB. One topic was accepted for information only.

NCIC Issue #1 Subsequent Activity Notifications for Wanted Notices on the Next Generation Identification (NGI) Systems.

Mr. Neverman advised that FBI staff performed a manual review to determine if the updated information could be of value to the wanting agency. If there is a value, they send an International Justice and Public Safety Network (Nlets) administrative message to the wanting agency. Dispositions are received more often after the finalization of the case which delays notifications.

APB Motion: The APB moved to accept Option 1 with additions: Pursue the development of automated messages to wanting agencies on each of these updates: dispositions, modification of name or date of birth, expungement of last criminal event within the Universal Control Number (UCN), and flashes. Also revisit the messages currently being sent as well as any new messages to clarify the intent of the messages and recommend a record review. Proposed message revisions will be brought through the Advisory Process.

NCIC Issue #2 Update on the Proposed Technical Solution to Streamline the Child Care and Development Block Grant ACT (CCDBG) Background Checks

Mr. Neverman advised the CCDBG requires states that receive funding to conduct criminal background checks. This requirement applies to the childcare staff members as well as prospective childcare staff members. The background check includes a check of the NCIC National Sex Offender Repository (NSOR). A letter was sent to Chief Security Officer's (CSO) and state identification bureaus advising them to run the NCIC NSOR check through the use of a Query Sex Offender Message key (QXS). This was previously brought to the APB and they recommended the CJIS Division explore a technical solution for the FBI to search the NGI system and query the NCIC NSOR in response to a national criminal history record background check submitted pursuant to the CCDBG.

NGI Technical Solution

APB Motion 1: The APB moved to accept Option 1 with additions: Implement the NGI System technical solution as described. States should have the option to opt out. The priority should be 2H.

NCIC Technical Solution

APB Motion 2: The APB moved to accept Option 1: Implement the NCIC technical solution by adding a new Message Field Code (MFC) to the QXS transaction so only active, non-suppressed NSOR records are returned in the response. The priority should be 2H.

NCIC Issue #3 CJIS Division NCIC Status Update

This topic was accepted as information only.

NCIC Issue #4 N3G Project Update

Mr. Neverman stated the N3G Task Force, in conjunction with the NCIC Program Office (PO), initiated two user fundamentals. One related to the XML transition along with a time frame. The second one relating to the new functionality developed with the N3G project and will be available once transitioned to XML.

APB Motion 1: Endorse the N3G Task Force approved N3G user transition fundamentals as outlined below:

Regarding XML User Transition Timeframe

- a. All CSAs and direct interface agencies must convert to the National Information Exchange Model (NIEM) data processing format, using web service applications, from the current NCIC socket supported dot delimited and Global Justice Data Model (GJXDM) formats by **September 30, 2022**.
- b. Dot delimited and GJXDM XML formatted messages, along with Transmission Control Protocol/Internet Protocol socket and MQ Series Protocols will no longer be supported effective **September 30, 2022**.

APB Motion 2: Endorse the N3G Task Force approved N3G user transition fundamentals as outlined below:

Regarding Availability of New Functionality

- a. N3G developed functionality, to include improved and streamlined capabilities, along with new files, fields and codes will only be available for entry and maintenance using the NIEM XML data processing format. However, dot delimited and GJXDM XML users must be able to accept new data in responses.

NCIC Issue #5 Modernizing and Standardizing Electronic Biometric Transmission Specification (EBTS) Sex Codes

This topic was handled by the Identification Service (IS) Subcommittee.

APB ITEM #3 N3G Task Force Update

This agenda item was presented by Mr. Wyatt A. Pettengill, SAC, North Carolina State Bureau of Identification, and Chair of the N3G Task Force. **(See Appendix H, PowerPoint.)** Mr. Pettengill explained N3G is the modernization of NCIC. NCIC initially went into production in 1967 with only one update in 1999. A few years back, the FBI canvassed states to seek input on what they wished to see in NCIC. Over 5,000 user requests were provided. NCIC sifted through the user requests, and developed 14 high-level concepts. The APB has discussed and approved all 14 of these concepts. All concepts were categorized into policy groups: gang policy, message key supplemental entries, and blue alerts. The active policy groups consist of the warrant policy group, missing and unidentified, the image group, XML, and offline searches. At the December 2018 APB meeting, three of the 14 concepts were presented and endorsed by the APB: Concept 7 Enhanced Training Resources, Concept 11 Improved Data Management, and Concept 12 Alternate Outbound Communications. The N3G Task Force deliberated on recommendations made by the blue alert policy, the gang policy, and the missing and unidentified policy groups. Updates from the warrant policy and XML groups were also presented. A topic paper is being drafted and will be presented at the fall 2019 Working Group Meetings. The topic paper will provide an update on N3G development and recommendations endorsed by the task force. Looking forward, N3G will continue to discuss recommendations from the active policy groups and provide guidance to CJIS regarding topic papers to be reviewed and voted upon. The N3G Task Force will meet again in September 2019.

APB ITEM #4 Nlets Update

This agenda item was presented by Mr. Frank Minice, Deputy Executive Director, Nlets. **(See Appendix I, PowerPoint.)**

Mr. Minice noted Nlets is on pace to conduct nearly three billion transactions in 2019. The top five users by volume are Customs, International Criminal Police Organization, Texas, Canada, and the Interstate Identification Index (III) system. There was an uptick in transactions to Canada. They expected an increase of traffic checks from the U.S. to Canada through Nlets for wanted persons after the Canadian side decided to no longer put warrants in NCIC. However, it was not as significant as predicted. Nlets has made significant improvements to their cloud environment which has increased security and allows additional back-up services for users.

Nlets second location lease is up. As a result, eight potential sites were examined. Flexential located in Plano, Texas will house Nlets' second location. The location is on a separate electrical grid and users will not be impacted during the move.

Nlets Justice Information Network 2.0 is working well and is in the acceptance testing phase. The expected full move will be in August 2019, completing the two and a half year project. Regarding Nlets Socket Protocols, all users are sending some amount of XML, however, none have completed 100% standardization. The original deadline will not be met, however, they are all moving forward with the transition.

Mr. Minice announced the Department of Homeland Security's Law Enforcement Notification System Project has been completed with tremendous help from the National Consortium for Justice and Statistics (SEARCH) in mapping state local statutes and literals to NCIC code. Over 100,000 local and state codes have been mapped to NCIC codes. Funding is now available for agencies to convert to XML or upgrade to current version of rap sheet. Seventeen states now see the NCIC code associated with local charges and state charges.

Mr. Minice closed with a reminder that the Nlets Justice Portal is available for disaster recovery for states and users. He encouraged users to contact the Nlets Network Operations Center at 800-528-4020, if they would like to pursue.

Mr. Lesko noted the CJIS APB's Rapsheet Standardization Task Force will be led by Mr. Ted DeRosa, Colorado Bureau of Investigation, serving as the chair. He noted they are looking for individual who would like to serve on the task force and encouraged anyone interested in participating to contact him.

APB ITEM #5 Chairman's Report on the N-DEx Subcommittee

This agenda item was presented by Ms. Donna Uzzell, FDLE, and Chair of the N-DEx Subcommittee. **(See Appendix J, PowerPoint.)** Ms. Uzzell said she was pleased with the amount of records and number of users N-DEx is receiving. The N-DEx PO continues strategic outreach with COPLINK, the Law Enforcement Information Exchange, and the Regional Information Sharing System Implementation efforts are also underway between the N-DEx PO and department of correction agencies in Alabama, Georgia, Virginia, Wyoming, and Indiana. Additional state or local information with institutional community corrections is being shared with Maryland, Texas, and Virginia. Ms. Uzzell explained they are now taking absconded probationers and running them against a batch of entries in N-DEx. This has resulted in huge success with locating these individuals. Florida has done the same with the N-DEx batching process to find absconded sex offenders.

Ms. Uzzell noted NICS access to N-DEx as a secondary search with the use code "F" for firearms was implemented and is now available. The N-DEx PO is prepared to meet the NICS Section's FY 2020 automated implementation.

The N-DEx PO has successfully implemented additional use codes. "S" for federal security clearances, suitability, and fitness for federal employment and "B" for bioterrorism security risk assessments conducted by the CJIS Bioterrorism Risk Assessment Group. There are multiple levels of web-based and on-demand training resources available.

N-DEx Issue #1 N-DEx Program Status

This topic was accepted for information only.

N-DEx issue #2 N-DEx System Access via Law Enforcement Enterprise Portal (LEEP)

The N-DEx PO is improving the account access process via LEEP for both LeepID users and the account managers. All N-DEx account requests will be available via the N-DEx system within the CSO management tool. The N-DEx PO is requesting input in regarding notifications as they transition to the new process.

APB Motion: The APB moved to accept Option 2 with added language in bold: An automatic e-mail notification will be provided to prompt the CSO, or designee, to log on to the N-DEx System to view and manage account requests **with the option for the CSO and designees to select immediate (real time delivery) or nightly delivery.**

N-DEx Issue #3 CJIS Audit Unit Annual Update

This topic was accepted for information only.

APB Item #6 N-DEx Success Story of the Year

This agenda item was presented by Mr. Rago. *(See Appendix K, PowerPoint.)* He began by giving some background on N-DEx. N-DEx was created to share investigative criminal justice information on a national scale. It compliments other well-known FBI systems, fills information gaps, and provides situational awareness to the criminal justice community.

Mr. Rago presented the N-DEx Success Story of the Year. The winner was selected from 35 submissions and involved child exploitation across state lines. The winner was Officer Mark Riemersma, Wayland Police Department, Michigan. Officer Riemersma provided a brief synopsis of the story and concluded with reiterating the benefits of the N-DEx system for law enforcement investigations. The award was presented on behalf of the FBI.

Mr. Mark Garnsey, Chief of Police, Wayland Police Department also accepted an award on behalf of the police department. Mr. Rago thanked the Michigan CSO, Dawn Brinningstaull who was unable to attend and Department Crime Specialist Wendy Easterbrook for their ongoing dedication and support of the N-DEx mission. Mr. Rago invited Chief Garnsey to speak.

Chief Mark Garnsey said it was an honor to be at the meeting representing a seven-person department. Chief Garnsey expressed gratitude for Officer Riemersma and explained his passion and motivation made him a great criminal investigator. He explained they come from a close-knit community and was deeply honored to have that support.

APB Item #7 Chairman's Report on the IS Subcommittee

This agenda item was presented by Mr. Schaeffer, Chair of the IS Subcommittee. *(See Appendix L, PowerPoint.)* The IS Subcommittee met in April 2019 via teleconference due to the government shutdown. There were five topics and three ad hoc topics discussed. They also welcomed new members: Mr. Bruce Houlihan, American Society of Crime Laboratory Directors (ASCLD); Ms. Leslie Moore, Kansas Bureau of Investigation; Ms. Beth Owens, Ohio Attorney General's Office; and Mr. Wyatt Pettengill, North Carolina Bureau of Investigation. Mr. Schaeffer also introduced the new Vice Chair of the IS Subcommittee, Ms. Allison Miller, Defense Forensics and Biometrics Agency.

Mr. Schaeffer explained the previous process regarding forms for the request for expunctions. Previously, they were completed and mailed to the FBI. It was requested that the process be automated. Fillable portable document format (PDF) forms should be available by the end of 2019 to request services from the FBI and have actions taken as opposed to mailing the forms.

The Repository for Individuals of Special Concern (RISC) was then discussed. There has been an outstanding request to the FBI to explore ways to search the entire criminal master file. The effort is still ongoing. The responses from RISC will continue to come back as is: red, yellow, and green. The FBI is continuing to look at the policy and privacy implications of expanding it to the criminal master file.

The Attorney General came out over a year ago with a mandate to all CSO's regarding improvements on disposition reporting. The issue lies with how to count charge levels, what charges to count, as well as what charges should not be counted. As a result, the Disposition Task Force is being reconstituted. Ms. Leslie Moore, Kansas Bureau of Investigation, will serve as Chair. Ms. Paula Zirkle, FBI, CJIS, BSS Unit Chief will serve as the DFO.

Mr. Schaeffer advised that over the last few years, several meetings have been held regarding the implementation of Rapid Deoxyribonucleic Acid (R-DNA). Guidelines have been developed for states that would like to participate in R-DNA pilots. There will be a new version of the Combined DNA Index System available to help the Originating Agency Identifier (ORI) formatting issue.

Mr. Schaeffer also noted the Ohio Bureau of Criminal Investigation and Identification are restructuring the Identification Services Coordination Group. It will be chaired by Ms. Donna Owens. He expressed it was time to review and update the EBTS Version 11 and review additional modalities for things such as iris. The Rapsheet Standardization Task Force will also be reconstituted in partnership with Nlets in order to update the standard national rapsheet.

IS Issue #1 Miscellaneous Action Items Update

This topic was accepted for information only.

IS Issue #2 Subsequent Activity Notifications for Wanted Notices on the NGI System

This topic was accepted for information only.

IS Issue #3 Update on the Proposed Technical Solution to Streamline the CCDBG Background Checks

This topic was accepted for information only and addressed by the NCIC Subcommittee.

IS Issue #4 Driver's License Numbers (DLNs) in the NGI System

Mr. Schaeffer explained a person's DLN can be entered into NGI through the Miscellaneous Number Field. Due to changes in some DLN's, there has been much consideration to adding the DLN to the NGI System. It is updated via the EBTS system. Discussions include the implementation of REAL ID and should it be called Operator's License Number (OLN) rather than DLN.

APB Motion: The APB moved to accept Option 2: Continue to pursue the addition of a DLN field to the NGI System for the fall 2019 APB.

IS Issue #5 Modernizing and Standardizing EBTS Sex Codes

NGI and NCIC currently have two different ways to report a person's sexual orientation. This causes confusion for the operator on both systems if the orientation is Unknown. In NGI, this is an "X". In NCIC, it is "U". Around 200,000 persons had other descriptions regarding their gender. Although 200,000 out of 75 million is a small number, this can cause a name search to come back with the wrong response.

APB Motion: The APB moved to accept Option 2: Change the sex codes of G, N, X, Y, and Z to U within the NGI System and the EBTS. The definition of U should include "non-binary" in addition to "Unknown/Unspecified." Priority 3M.

IS Issue #6 Cascade of Ten Print Rap Sheet (TPRS) Transactions Against the Unsolved Latent File (ULF)

Mr. Schaeffer expressed the complexities associated with this topic. Under this scenario, agencies have fingerprints for an individual they want to identify. It is not someone who is being booked or arrested. It is an individual, however, agencies want to determine whether they exist in the criminal master file.

There are currently about 40,000 of these transactions daily. Currently, the search does not include the ULF. The ULF contains prints for individuals involved at a crime scene who have not been identified. The question becomes should we be searching these additional 40,000 inquires daily against the ULF.

There are a couple of issues to consider. First, there is a work load issue. When there is a probable identification, someone from a crime laboratory has to review the information to determine whether there is an identification, which could be a significant additional work load. Secondly, if an agency makes an identification, what do they do with it moving forward? They know where the individual was at one point in time, but may not know where they are after that. While the information could be somewhat useful, it is not as useful as if they were making the identification during booking when they have the individual in custody.

The IS Subcommittee considered all this carefully, and recommended a pilot that would allow them to approach this cautiously, walk first, not run, in order to test out the capability with some agencies who would like to do it and work through the implications of implementation. This will allow the IS Subcommittee to review the results about how it worked, and the impact to the contributors.

APB Motion: The APB moved to accept Option 3: The FBI CJIS Division implement a technical solution to cascade all TPRS transactions against the ULF via an initial pilot guiding the final implementation.

Action Item:

The intended outcome of this pilot is to establish business rules regarding efficacy; workflow/impact to the contributor; and accuracy of the search of the ULF by the TPRS Type of Transactions (TOTs).

IS Issue #7 DNA Update

This topic was accepted as information only.

IS Issue #8 Ad Hoc Items

This topic was accepted as information only.

APB Item #8 SEARCH Update

This agenda item was presented by Mr. Dave Roberts, Executive Director, SEARCH. **(See Appendix M, PowerPoint.)** Mr. Roberts began by explaining SEARCH is a membership organization of governor appointees and those representatives are the repository directors from the state. He announced this is the 50th anniversary of SEARCH.

He noted new National Criminal History Improvement Program (NCHIP) applications were disseminated and due June 3, 2019. SEARCH recently released a memorandum on their 2018 survey of State Criminal History Information Systems. They have also conducted several regional Quality Assurance and Criminal History Records Improvement workshops.

Mr. Roberts explained SEARCH continues to work with the Performance Council and the National Background Investigation Bureau to look at gaps in criminal history systems for firearms and screening processes. They will be creating comprehensive profiles for each state and mapping of the criminal history records to the NIEM standards. SEARCH will also be conducting onsite reviews with a few states. SEARCH will develop criminal history metrics and research. A working group will be created to address related issues. This is an effort to give states information on the quality of information coming in and provide research regarding risk, recidivism, redemption, criminal careers, and access variations across states. SEARCH looks to develop a dashboard for agencies to access this information. States would monitor the quality, completeness, and timeliness of criminal history data as it is being submitted so they can identify impediments and reach out in a more proactive manner rather than doing a survey every two years to find they have a disposition reporting issue.

Mr. Roberts noted the 50th anniversary celebration will occur on July 22, 2019 in Washington, D.C. SEARCH is reintroducing their symposiums which will focus on facial recognition, redemption, research with focus on criminal history record, expungement, and how those records are managed. A rich agenda is planned and he encouraged the audience to attend.

APB Item #9 National Crime Prevention and Privacy Compact Council Report

This agenda item was presented by Mr. Wyatt Pettengill, Chair of the Compact Council. **(See Appendix N, PowerPoint.)** Mr. Pettengill begin by briefing on how, when, and why, the Compact Council was formed. He noted the Compact Council and related committees were formed as a provision of the National Crime Prevention and Privacy Act Compact Act. He recognized the FBI CJIS staff currently supporting work for the Compact Council. Compact ratification gives states the opportunity to ratify the act in order to share information. Thirty three states have ratified, and eleven have signed a Memorandum of Understanding (MOU) with an intent to eventually ratify. States interested in joining can have the opportunity to be paired with another state that has already been through the ratification process and has agreed to serve as a mentor.

The Compact Council will focus on several initiatives moving forward; Expansion of the policy for individuals permanently prohibited from providing legible fingerprints; Continued development plans for the National Fingerprint File (NFF) Implementation and; Establishing an NFF Disposition Task Force.

The Compact Council has lost some individuals in leadership roles. As a result, Mr. Schaeffer will serve as the Chair of the Standards and Policy Committee; Major Brandon Gray, New Jersey State Police, will now serve as the Vice Chair of the Standards and Policy Committee; Ms. Kathy Monfreda, Alaska Department of Public Safety, will serve as Chair of the Planning and Outreach Committee; and Ms. Nicole Borgenson, Utah Bureau of Criminal Identification will serve as Vice Chair of the Planning and Outreach Committee. Five individuals were elected to serve as State Compact Officer representatives on the Compact; Mr. Jason Bright, Montana DOJ; Ms. Monfreda; Ms. Moore; Ms. Jennie Temple, South Carolina Law Enforcement Division; and Mr. Brad Truitt, Tennessee Bureau of Investigation.

Mr. Pettengill noted a significant change in the meeting structure of the Compact Council as part of a pilot project. He cited the APB's model as an excellent example of shared management. As part of the pilot regional committees that will allow State Compact Officers to be more involved earlier in the process will be held in August 2019. The regional committees will be divided into east and west. MOU participants will also be invited to attend.

Lastly, Mr. Pettengill noted upcoming meeting dates and provided contact information for himself and Ms. Chasity Anderson, FBI Compact Officer.

APB Item #10 CJIS Technology Evolution Roadmap

This item was removed from the agenda.

APB Item #11 Chairman's Report on the UCR Subcommittee

This agenda item was presented by Ms. Kathy Monfreda, Chair of the UCR Subcommittee. **(See Appendix O, PowerPoint.)** Ms. Monfreda began by introducing the new Vice Chair, Adam Dean, New York State Division of Criminal Justice Services. The subcommittee addressed eight topics with one recommendation to present for the APB. Seven topics were accepted for information only.

UCR Issue #1 UCR Status Report

This topic was accepted as information only.

UCR Issue #2 How to Reflect the Status and Resolution of Crime in the NIBRS Data Collection

Mr. Lesko introduced Ms. Terry Fromson, Women's Law Project who provided comments on the topic from the gallery. **(See Appendix P.)** Ms. Fromson is the managing attorney of the Women's Law Project. The Women's Law Project is a Pennsylvania-based public interest law center dedicated to eliminating discrimination on basis of sex and gender. They support the collection of unfounded data in NIBRS with a primary focus on sex crimes. They also support the publishing of collected data on unbounding in annual reports published by the FBI and at the local, state, and national level. Ms. Fromson explained they have been researching and reviewing UCR sex crime data for over 20 years. She stated they have learned that there is a long history of misuse and abuse of unbounding sex crimes. The Summary Reporting System (SRS) manual states that unbounding a crime report is expected to only occur occasionally, however, this is happens much more. In 2018, an investigative news report determined that seven of 19 jurisdictions examined had found unfounded rape rates above 10 percent, and one jurisdiction was reported in the article at 40 percent. These unfounded rates of rape are potentially an indicator of historic bias associated with rape.

Ms. Fromson said rape is a crime that is subject to erroneous myths that result in significant underestimation of the seriousness of the crime and overestimation of its victims as blame-worthy liars. NIBRS collects the number of reports, arrests, and exceptionally cleared rapes. The absence of the unfounded sex crime data makes the data incomplete and misleading. It eliminates an important measure of police performance. Collecting and publishing unfounded sex crime data is imperative for public understanding of crime report outcomes. It advocates to improve police response to complaints, improves public trust in law enforcement, and ultimately improves public safety. Currently, NIBRS jurisdictions delete unfounded crimes without explanation or public knowledge which undermines the credibility of law enforcement. Ms. Fromson expressed the impact on state system users will be minimal and encourages the immediate implementation of unfounded as well as the publication of this data.

Mr. Brian Wallace, Marion County Sheriff's Office, expressed his appreciation of the UCR Subcommittee's deliberation on this topic and comments from the Women's Law Project. Mr. Wallace stated it is important during outreach to make sure the law enforcement agencies are engaged. He stated this is a significant change from what we are used to in NIBRS and there is a lot of discussion to be had. Mr. Wallace supported the timeline and stated it is very reasonable. He stated this is a substantial change, but it is important to capture this data. The mechanisms of deleting incidents from NIBRS or recoding them to something that is not accurate is not helpful. Mr. Wallace again expressed gratitude to the UCR Subcommittee and the Working Groups that have discussed this topic.

APB Motion: The APB moved to accept Motion 1: Accept new Option 4 – The FBI will add “unfounded” to the NIBRS by working with contributing law enforcement agencies and state UCR Programs to conduct research and outreach for data collection alternatives and identify an implementation plan.

UCR Issue #3 National Use-of-Force Data Collection Update

This topic was accepted as information only.

UCR Issue #4 Status of the NIBRS Transition

This topic was accepted as information only.

UCR Issue #5 Beyond 2021 Task Force Update

This topic was accepted as information only.

UCR Issue #6 Crime Data Explorer Update

This topic was accepted as information only.

UCR Issue #7 LEOKA Update

This topic was accepted as information only.

UCR Issue #8 Expansion of Domestic Violence Definition

This topic was accepted as information only.

APB Item #12 Association of State Uniform Crime Reporting (ASUCRP) Programs Update

This agenda item was presented by Mr. Derek Vietenheimer, Wisconsin DOJ. Mr. Vietenheimer is the UCR program manager for the state of Wisconsin, and the current FBI APB liaison for the ASUCRP. **(See Appendix Q, PowerPoint.)** Mr. Vietenheimer explained the ASUCRP: why they exist, what they do, and how they are beneficial. The ASUCRP present state UCR programs as an association to push progress and implementation of additions to the UCR on the national level. They provide a voice for state and locals to the APB process, FBI, and other parties on how to implement programs in a successful manner. The annual conference facilitates this success by bringing together state UCR programs. At this conference, adoption of new data collections such as use of force and new program implementations are encouraged.

ASUCRP has become an official partner of the Research Triangle Institute to assist in the National Crime Statistics Exchange (NCS-X) project. This project is laying the foundation to promote the transition to NIBRS for law enforcement agencies nationwide. ASUCRP is officially a part of their training and technical assistance grant. They have also partnered with the Justice Research Statistics Association by having a joint conference which will be held in November 2019. This partnership allows program field and data collection experts to participate in state statistical analysis centers. This is in hopes to promote the usefulness and value of NIBRS data.

ASUCRP participates in the Beyond 2021 Task Force and the NIBRS Transition Task Force.

Mr. Vietenheimer explained looking at crime data long after it has occurred isn't sustainable. They continue to work with the FBI in seeing how they can use the UCR data as well as NIBRS data to ensure it is disseminated to the public in a timely manner. While participation numbers look low, Derek expressed there is a lot of work going on, behind the scenes. They may not be represented in the current participation rates, but are coming on board soon. Mr. Vietenheimer concluded with the location and date of the next annual conference, which will be held in Hilton Head, South Carolina, November 18-21, 2019.

APB Item #13 Use of Force (UoF) Task Force Update

This agenda item was presented by Mr. Robert Sage, Augusta Department of Public Safety and Chair of the UoF Task Force. **(See Appendix R, PowerPoint.)** Mr. Sage thanked the UCR team who worked to advance this collection as a result of a recommendation from the CJIS APB. He noted significant headway is being made. The CJIS APB approved the creation of the task force, resulting in the creation of the database to collect all law enforcement use of force incidents resulting in death or serious bodily injury of a person, as well as all firearm discharged at or in the direction of a person. The Office of Management and Budget (OMB) has issued a series of constraints regarding whether the information can be published or continue to be collected long term. The ability to publish data is controlled by the participation rate, or the total number of law enforcement officers in the U.S. that participate in the data collection. There must be 40 percent before reporting can begin. The nonresponse rate has to be less than 30 percent to open up the category. Therefore, 80 percent of law enforcement participation with less than 30 percent nonresponse rate is needed to begin reporting.

UCR continues its effort to gain participants. At this time, there are 112 out of 500 targeted agencies participating. Regarding tribal outreach, the UoF Task Force sent a letter to approximately 175 tribal leaders and hope for a lot of interest in the near future. The UoF Task Force appointed a tribal representative who has provided insightful ideas for outreach efforts not yet conducted. College and university recruitment is also underway. Although their officer count can be low, their participation is crucial to show a true national narrative.

Currently, there are two federal agencies participating. Other federal agencies have expressed interest. They are waiting for their data to be shared. The FBI has also reached out to special agents in various offices to gain more participation with all types of law enforcement agencies. UoF data collection comes with challenges, the biggest one being the current transition to NIBRS. Another being some states do not want to use the UoF portal while their repository is being built. The team continues to encourage those agencies to use the LEEP portal as their system is online, the FBI will provide all that data back in a manner that they can backload to their systems.

Enrollment and participation is another complication. Many states believe participating means being enrolled. An agency is not participating until they enter or release data to the FBI either via use-of-force portal or bulk submission. Many states are also not telling their agencies they are enrolled. The team continued to work on ensuring all issues related to participation were mitigated. Mr. Sage thanked participants who continue to support and work towards the participation in the national use-of-force data collection.

Mr. Sage closed by noting the LEEP portal went live January 2019, a tremendous accomplishment considering the partial government shutdown. He stated that 20 percent law enforcement participation should also be considered an accomplishment as it has only been in the works for less than six months. He compared participation to a snowball effect. Mr. Sage expressed that UoF continues to grow and he believes they will reach the levels needed in order to release data.

APB Item #14 NIBRS Transition Update

This agenda item was presented by Mr. R. Scott Trent, FBI CJIS NIBRS Transition Manager. *(See Appendix S, PowerPoint.)*

Mr. Trent noted the work done by the NIBRS Transition Task Force. There has been a lot of progress towards states meeting the January 1, 2021 deadline. His presentation provided maps of agencies participating and those who have indicated a strong commitment to the transition.

Mr. Trent noted the work with federal agencies and advised a portal is being built for them much like the states to encourage participation. Tribal agencies bring some unique challenges, as they have responsibilities that include a requirement to report via the SRS to the Bureau of Indian Affairs (BIA) in order to obtain funding.

For colleges and universities, there are requirements to follow the Cleary Act definitions that create impediments. Mr. Trent noted the deadline is only 18 months away. Outreach and marketing has continued and involved numerous publications, an updated NIBRS website including the NIBRS toolbox, the creation of 14 computer-based tutorials, and in-person training of more than 700 people in FY 2019.

The FBI continued to work with states to determine participation plans. The Transition Task Force continued to hold conferences and meetings to educate the law enforcement community. Mr. Trent is confident the January 2021 NIBRS transition message is out there. Marketing tools have been developed, the website has improved significantly, and NIBRS training will continue.

APB Item #15 Chairman’s Report on the Security and Access (SA) Subcommittee

This agenda item was presented by Mr. Brad Truitt, Tennessee Bureau of Investigation and Chair of the SA Subcommittee. Mr. Truitt stated there were six information topics and six ad hoc issues that involved no recommendations for the board.

SA Issue #1 Action Item Review

FBI Action Item: The Information Security Officer (ISO) Program office accepted an action item to develop a *CJIS Security Policy* roadmap and bring it before the subcommittee for informational purposes. The impetus for this roadmap was to add context around proposals brought before the subcommittee for later topics aimed at bringing the *CJIS Security Policy* into alignment with advancing technology and best practices. The ISO Program’s vision and strategy laid out in the roadmap will serve to modernize components of the existing policy.

The first step is to create a Data Categorization Task Force. The purpose of this task force is to categorize criminal justice information. Categorization and identification of baseline protection requirements will provide substantive information to help determine what changes should be made to the *CJIS Security Policy*. The task force will use a “hubs and spokes” approach. The hub is a core group of four to six SA Subcommittee members. This core group will drive modernization efforts. The spokes, or security control families, will carry out the tasks identified by the core group. The spokes will be comprised of two or three members and will include Mobile, Cloud, and Courts Task Force components and other security control families as directed by the core group.

The SA Subcommittee endorsed modernization of the *CJIS Security Policy* as described in the briefing with a tentative goal of creating *CJIS Security Policy V6* by December 2022. Through SA’s deliberations on this issue, there was a significant amount of interest and assumption of benefit around the concepts of data tagging and risk-based security controls. Given that these were not considered in the original timeline, the SA Subcommittee accepted that if they were included in the modernization plans, the December 2022 timeline may need to be adjusted.

SA Issue #2 Incident Response Best Practice Appendix to the *CJIS Security Policy*

This topic was accepted as information only.

SA Issue #3 Secure Coding Best Practices to the *CJIS Security Policy*

This topic was accepted as information only.

SA Issue #4 Fiscal Year 2018 Audit Results Summary

This topic was accepted as information only.

SA Issue #5 Task Force Updates

This topic was accepted as information only.

SA Issue #6 CJIS Information Security Officer Program Update

This topic was accepted as information only.

Ad Hoc Issue #1 Mobile Device Management (MDM) Compliance

This topic was requested by Mr. Walt Neverman, Wisconsin CSO. The topic requested clarification on which agency is responsible for complying with the MDM requirement for direct access to CJIS – the service provider or the user agency. The ISO Program will prepare a topic paper that will be presented at the fall 2019 Working Group meetings.

Ad Hoc Issue #2 Secure Web Protocols

This topic served as a follow-up regarding the fall 2018 subcommittee meeting conversation concerning encryption of the Criminal Justice Information (CJI) in transit, particularly how agencies may secure CJI shared via e-mail. The ISO Program will prepare an informational topic paper that will be presented at the fall 2019 Working Group meetings.

Ad Hoc Issue #3 Password Alignment with National Institute of Standards and Technology (NIST)

The purpose of this topic was to revisit the changes to the NIST password standards presented to the SA Subcommittee at the spring 2018 meeting and approved by the June 2018 APB. The NIST standard called for adopting a non-expiring 8-64 character password. The password should be compared against a list of banned passwords. The APB approved the Subcommittee's motion to set the minimum character limit to 20 and to expire yearly. The ISO PO will prepare a topic paper that will be presented at the fall 2019 Working Group meetings.

Ad Hoc Issue #4 Auditing of Contractors

This topic was requested by Mr. Ted DeRosa, Colorado Bureau of Investigation. The purpose was to request the addition of the language within the *CJIS Security Policy* to require vendor contracts to cite compliance with the *CJIS Security Policy*. The CJIS Audit Unit (CAU) historically only assessed confirmation of the Security Addendum certification rather than reviewing the actual contract between the law enforcement agency and the contractor. The CAU believes this request is a change to practice rather than policy, therefore; beginning in June 2019, the CAU will assess if the *CJIS Security Policy* and purpose and scope of services is referenced in the contract agreement. Additionally, the CAU will prepare an informational topic paper providing CJIS guidance to CJIS System Agency auditors on assessing "contract language" for fall 2019 and add sample language in *CJIS Security Policy*, Appendix G.

Ad Hoc Issue #5 ISO Symposium

The purpose of this topic was to invite the SA Subcommittee members to serve as presenters during the upcoming ISO Symposium. Mr. Chris Weatherly, FBI CJIS Division ISO, expressed value in the Subcommittee's perspective on new topics and issues that are relevant and timely for their agencies.

Ad Hoc Issue #6 NIST, National Cybersecurity Center of Excellence (NCCoE) Discussion

The purpose of this topic was to share information with the Subcommittee on a recent NIST, NCCoE workshop that brought together a group of law enforcement and public security professionals to discuss information sharing. The NCCoE initiated collaboration among these groups to begin

development of a roadmap to show the current state of information sharing and desired future state. The idea was to develop a plan to share information at the right time with the right people for the right reason. The previously discussed concept of role-based access control, expected to be addressed in the *CJIS Security Policy* modernization, will be a necessary component of any such information sharing initiative. **(See Appendix T, PowerPoint.)**

APB Item #16 CJIS ISO Update

This agenda item was presented by Mr. Weatherly, FBI, CJIS Division. He noted he has been the ISO for over a year. During his time as the ISO, he has established several relationships, and attended more state and national conferences than in previous years, which has provided a greater visibility of the ISO Program. An additional member has been added to the contract staff. Mr. Weatherly provided a list of accomplishments for the ISO Program: The *CJIS Security Policy*, Version 5.8 has been sent out for publication; several topics were prepared and sent through the APB and Compact Council in 2018; the ISO Symposium was held in July 2018 with 70 states participating; a two-day new ISO workshop was hosted in May 2019 at the FBI CJIS Division; and an ISO plenary session will be held on the middle day at the August 2019 Working Group meetings. Mr. Weatherly closed by noting the ISO PO will be looking at the modernization of the *CJIS Security Policy* in the future.

APB Item #17 Tribal Task Force (TTF) Update

This agenda item was presented by Chief William Denke, Sycuan Tribal Police Department and Chair of the TTF. **(See Appendix U, PowerPoint.)** Chief Denke advised the task force met via teleconference the previous week. Three new members have been added: Chris Sutter, Chief Washington Tulalip Tribal Police Department; Ronny Gilmore, Chief Oklahoma Miami Nation; and Lieutenant Colonel Tim Chung, Arizona Department of Public Safety. Mr. Denke expressed appreciation at the engagement with tribal agencies represented.

Mr. Denke began by expressing complications that exist with NIBRS and tribal participation. Regarding NIBRS, the CJIS Division, Department of Interior, and BIA meet monthly via teleconference to discuss and work towards solutions for tribal reporting. The CJIS Division continues working to develop the NIBRS Collection Application which will allow tribal agencies who have access to LEEP to directly submit NIBRS incidents to the UCR program. The projected completion date is planned for midsummer of 2020.

The DOJ TAP continues with 25 additional tribes selected for fiscal year 2019, bringing the total to 72 by the end of 2019. The TAP continues growth in Indian Country. Six tribes, including tribes in California and Louisiana, continue to participate in conferences and other events including the International Association of Chiefs of Police (IACP) Indian Country Law Enforcement meeting held in March 2019. CJIS will continue outreach efforts and continue site visits to additional tribes starting in Washington and Maine. CJIS is in the process of creating a tribal video which showcases the tribal perspective related to CJIS systems and programs and will highlight five different tribes. The projected release date is June 2020. It will be distributed to all 573 recognized tribes along with the major tribal associations across the country. The TAP Engagement Program is initiating an extensive research into tribal participation in CJIS services. They want to dig into the potential roadblocks out there for tribes that are not participating. The NCIC Extradition Project is a new topic that came up at the previous

meeting. Research will be conducted to determine if proposed new codes will cover unique tribal situations.

Mr. Denke concluded with discussing the Tree of Peace Ceremony. A few months ago, a white pine tree was planted on the CJIS campus to memorialize and recognize the efforts of CJIS, APB Tribal Task Force, and collaboration that has been done with its tribal partners throughout the country. The dedication ceremony will take place at CJIS on September 25, 2019 following an in-person TTF meeting. Mr. Denke thanked the members on the TTF.

APB Item #18 Chairman's Report on the Compliance Evaluation (CE) Subcommittee

This agenda item was presented by Mr. James F. Slater, III, Massachusetts Department of Criminal Justice Information Services and Chair of the CE Subcommittee.

Mr. Slater began by commending the CJIS Audit staff and members of the subcommittee for the tremendous amount of work they do. For this meeting, there were 56 agency reports and more than 700 pages of material to organize. There were status reports on NCIC, IT Security, NICS, N-DEX, NSOR, and the National Identity Services (NIS). He then presented the following findings.

Follow-up to Governor/Attorney General

Alabama (IT)
Arkansas (NSOR) Call/close or follow-up
Colorado (IT) Call/close or follow-up
Florida (IT)
Illinois (NCIC and NSOR)
Maine (NCIC)
Minnesota (IT)
Montana (IT)
Nebraska (IT)
New Mexico (IT)
New York (NCIC, NSOR, and IT)
North Carolina (IT)
North Dakota (NSOR)
Oregon (NSOR)
Pennsylvania (IT)
Puerto Rico (NCIC)
Rhode Island Repository (IT)
South Carolina (IT)
South Dakota (NSOR and IT)
Vermont (IT)
Virginia (NSOR)
West Virginia (IT) Call/close or follow-up

Closure to Governor/Chief Justice

Kentucky (NICS)

Maine (NSOR)

Follow-up to CJIS CSO/Bureau Chief

Administrative Office of the United States Court (NCIC and IT)

California (NSOR and IT)

Connecticut (IT)

District of Columbia (NIST)

Florida (NSOR and IT)

Guam (NSOR and IT)

Hawaii (NCIC)

Indiana (NSOR and IT)

Iowa (NICS and N-DEx)

Kansas (IT)

Louisiana (IT) Call/close or follow-up

Massachusetts (NCIC, NSOR, IT, and NICS)

Minnesota (IT)

Missouri (NCIC, NSOR, and IT)

Ohio (NCIC)

Oregon (IT)

Pennsylvania (NSOR)

U.S. Air Force Office of Special Investigations (IT)

Department of the Army (IT)

U.S. DOJ (NCIC)

Naval Criminal Investigative Service (NCIC)

Utah (IT)

Washington (NSOR, IT, and NICS)

West Virginia (NCIC, IT, NICS, and N-DEx)

Wisconsin (NSOR and IT)

Concern without Follow-up to CSO

Florida (NCIC)

Oregon (N-DEx)

Naval Criminal Investigative Service (N-DEx)

Sanction to CSO

Colorado (NCIC, NSOR, and IT)

Iowa (IT)

Oregon (NCIC and NSOR)

Pennsylvania (IT)

U.S. Air Force Office of Special Investigations (NCIC)

West Virginia (NSOR)

Closure to CSO

Colorado (NCIC and N-DEx)

Florida (N-DEx)

Georgia (IT)

Guam (NCIC)

Indiana (NIS)

Oregon (NICS)

Pennsylvania (NICS and NCIC)

U.S. Air Force Office of Special Investigations (N-DEx)

Department of the Army (N-DEx)

Washington (NCIC)

Washington (N-DEx and NIST)

Wisconsin (NIS)

Commendation to CSO

Florida (NICS)

Iowa (NCIC)

Pennsylvania (N-DEx and NIST)

U.S. Air Force Office of Special Investigations (NICS)

Department of the Army (NICS and NCIC)

Naval Criminal Investigative Service (IT and NICS)

Wisconsin (NCIC, NICS, and N-DEx)

Follow-up to Repository Point of Contact (POC)

Connecticut (NIS)
Mass State Identification Bureau (IT and NIS)

Follow-up to CSA Head

Alaska (NCIC and IT)
Idaho (IT)
Kentucky (IT)
Louisiana (NSOR)
Maryland (IT)
Michigan (IT)
Montana (NSOR and IT)
Nevada (IT)
Puerto Rico (IT) Call/close or follow-up
Rhode Island (IT)
South Carolina (NSOR and IT)
Tennessee (IT)
Utah (NCIC)

Closure to CSA

New Mexico (NSOR)

Closure to POC

Mississippi (IT)
U.S. Marine Corps (NICS)

Commendation to POC

National Center for Missing and Exploited Children (IT)

Follow-up to Director of Identification

Ohio State Bureau of Identification (NSOR, IT, and NICS)

APB Item #19 Chairman's Report on the NICS Subcommittee

This agenda item was presented by Mr. Lawrence Tyler, Utah Bureau of Criminal identification and Vice Chair of the NICS Subcommittee. **(See Appendix V, PowerPoint.)** The spring 2019 NICS subcommittee met via teleconference. They are striving for a more robust and engaged conference in the fall, therefore they focused on informational topics only.

The subcommittee focused on joint arrests between state and federal agencies and how criminal histories would be challenged between these agencies over missing information. Guidance is being drafted and currently routed through BSS. A state advised the FBI they are working on a program to notify agencies when the states are missing dispositions. The FBI is reaching out to that state to

provide information to the subcommittee on how they are handling this in order to make sure the POC states and permit states that are running background checks are getting that information more quickly.

Mr. Tyler stressed the importance about speed and accuracy in what NICS does therefore it is important to understand the hierarchy of the state court systems. Not all states have the same type of hierarchy and it is very important for other states to know that information. The FBI has also identified over 700 multi-jurisdictional agencies where there could be multi-jurisdictional boundary guidelines that are unknown. NICS needs to be able to know if they are simply the booking agency or the actual arresting agency.

Access to DLN's has been a big topic of discussion regarding the benefit. Previously, there have been circumstances where the OLN was the only way an examiner was able to make a direct identification. Without this, prohibited persons could potentially purchase the firearm. The subcommittee will put together a paper regarding this for the fall round of the Advisory Process.

There was additional discussion, regarding the Fix NICS Act, whether the military should be required to list the level of court martial in their disposition as this could sometimes lead to an automatic determination if a dishonorable discharge and statute was listed. This would allow the person to fall under the 922(g)(1) disqualifier. Mr. Tyler stated you do not see court martial or military rapsheets often, but it would be very beneficial when you did come across one.

All 50 states have sent templates to the DOJ regarding updates of criminal histories and how the states plan for improvement.

The fourth issue was the parsing of the also known as (AKA) field in NICS Indices or NGI. Currently, it is not consistent. AKA's can be up and down, side to side, or listed alphabetically. The subcommittee discussed the benefits of the response being consistent and familiar when parsing through large amounts of data in a short amount of time. It becomes challenging for examiners to look through AKA's when they are not laid out consistently.

APB Motion: To endorse Option 1a – Change the parsing of the AKA information in a NICS Indices entry to consistently return in an “up-and-down” alphabetic format when responding to a Query Denied Person (QDP) and/or a Query NICS Protection Order (QNP) request.

APB Item #20 IACP Update

This agenda item was presented by Mr. William G. Brooks, III, Chief, Massachusetts, Norwood Police Department. Mr. Bill Brooks, IACP, reiterated the benchmark that the OMB has set that no information on UoF can be released until the 40 percent participation mark has been reached. He stated IACP has been working to reach that mark. Mr. Brooks stated the enrollment rate is at 20 percent. If this does not get to 40 percent by August, the story will be that there is nothing to release because not enough police departments signed up. He expressed that IACP, along with others, wish to avoid this. IACP has been contacting chiefs who are not enrolled. A letter, checklist on how to create a LEEP account, and instructions on how to enroll to submit use of force has been sent out to every chief by Mr. Paul Cell, IACP President. Mr. Brooks said the steps to enroll are the underlying issue, rather than resistance to report. He hopes the checklist will prove beneficial. Mr. Brooks concluded by encouraging the agency heads in the room to enroll.

Mr. Brian Wallace thanked Chief Brooks, the UCR staff, UoF Task Force, and the ASUCRP for their help in getting more agencies enrolled and participating in the UoF data collection. He expressed he does not want to see this fall off the radar, especially as it is being overshadowed by the NIBRS transition. Mr. Wallace stated the public has been more educated with UoF incidents through outreach and discussion.

APB Item #21 Major Cities Chiefs Association (MCCA) Update

This agenda item was presented by 2nd Lieutenant Stephen Wallace, Virginia, Fairfax Police Department. Lieutenant Wallace represented Colonel Edwin Roessler, Chief, Fairfax County Police Department and the MCCA's representative on the CJIS APB. He noted Colonel Roessler also serves on the NIBRS Transition Task Force and is a big proponent of NIBRS. Lieutenant Wallace advised Colonel Roessler most recently shared information from the media regarding NIBRS, as well as an internal agency audit he conducted to increase transparency in his own agency with members of the MCCA.

He noted three additional issues currently being addressed by the MCCA are the opioid epidemic, human trafficking, and how to deal effectively with emotionally disturbed individuals in an effort to help them with diversion first, as opposed to punishment.

APB Item #22 Major County Sheriffs of America (MCSA) Update

This agenda item was presented by Sheriff Wickersham, Macomb County Sheriff's Office, Mt. Clemens, Michigan. Sheriff Wickersham stated the MCSA is a group of sheriffs that represent a population of over 500,000 in their counties. The mission of the organization is five pronged and includes: Accuracy and speed of delivery of information to sheriffs throughout the nation; communication, delivery of real time and relevant information to the sheriffs throughout the country; education, to law enforcement and the correctional staff that works in the jails that sheriffs are mandated to run; advocacy for education and fostering relationships with legislatures, government officials, and community members; and also research; establishing best practices and standards for sheriffs throughout the U.S.

MCSA has been focusing on ways to reduce violent crime in the U.S. as well as border security. Additionally they have been addressing mental health and the opioid problem. Jails have become the dumping ground for substance abusers. There are not enough treatment facilities therefore judges are inclined to incarcerate these people in order to get them clean. This practice is taxing on jail, officer, and medical staff. The mental health population is increasing and the MCSA is looking at ways of diverting these people out of the jail. He said they need to provide treatment and get some of those people back on their medications, rather than to incarcerate them. Sheriff Wickersham concluded by stating post incarceration employment and reentry programs are being introduced at the majority of prisons to reduce the recidivism rate of county jail inmates.

APB Item #23 NSA Update

This agenda item was presented by Mr. Michael Brown, Director of Professional Development, NSA. Mr. Brown began stating he spoke to the Mr. John Thompson, former NSA Executive Director and NSA representative to the CJIS APB. Mr. Thompson wished the CJIS APB well and thanked them for allowing him to serve. Mr. Brown noted the NSA Conference will be held in Louisville, KY on June 14,

2019. Mr. Brown closed by expressing his desire to speak to the NSA CJIS Committee Chair and Vice Chair in hopes of finding ways they can support the CJIS APB moving forward.

APB Item #24 ASCLD Update

Mr. Bruce Houlihan, Orange County Crime Lab, spoke on behalf of the ASCLD. Mr. Houlihan briefly touched on the initiatives and issues that the ASCLD is currently working on. The ASCLD is directly involved with the scientific use of R-DNA, not just for booking stations but also disaster victim identification, and as Combined DNA Index System (CODIS) allows. Genetic genealogy is something that is brand new but the ASCLD is very interested in ways they can help assist law enforcement with applications and testing.

The ASCLD is also looking at massive parallel sequencing, also called NGS. This is generating a lot of genomic data, providing specific information about suspects, and possible phenotypical. This is information about the individual such as hair and eye color. Most laboratories are dealing with accepting all sexual assault evidence. The laboratory is moving into biometrics for investigative services as allowed by law. Digital evidence is also becoming something they are looking at in forensic applications.

At a national level, ASCLD is looking at images and pattern recognition disciplines which applies to fingerprints, bullets, shoe prints, etc. They are looking to work with academic institutions about the probability studies used in these image algorithms while possibly utilizing 3D topography. Mr. Houlihan closed by stating the ASCLD is also working with Centers for Disease Control (CDC) and National Institute of Justice about tracking emerging drugs and issues related to the opioid epidemic.

Closing Remarks

Mr. Lesko concluded the meeting by thanking everyone for putting the meeting together and compressing it to one day. Mr. Lesko stated the June 2019 APB meeting was very successful and he looked forward to seeing everyone in December. Being no further agenda items, the meeting was adjourned.

APPENDICES

Advisory Policy Board Roll Call

Jacksonville, Florida -- 06/05/2019

Name	Agency	Serving as a proxy for:	
Mr. William Brooks, III	Norwood Police Department Norwood, MA		<input type="checkbox"/>
Mr. Michael M. Brown	National Sheriffs' Association Alexandria, VA	John Thompson	<input type="checkbox"/>
Mr. Kevin C. Cockrell	Montgomery County Attorney Mount Sterling, KY		<input type="checkbox"/>
Mr. Donald Conroy	National Targeting Center, Department of Homeland Security Sterling, VA		<input type="checkbox"/>
Mr. Dwayne Cooper	Kingman Police Department Kingman, AZ		<input type="checkbox"/>
Ms. Veronica S. Cunningham	American Probation and Parole Association Lexington, KY		<input type="checkbox"/>
Mr. William J. Denke	Sycuan Tribal Police Department El Cajon, CA		<input type="checkbox"/>
Mr. Ted DeRosa	Colorado Bureau of Investigation Denver, CO		<input type="checkbox"/>
Ms. Carol A. Gibbs	Illinois State Police Joliet, IL		<input type="checkbox"/>
Captain Kyle Gibbs	Stillwater Police Department Stillwater, OK		<input type="checkbox"/>
Mr. Jeremy Hansford	Ohio State Highway Patrol Columbus, OH		<input type="checkbox"/>

Name	Agency	Serving as a proxy for:
Mr. Darryl J Hayes	Connecticut Department of Emergency Services and Public Protection Middletown, CT	<input checked="" type="checkbox"/>
Mr. Bruce Houlihan	Orange County Crime Laboratory American Society of Crime Lab Directors Santa Ana, CA	<input checked="" type="checkbox"/>
Mr. Michael C. Lesko	Texas Department of Public Safety Austin, TX	<input checked="" type="checkbox"/>
Mrs. Lynda G. Lovette	Baltimore City Police Department Baltimore, MD	<input checked="" type="checkbox"/>
Mr. Gary M. Lyons	Monroeville Police Department Monroeville, OH	<input checked="" type="checkbox"/>
Mr. Edward Mello	Jamestown Police Department Jamestown, RI	<input checked="" type="checkbox"/>
Ms. Kathryn M. Monfreda	Alaska Department of Public Safety Anchorage, AK	<input checked="" type="checkbox"/>
Ms. Leslie Moore	Kansas Bureau of Investigation Topeka, KS	<input checked="" type="checkbox"/>
Mr. Walt Neverman	Wisconsin Department of Justice Madison, WI	<input checked="" type="checkbox"/>
Mr. Scott G. Patterson	Talbot County State's Attorney Easton, MD	Not attending, not sending proxy <input type="checkbox"/>
Mr. Brian Pittack	Office of Biometric Identity Management - DHS Washington, DC	<input checked="" type="checkbox"/>
Mr. Robert S. Sage	Augusta Department of Public Safety Augusta, KS	<input checked="" type="checkbox"/>
Mr. Charles Schaeffer	Florida Department of Law Enforcement Tallahassee, FL	<input checked="" type="checkbox"/>

Name	Agency	Serving as a proxy for:	
Commissioner James F. Slater, III	Massachusetts Department of Criminal Justice Information Services Chelsea, MA		<input checked="" type="checkbox"/>
Mr. Corey R. Steel	Nebraska State Court Administrator Lincoln, NE	Not attending, no proxy	<input type="checkbox"/>
Major Jennie M. Temple	South Carolina Law Enforcement Division Columbia, SC		<input checked="" type="checkbox"/>
Ms. Sonya Thompson	Federal Bureau of Prisons Washington, DC		<input checked="" type="checkbox"/>
Mr. Bradley Truitt	Tennessee Bureau of Investigation Nashville, TN		<input checked="" type="checkbox"/>
Mr. Brian Wallace	Marion County Sheriff's Office Salem, OR		<input checked="" type="checkbox"/>
Mr. Stephen R. Wallace	Fairfax County Police Department Fairfax, VA	Colonel Edwin C. Roessler	<input checked="" type="checkbox"/>
Honorable Nathan E. White, Jr.	American Judges Association McKinney, TX		<input checked="" type="checkbox"/>
Mr. Anthony Wickersham	Macomb County Sheriff's Office Mt. Clemens, MI		<input checked="" type="checkbox"/>
Sergeant Jason Winkowski	Pennsylvania State Police Greensburg, PA	Lieutenant Nicholas DelRomano	<input checked="" type="checkbox"/>
Ms. Kathy Witt	Office of the Fayette County Sheriff Lexington, KY		<input checked="" type="checkbox"/>

Meeting Attendee List – Advisory Policy Board – June 5, 2019 – Jacksonville, Florida

NAME	AGENCY NAME
Brenda Abaya	Hawaii Criminal Justice Data Center
Yusuf Abdul-Salaam	DHA Group, Inc.
Richard Adleson	Decisive Analytics Corporation
Pete Ahearn	Accenture Federal Services
Kevin Ahearn	Paradyme Management
Bill Alderson	Contractor, IntePros Federal
Josean Alvarez	Department of Homeland Security
Natalie Ammons	Georgia Bureau of Investigation
Chris Anderson	Contractor, Unisys
Melanie Ange	AT&T
Rick Antonucci	Concept Solutions, LLC
Chuck Archer	Multimodal Identification Technologies
Jenn Armstrong	U.S. Marshals Service
Mary Ashe	Amazon Web Services
Karen Asta	Perspecta
Blakely Austin	James Bimen Associates, Inc.
Zal Azmi	IMTAS
Kelly Badgett	Federal Bureau of Investigation
Mike Baker	Federal Bureau of Investigation
Brad Barker	ARRAY Information Technology
Christopher Barker	Griaule Corp
Charles S. Barnett	IntelliWare, Inc.
Cynthia Barnett-Ryan	Federal Bureau of Investigation
Jeremy Barnum	Police Executive Research Forum
Paul Barolet	Salesforce.com
Tunay Basar	Pernix Consulting, LLC
Tim Bashara	Umalu, LLC
Michael Beale	CA Technologies
Kevin Bearden	SOSi
Jeff Beaulac	Canadian Police Information Centre
Jill Beck	Chameleon Integrated Services
Brenda Beck	UiPath, RPA, DOJ
Nathan Beckham	Microsoft
Andreas Beebe	Pivotal
Anthony Benedetto	Allied Associates International
Eric Berkowitz	Guidehouse, LLP

Meeting Attendee List – Advisory Policy Board – June 5, 2019 – Jacksonville, Florida

NAME	AGENCY NAME
Ajay Bhatia	IMTAS
Gordon Bitko	Federal Bureau of Investigation
Olivia Blackburn	DMI
Amy Blasher	Federal Bureau of Investigation
Liz Bodell	Zscaler
Jay Bokulic	Vmware
Buffy Bonafield	Federal Bureau of Investigation
Katherine Bond	Federal Bureau of Investigation
Susan Bortzfield	Florida Department of Law Enforcement
Mary Boulware	NCI
Lorelei Boyle	Cisco
Francis Bradley	Fort McDowell Police Department
Marcus Bramer	Federal Bureau of Investigation
Mike Braun	SAVA, LLC
Terry Brewer	Leidos
Kevin Brock	NewStreet Global Solutions, LLC
William Brooks	Norwood Police Department
Michael Brown	National Sheriffs' Association
Tracy Brown	Noblis
James Buckley	Computer Projects of Illinois (CPI)
Jay Burke	Huntington Ingalls Industries
Tom Bush	Tom Bush Consulting
Aaron Butler	ID Technologies
Larry Byers	Amazon Web Services
Frank Campbell	Highland Strategies, LLC
Greg Carl	JistUS Management Consulting, LLC
David Carroll	Microsoft
Bill Casey	Ande
Alvaro Castillo	ManTech International Corporation
Mike Cernetich	Perspecta
Michael Chambers	Vital Edge Solutions, Inc.
Bill Chase	EnProVera Corporation
Kris Church	DELL
Tim Clementsy	Tera Think
Barbara Clouser	Federal Bureau of Investigation
Denise Coates	Federal Bureau of Investigation

Meeting Attendee List – Advisory Policy Board – June 5, 2019 – Jacksonville, Florida

NAME	AGENCY NAME
Kevin Cockrell	Montgomery County Attorney
James Coffee	CJIS ACE - Diverse Computing, Inc.
Mike Collett	MetroStar Systems
Todd Commodore	Federal Bureau of Investigation
Mary Ellen Condon	Condon Associates, LLC
Donald Conroy	National Targeting Center, Department of Homeland Security
Rusty Cooper	Kingman Police Department
Ed Cormier	Presidio
Kelly Cossaboon	Riverbed Technology
Randy Cottle	Trilogy Innovations, Inc.
Tyler Cox	Federal Bureau of Investigation
April Cross	Florida Department of Law Enforcement
Laura Crowell	Palantir
Jimmie Culley	DFBA/IAI
Martin Cummings	Information International Associates
Veronica Cunningham	American Probation and Parole Association
Phil Cunningham	Xcelerate Solutions
Jeremy Curtis	SAIC (Industry)
Chris Cusano	NTConcepts
Donna Czysz-McConnell	Avaya Government Solutions
Maria Damjan	Northrop Grumman Corporation
Owen Davies	Peraton
Roy Davis	Unisys Corporation
Arthur Deane	Google
William Graham	Graham Technologies, LLC
Mike DeLeon	Federal Bureau of Investigation
Bill Denke	Sycuan Tribal Police Department
Ted DeRosa	Colorado Bureau of Investigation
Karen DeSimone	NTT Data
Peter DesRoches	DOJ-OCIO-LESIS
Adam Dickerson	Dell EMC
Mike Dillard	Pernix Consulting, LLC
Paul DiPietra	NEC Corporation of America
Lorie Doll	Federal Bureau of Investigation
Atacan Donmez	Salient CRGT
Gena Dowell	Federal Bureau of Investigation

Meeting Attendee List – Advisory Policy Board – June 5, 2019 – Jacksonville, Florida

NAME	AGENCY NAME
Brandon Downey	Trilogy Innovations
Jennifer Downs	NEC Corporation of America
Matt Dryer	World Wide Technology
Jim Dufford	Xcelerate Solutions
Jeff Dunn	Transportation Security Administration
Wendy Easterbrook	Michigan State Police
Leslie Echols	Raytheon
Jeff Edgell	Contractor, TMC Technologies
Mohamed Elansary	Buchanan & Edwards
Mike Entrekin	Department of Homeland Security, Customs and Border Protection
Adam Epler	Federal Bureau of Investigation
Mark Erbach	CDWG
Valerie Evanoff	Federal Bureau of Investigation
Mike Fabling	Time Solutions, LLC
Pete Fagan	Vigilant Solutions, LLC
Barry Fagan	Federal Bureau of Investigation
Su Fan	Systems Integration, Inc.
Michelle Farris	Texas Department of Public Safety
Adam Farry	Nutanix
Amber Fazzini	Federal Bureau of Investigation
John Feid	1901 Group, LLC
Germano Ferreira	Griaule Corporation
Robert Fisher	Avaya
Cara Fishman	Federal Bureau of Investigation
Mike Flynn	Transportation Security Administration
Denise Ford	Federal Bureau of Investigation
Gena Fortune	Contractor, Knight Point Systems, LLC
Joseph Friend	FTC
Lisa Fritsch	Agile5 Technologies, Inc.
Terry Fromson	Women's Law Project
Ken Frosch	Leidos
Cathy Gallagher	Red Hat
Josh Garner	Norseman Defense Technologies
Mark Garnsey	Wayland Police Department
Courtney Gatlin	Veritas, LLC
Rob Genesoni	MAXIMUS Federal

Meeting Attendee List – Advisory Policy Board – June 5, 2019 – Jacksonville, Florida

NAME	AGENCY NAME
Ronnie George	Federal Bureau of Investigation
Ashley Gerken	Federal Bureau of Investigation
Jim Gerst	Federal Bureau of Investigation
Eric Gesheker	Amazon Web Services
Craig Gibbens	Diverse Computing, Inc.
Carol Gibbs	Illinois State Police
Kyle Gibbs	Stillwater Police Department
Patrick Gilhuly	Novetta
Deirdre Gonzalvez	RedSky
Denver Gordon	Florida Department of Law Enforcement
Ben Goss	Quadrant, Contractor
Mary Gostel	Tygart Technology, Inc.
Bill Gould	U.S. Department of Justice
John Gouldman	Xpect Solutions
Todd Graham	AnaVation, LLC
Woody Gray	Quadrant, Inc.
Louis Grever	Association of State Criminal Investigative Agencies
Brian Griffith	Federal Bureau of Investigation
Juan Guisti	Nutanix
Bill Guy	Rhode Island State Police
Michael Haas	U.S. Department of Justice
David Haddock	Orlando Police Department
Sweta Hagar	FBI Account Executive
Haider Haimus	Accenture Federal Services
Harry Halden	Idemia
Ash Halim	Industry/Xpect Solutions, Inc.
Chris Hall	Salient CCRGT
Dean Halstead	General Dynamics Information Technology
Jeremy Hansford	Ohio State Highway Patrol
George Hargenrader	Leidos
Tom Harrigan	CACI International
Zach Hartzell	Federal Bureau of Investigation
Richard Hauf	Ernst & Young
Madison Haugh	
Daryl Haugh	LexisNexis Special Services Inc.
Gina Hawkins	Fayetteville City Police Department

Meeting Attendee List – Advisory Policy Board – June 5, 2019 – Jacksonville, Florida

NAME	AGENCY NAME
Darryl Hayes	Connecticut Department of Emergency Services and Public Protection
Timothy Healey	Buchanan & Edwards
John Heiss	Tygart Technology, Inc.
PJ Henry	LMI
Morgan Henson	Ruchman & Associates, Inc.
Mary Hess	Octo Consulting Group
Andre Hicks	ManTech
Tracy Hicks	Federal Bureau of Investigation
Dave Hicks	OPM/National Background Investigations Bureau
Peter Higgins	Tyler Technologies, Inc.
Kristy Higgs	Federal Bureau of Investigation
Rick Hill	Chameleon Integrated Services
Tony Hittner	Federal Bureau of Investigation
Joey Hixenbaugh	Federal Bureau of Investigation
Stacy Hobson	MartinFederal
Fred Hoffman	Key W/Sotera
Nick Hopchak	Phacil, LLC
Joey Hornsby	Florida Department of Law Enforcement
Bruce Houlihan	Orange County Crime Laboratory American Society of Crime Lab Directors
Unice Hsu	Department of Homeland Security
Michael Huffman	cBEYONData
Myran Hunter	Huntington Ingalls Industries
Jon Hunter	Ident Solutions
Doug Ingros	MSM Security Services
Timothy Johnson	OBXtek, Inc.
Mike Johnson	Technica Corporation
Cindy Johnston	Federal Bureau of Investigation
David Jones	NEC Corporation of America
Jeremy Jones	Peraton
Rahul Kapoor	Leidos
Kate Kastelic	IBM
Alan Kaufax	Ace Info Solutions, Inc.
Jeff Keen	Applied Insight
Doug Keeton	Tsymmetry
Rick Kenney	James Bimen Associates, Inc.

Meeting Attendee List – Advisory Policy Board – June 5, 2019 – Jacksonville, Florida

NAME	AGENCY NAME
Behnaz Kibria	Google
Lee Kicker	NEC Corporation of America
Matt Kiederlen	UW - Whitewater Police Department
Todd Kilmer	Salesforce
Jared Kim	AnaVation, LLC
Scott Kirby	Department of Homeland Security
Tarry Kirkland	DMI
Mike Kirkpatrick	Consultant
Joe Klimavicz	U.S. Department of Justice
Michael Klopp	
Tobey Knight	Federal Bureau of Investigation
Tom Kohler	Full Visibility, LLC
Anston Kovalcik	Contractor, IntePros Federal
Thomas Krill	CGI Federal
Grant Kratz	Multimodal Identification Technologies
Paul Kwiatkowski	Hitachi
Scott Lamoreux	Dorrean, LLC
Brent Lane	DELL
Joe Lapetina	Philadelphia Police Department
Stan Larmee	Highlight
Adam Leach	Agile5 Technologies, Inc.
Tom Lee	Octo Consulting Group
Mary Leeb	Northrop Grumman
Marty Leeth	Venturi, LLC
Tom Lehosit	Federal Bureau of Investigation
Mike Lesko	Texas Department of Public Safety
Brian Lester	Technica Corporation
Barry Levine	Veritas
Ben Lienard	SE Sollutions
Brett Lincoln	Federal Bureau of Investigation
Brad Long	Datamaxx Group, Inc.
Jim Loudermilk	Idemia National Security Solutions
Katie Loughran	IntelliWare Systems, Inc.
Lynda Lovette	Baltimore City Police Department
Cecilia Lyle	Unicom Government, Inc.
Gary Lyons	Monroeville Police Department

Meeting Attendee List – Advisory Policy Board – June 5, 2019 – Jacksonville, Florida

NAME	AGENCY NAME
Veronica Malone	IBM
Amy Mancuso	South Dakota Department of Public Safety
Amber Mann	Federal Bureau of Investigation
Ginger Manning	Unisys Corporation
Stephanie Manson	Federal Bureau of Investigation
Colin Marks	Vmware, Inc.
Bill Marosy	MSM Security Services
Randy Martin	Elastic
Davi Martins	Griaule Corporation
Sherrie Masden	Louisville Metro Police
Jeff Matthews	Watch Systems
Bob May	IJIS Institute
Peter McCarthy	Presidio
Andrea McCarthy	HARP
Jim McClave	Qbase
Tricia McCree	Cisco Systems, Inc.
Marla McDonald	Federal Bureau of Investigation
Craig McHenry	Hewlett Packard Enterprise
Donna McIntire	Google
William McKinsey	Federal Bureau of Investigation
Adam McNair	Highlight
Warren McQueen	TekSynap
Aimee Medonos	AnaVation, LLC
Nicky Megna	Federal Bureau of Investigation
Ed Mello	Jamestown Police Department
Roger Miller	Federal Bureau of Investigation
Allison Miller	DFBA/IAI
Marc Millican	Dell EMC
Frank Minice	Nlets
Mike Miscio	General Dynamics Information Technology
Ray Moehler	Raytheon
Kathy Monfreda	Alaska Department of Public Safety
Carol Monroe	RedSky
Jill Montgomery	Federal Bureau of Investigation
David Monticello	ThunderCat Technologies
Nichole Moore	Diverse Computing, Inc.

Meeting Attendee List – Advisory Policy Board – June 5, 2019 – Jacksonville, Florida

NAME	AGENCY NAME
Leslie Moore	Kansas Bureau of Investigation
Scott Morgan	Dell Technologies
Todd Morris	Attain, LLC
Steve Morris	IBM
Holly Morris	Federal Bureau of Investigation
Brian Mortweet	Unisys
Charles Murphy	Florida Department of Law Enforcement
Melissa Myette	Contractor, Knight Point Systems, LLC
Rachel Nash	Everytown for Gun Safety
Walt Neverman	Wisconsin Department of Justice
Tucker Newberry	Technica
Brian Nichols	Federal Bureau of Investigation
Justina Ogden	Ruchman & Associates, Inc.
Nick Oliveto	Leidos
Greg Olson	AT&T
Aaron Ortiz	Microsoft
Jenna O'Steen	Accenture
Paul Ostendorf	BAE Systems
Robin Page	Federal Bureau of Investigation
Lou Parent	Xator
Chirag Patel	Innovative Management & Technology Services, LLC
Kim Parsons	Federal Bureau of Investigation
Daniel Pedowitz	IBM Corporation
Andrew Pelletz	Noblis
Gigi Pereira	SAIC (Industry)
Tom Perkins	CGI Federal
Megan Petersen	Federal Bureau of Investigation
Wyatt Pettengill	North Carolina State Bureau of Investigation
Tracy Phillips	International Association of Chiefs of Police
Christopher Piehota	Federal Bureau of Investigation
Shanon Pitsenbarger	Fusion Technology
Brian Pittack	Office of Biometric Identity Management – Department of Homeland Security
Jill Plybon	Federal Bureau of Investigation
Amber Pollastrini	Federal Bureau of Investigation
Kim Portik	Canyon State Reporting Services, LLC
Lea Post	Federal Bureau of Investigation

Meeting Attendee List – Advisory Policy Board – June 5, 2019 – Jacksonville, Florida

NAME	AGENCY NAME
Mark Potter	Ernst & Young (EY)
Shane Powers	Idemia NSS
Martin Pracht	REDLattice
Jen Pratt	Ernst & Young
Matt Procter	SAS Software
W. Michael Propst	Federal Bureau of Investigation
Charlie Prouty	General Dynamics General Dynamics Information Technology
John Pugin	Microsoft
Charles Quillin	AnaVation, LLC
Dan Radke	Gigamon
Tom Ragland	Dell
Scott Rago	Federal Bureau of Investigation
Amanda Raskinski	National Targeting Center, Department of Homeland Security
Jim Reed	BAE Systems
Kevin Reid	Fusion Technology
Deneane Reneau	Federal Bureau of Investigation
Wittlee Retton	Federal Bureau of Investigation
Ryan Reynolds	Amazon Web Services
Nathan Rickman	Applied Insight
Officer Mark Riemersma	Wayland Police Department
Jason Roberts	Sotera Defense
David Roberts	SEARCH Group, Inc.
Dave Robertson	Amazon Web Services
Carleton Robinson	Unisys
Lou Ronca	Amika, LLC
Brian Rosenthal	Full Visibility, LLC
Ron Ruecker	Federal Bureau of Investigation
Patricia Russo	VM Ware
Kristen Ryan	Novetta
Melissa Ryan	Federal Bureau of Investigation
Bob Sage	Augusta Department of Public Safety
Kayla Sailer	TekSynap
Josh Salmanson	NCI, Inc.
Donnie Sawin	Computer Projects of Illinois (CPI)
Brett Scarborough	Raytheon
Charles Schaeffer	Florida Department of Law Enforcement

Meeting Attendee List – Advisory Policy Board – June 5, 2019 – Jacksonville, Florida

NAME	AGENCY NAME
Vicke Schneider	Dell EMC Federal
Scott Schneiderman	Aveshka
Chris Schraf	Microsoft Corporation
William See	Federal Bureau of Investigation
Shivaji Sengupta	Magnus Management Group, LLC
Michael Sexton	The Stacia Group
Amanda Shaffer	Federal Bureau of Investigation
David Showalter	Hewlett Packard Enterprise
Wayne Shuptrine	Unisys
Larry Silver	DataStax
James Slater	Massachusetts Department of Criminal Justice Information Services
Andrew Smith	U.S. Marshals
Barry Smith	BAE Systems
Wes Smith	World Wide Technology
Zachary Snyder	National Background Check, Inc.
Bob Sogegian	Booz Allen Hamilton, Inc.
Joe Sokolofski	Pennsylvania State Police
Robin Sparkman	Florida Department of Law Enforcement
Joseph Stilgenbauer	Griaule Corporation
Tim Strait	Straitsys
Scott Swann	IDEMIA NSS
Erik Swanson	BAE Systems
Wayne Sweeney	Esri
Ed Talbert	IMTAS
Mark Tanner	NXTKey
Jana Richards Taylor	CGI
Jennie Temple	South Carolina Law Enforcement Division
Cong Tham	IMTAS
Ed Thomas	Strategic Operational Solutions
Sonya Thompson	Federal Bureau of Prisons
Tracy Townsend	Florida Department of Law Enforcement
Carol Tracy	Women's Law Project
Chris Trainor	IBM
Jamey Travelstead	Federal Bureau of Investigation
Scott Trent	Federal Bureau of Investigation
Nicole Tripodi	Industry/Xpect Solutions, Inc.

Meeting Attendee List – Advisory Policy Board – June 5, 2019 – Jacksonville, Florida

NAME	AGENCY NAME
Brad Truitt	Tennessee Bureau of Investigation
Paul Tselepis	IDEMIA
Robert Turnbaugh	REDLattice
Tom Turner	Consultant
Lance Tyler	Utah Bureau of Criminal Investigation
Donna Uzzell	Florida Department of Law Enforcement
Christie Van Cleave	Time Solutions, LLC
Tony Vanchieri	Industry (Addx Corporation)
Derek Veitenheimer	Wisconsin Department of Justice
Carey Vereen	Data Systems Analysts, Inc.
Lisa Vincent	Federal Bureau of Investigation
Brandon Vincent	Federal Bureau of Investigation
Mike Waddell	INTEGRITYOne Partners
Rachel Wade	Contractor, Technica Corporation
Burt Wagner	DataStax
Steve Wallace	Fairfax County Police Department
Brian Wallace	Marion County Sheriff's Office
Jeffrey Wallin	Vermont Department of Public Safety
Troy Walter	DMI
Roland Walters	Oracle
Dale Watson	Booz Allen Hamilton, Inc.
Chris Weatherly	Federal Bureau of Investigation
Sondra Wesley	Department of Criminal Justice Training
Tony West	Forcepoint
Barry Westaway	NTT Data Federal Services, Inc.
Austin Wheelock	INTEGRITYOne Partners
Charlotte Whitacre	U.S. Department of Commerce/First Responder Network Authority
Dan White	Xator Corporation
Anthony Wickersham	Macomb County Sheriff's Office
Missy Willett	Red Hat
Mike Williams	Jacksonville Sheriff's Office
Roland Williams	Dell Technologies
T. Wilson	Radiance Technologies, Inc.
Kent Wilson	Raytheon
Melissa Winesburg	Optimum Technology
Michelle Wingate	GuidepointSecurity

Meeting Attendee List – Advisory Policy Board – June 5, 2019 – Jacksonville, Florida

NAME	AGENCY NAME
Jason Winkowski	Pennsylvania State Police
Kathy Witt	Office of the Fayette County Sheriff
Brian Wodarski	Guidehouse, LLP
David Wolf	SE Solutions
Glenn Wood	Oracle
Patrick Woods	Amazon Web Services
Brad Woodworth	CDWG
Rick Wyffels	Alexandria Police Department
Michael Yates	Federal Bureau of Investigation
John Yearty	Peak Performance Solutions
Doug Ying	Commvault
Ted Yoneda	Federal Bureau of Investigation
Derek Zaugg	Ingersoll Consulting, Inc.
Jerry Zeitler	MetroStar Systems

**Criminal Justice Information Services (CJIS)
Advisory Policy Board (APB)
June 5, 2019
Jacksonville, Florida
AGENDA as of 6/05/19**

Wednesday, June 5, 2019

9 a.m.

Board Convenes

Mr. Nicky J. Megna
Acting Designated Federal Officer
CJIS Division
Federal Bureau of Investigation

Roll Call

Mr. Michael C. Lesko
APB Chairman
Director
Law Enforcement Support Division
Texas Department of Public Safety

Introduction of Attendees and Special Guests

Mr. Michael C. Lesko

Welcoming Remarks

Mr. Sean Ryan
Assistant Special Agent in Charge
Jacksonville Field Office
Federal Bureau of Investigation

Mr. Mike Williams
Sheriff
Jacksonville Sheriff's Office

* No Staff Paper

CJIS Advisory Policy Board
Wednesday, June 5, 2019

Item #1*
Executive Briefings

Mr. Christopher M. Piehota
Executive Assistant Director
Science and Technology Branch
Federal Bureau of Investigation

Mr. Michael D. DeLeon
Assistant Director
CJIS Division
Federal Bureau of Investigation

Mr. Joseph F. Klimavicz
Chief Information Officer
U.S. Department of Justice

Item #2
Chairman's Report on the National Crime Information Center (NCIC) Subcommittee

Mr. Walter M. Neverman - **Chair**
Director
Crime Information Bureau
Wisconsin Department of Justice

Item #3*
NCIC 3rd Generation (N3G) Task Force Update

Mr. Wyatt A. Pettengill - **Chair**
Special Agent in Charge
Criminal Information and Identification Section
North Carolina State Bureau of Investigation

Item #4*
Nlets, The International Justice and Public Safety Network Update

Mr. Frank Minice
Deputy Executive Director
Nlets

* No Staff Paper

CJIS Advisory Policy Board

Wednesday, June 5, 2019

Item #5

Chairman's Report on the National Data Exchange (N-DEx) Subcommittee

Ms. Donna Uzzell – **Chair**
Special Agent in Charge
Investigations and Forensics
Florida Department of Law Enforcement

Item #6*

N-DEx Success Story of the Year

Mr. Scott Rago
Chief
Global Law Enforcement Support Section
CJIS Division
Federal Bureau of Investigation

Item #7

Chairman's Report on the Identification Services (IS) Subcommittee

Mr. Charles L. Schaeffer – **Chair**
Director
Criminal Justice Information Services
Florida Department of Law Enforcement

Item #8*

National Consortium for Justice Information and Statistics (SEARCH) Update

Mr. David J. Roberts
Executive Director
SEARCH

Item #9*

National Crime Prevention and Privacy Compact Council Report

Mr. Wyatt A. Pettengill – **Chair**

* No Staff Paper

CJIS Advisory Policy Board

Wednesday, June 5, 2019

Item #10* (this item was removed from the agenda)

~~CJIS Technology Evolution Roadmap~~

~~Mr. Brian D. Griffith~~

~~Chief~~

~~Information Technology Management Section~~

~~CJIS Division~~

~~Federal Bureau of Investigation~~

Item #11

Chairman's Report on the Uniform Crime Reporting (UCR) Subcommittee

Ms. Kathryn M. Monfreda - **Chair**

Chief

Criminal Records and Identification Bureau

Alaska Department of Public Safety

Item #12*

Association of State Uniform Crime Reporting (ASUCRP) Programs Update

Mr. Derek Veitenheimer

ASUCRP Representative to the APB

Wisconsin Department of Justice

Item #13*

Use of Force Task Force Update

Mr. Robert Sage - **Chair**

Director

Augusta Department of Public Safety

Augusta, Kansas

Item #14*

National Incident-Based Reporting System (NIBRS) Transition Update

Mr. R. Scott Trent

NIBRS Transition Manager

CJIS Division

Federal Bureau of Investigation

* No Staff Paper

CJIS Advisory Policy Board

Wednesday, June 5, 2019

Item #15

Chairman's Report on the Security and Access (SA) Subcommittee

Mr. Bradley D. Truitt – **Chair**
Information Systems Director
Tennessee Bureau of Investigation

Item #16*

CJIS Information Security Officer (ISO) Update

Mr. John “Chris” Weatherly
CJIS ISO
CJIS Division
Federal Bureau of Investigation

Item #17*

Tribal Task Force Update

Mr. William Denke – **Chair**
Chief of Police
Sycuan Tribal Police Department
El Cajon, California

Item #18*

Chairman's Report on the Compliance Evaluation (CE) Subcommittee

Mr. James F. Slater, III – **Chair**
Commissioner
Massachusetts Department of Criminal Justice Information Services

Item #19

Chairman's Report on the National Instant Criminal Background Check System (NICS) Subcommittee

Mr. Lawrence “Lance” Tyler – **Vice-Chair**
Supervisor
Brady Section
Utah Bureau of Criminal Identification

* No Staff Paper

CJIS Advisory Policy Board

Wednesday, June 5, 2019

Item #20*

International Association of Chiefs of Police (IACP) Update

Mr. William G. Brooks, III
Chief of Police
Norwood, Massachusetts Police Department

Item #21*

Major Cities Chiefs (MCC) Association Update

2nd Lieutenant Stephen Wallace
Major Crime Bureau
Fairfax County Police Department
Fairfax, Virginia

Item #22*

Major County Sheriffs of America (MCSA) Update

Mr. Anthony Wickersham
Sheriff
Macomb County Sheriff's Office
Mt. Clemens, Michigan

Item #23*

National Sheriffs' Association (NSA) Update

Mr. Michael Brown
Director
Professional Development
NSA

Item #24*

American Society of Crime Laboratory Directors (ASCLD) Update

Mr. Bruce Houlihan
ASCLD Board of Directors
Orange County Crime Laboratory
Santa Ana, California

Other Business

Adjourn

* No Staff Paper

Appendix C

**CRIMINAL JUSTICE INFORMATION SERVICES (CJIS)
ADVISORY POLICY BOARD (APB)
JUNE 5, 2019
JACKSONVILLE, FL**

STAFF PAPER

APB ITEM #2

Chairman's Report on the National Crime Information Center (NCIC) Subcommittee

NCIC ISSUE #1

Subsequent Activity Notifications for Wanted Notices on the Next Generation Identification System

NCIC ISSUE #2

Update on the Proposed Technical Solution to Streamline *the Child Care and Development Block Grant Act* Background Checks

NCIC ISSUE #3 (See Informational Topic L for staff paper)

CJIS Division National Crime Information Center Status

NCIC ISSUE #4

NCIC Third Generation Project

NCIC ISSUE #5 (See APB Item #7- IS Issue #5 for staff paper)

Modernizing and Standardizing *Electronic Biometric Transmission Specification* Sex Codes

**CJIS ADVISORY POLICY BOARD (APB)
NATIONAL CRIME INFORMATION CENTER (NCIC) SUBCOMMITTEE
VIDEO TELECONFERENCE
APRIL 23, 2019**

STAFF PAPER

NCIC ISSUE #1

Subsequent Activity Notifications for Wanted Notices on the Next Generation Identification (NGI) System

PURPOSE

The purpose of this paper is to cease manual notifications for specific maintenance transactions in the NGI System for agencies with an active want, and determine if those should be replaced with automated notifications.

POINT OF CONTACT

Biometric Services Section, Biometric Support Unit

Questions regarding this topic should be directed to <agmu@leo.gov>

REQUEST OF THE SUBCOMMITTEE

The Subcommittee is requested to review the alternatives presented and recommend one alternative for the FBI staff to pursue.

BACKGROUND

Currently automated notifications are transmitted to wanting agencies when the following activities occur on a record in the NGI System, which contains an active Want: Death Notice, National Fingerprint File Criminal Print Ident, Civil Rap Back enrollment, Ten Print Ident, and Consolidations. This practice is expected to continue. However, the Criminal Justice Information Services (CJIS) Division staff performs a manual review of Identity History Record Summaries (IdHS) when other activities occur on a record in the NGI System, which contains an active Want: dispositions, flashes, modifications related to name and date of birth, and expungement of the last criminal event. Staff review these transactions and determine if the updated information could be of value to the wanting agency. If staff believe there is, a message is sent to the wanting agency utilizing the International Justice and Public Safety Information Sharing Network (Nlets).

DISCUSSION AND ANALYSIS

The manual review preceding any notification to wanting agencies increases the delay time prior to notification and allows for individual interpretation regarding value of information. We recommend this process be eliminated or to pursue development of an automated message sent directly to the wanting agency.

The Rap Back Service is an existing tool which allows for continuous monitoring for criminal justice purposes. Rap Back participants receive automated messages based on selected triggers including dispositions, flashes, and expungements. The use of Rap Back would result in minimal coding changes for those states already utilizing Rap Back. However, other states may require software updates in order to utilize the Rap Back option. Due to the software changes required for Rap Back participation, the pursuit of the development of automated messages has been discussed to replace the current manual process.

Many disposition updates are submitted to the NGI System years after the case has been finalized. This is a frequent occurrence recently, as agencies are diligently updating records with disposition information to ensure accuracy and completeness of the records housed within the NGI System. Agencies may want to consider the volume of potential disposition notifications when determining the value of receiving the updates, and the potential workload and cost associated with the review of the notifications.

The NGI System houses over 75 million active criminal history records. The CJIS Division received over 6.2 million dispositions from April 2018 through September 2018. As of 12/19/2018, 1.9 million local wants were referenced in the NGI System. The CJIS Division is unable pull statistics to determine an accurate estimate of volume related to each state. However, these general statistics should help with impact and volume assessments.

OPTIONS

Option 1: Pursue development of automated messages to wanting agencies on each of these updates: dispositions, modification of name or date of birth, expungement of last criminal event within the UCN, and flashes.

Option 2: Cease the manual process without establishing any new notifications to the wanting agencies.

If Option 1 is approved, the system enhancements necessary to implement the proposal should be assigned the priority: ___ (enter 0-5) and categorized as: ___ (enter High, Medium, or Low).

RECOMMENDATION

The FBI CJIS Division recommends discontinuing the manual process but does not have a recommendation related to a future notification process.

FEEDBACK FROM WORKING GROUP MEMBERS

Question: What is a flash? (Mentioned as a potential trigger for subsequent activity notifications)

FBI Response: A “flash” is internal language to describe that an individual is Under Supervision (Probation/Parole).

SPRING 2019 WORKING GROUP ACTIONS:

FEDERAL WORKING GROUP ACTION:

Motion 1: To accept Option 1 with a Priority level 3M.

Option 1:

Pursue development of automated messages to wanting agencies on each of these updates: dispositions, modification of name or date of birth, expungement of last criminal event within the UCN, and flashes.

Action: Motion carried.

NORTH CENTRAL WORKING GROUP ACTION:

Motion 1: To accept Option 1: Pursue development of automated messages to wanting agencies on each of these updates: dispositions, modification of name or date of birth, expungement of last criminal event within the UCN, and flashes.

Action: Motion carried.

Motion 2: To accept Priority level 3M.

Action: Motion carried.

NORTHEASTERN WORKING GROUP ACTION:

Motion: To adopt Option 1. Pursue development of automated messages to wanting agencies on each of these updates: dispositions, modification of name or date of birth, expungement of last criminal event within the UCN, and flashes.
Priority level 3L.

Action: Motion carried.

SOUTHERN WORKING GROUP ACTION:

Motion: To adopt Option 2: Cease the manual process without establishing any new notifications to the wanting agencies.

Action: Motion carried.

WESTERN WORKING GROUP ACTION

Motion: To adopt Option 1 with an addition designated in **bold**: Pursue development of automated messages to wanting agencies on each of these updates: dispositions, modification of name or date of birth, expungement of last criminal event within the UCN, and flashes. **Also, revisit the messages currently being sent as well as any new messages to clarify the intent of the messages and suggest a record review.**

Action: Motion carried.

SPRING 2019 SUBCOMMITTEE ACTIONS:

NCIC SUBCOMMITTEE ACTION:

Motion: To accept Option 1 with additions: Pursue development of automated messages to wanting agencies on each of these updates: dispositions, modification of name or date of birth, expungement of last criminal event within the UCN, and flashes. Also revisit the messages currently being sent as well as any new messages to clarify the intent of the messages and recommend a record review. Proposed message revisions will be brought through the Advisory Process.

Action: Motion carried.

IDENTIFICATION SERVICES (IS) SUBCOMMITTEE ACTION:

Motion: To accept Option 1 as modified: Option 1: Return all messages to Working Groups for review of message content and review of automating manual messages. Pursue development of automated messages to wanting agencies on each of these updates: dispositions, modification of the name and date of birth, expungement of the last criminal event within the UCN, and flashes.

Action: Motion carried.

TEXT FOR CURRENT AUTOMATED MESSAGES

NCIC WANT DISCREPANCY REJECT – DECEASED NLETS ADMINISTRATIVE (AM)

MESSAGE/NOTIFICATION

FBI NUMBER, XXXXXXXXX CONTAINED IN WANTED NOTICE HAS BEEN VERIFIED AS DECEASED BY FINGERPRINTS. PLEASE MODIFY YOUR NCIC ENTRY, XXXXXXXXX, TO REMOVE THE FBI NUMBER TO UPDATE SUBJECT'S CRIMINAL HISTORY RECORD.

NCIC WANT DISCREPANCY REJECT – EXPUNGED NLETS ADMINISTRATIVE (AM)

MESSAGE/NOTIFICATION

FBI NUMBER, XXXXXXXXX CONTAINED IN WANTED NOTICE HAS BEEN EXPUNGED. PLEASE MODIFY YOUR NCIC ENTRY, XXXXXXXXX, TO CORRECT OR REMOVE THE FBI NUMBER TO UPDATE SUBJECT'S CRIMINAL HISTORY RECORD.

NCIC WANT DISCREPANCY REJECT – CONSOLIDATED NLETS ADMINISTRATIVE (AM)

MESSAGE/NOTIFICATION

FBI NUMBER, XXXXXXXXX CONTAINED IN WANTED NOTICE HAS BEEN CONSOLIDATED WITH XXXXXXXXX. PLEASE MODIFY YOUR NCIC ENTRY, XXXXXXXXX, TO CORRECT OR REMOVE THE FBI NUMBER TO UPDATE SUBJECT'S CRIMINAL HISTORY RECORD.

NCIC WANT DISCREPANCY REJECT – DELETED NLETS ADMINISTRATIVE (AM) MESSAGE/NOTIFICATION

FBI NUMBER, XXXXXXXXX CONTAINED IN WANTED NOTICE HAS BEEN DELETED. PLEASE MODIFY YOUR NCIC ENTRY, XXXXXXXXX, TO CORRECT OR REMOVE THE FBI NUMBER TO UPDATE SUBJECT'S CRIMINAL HISTORY RECORD.

NCIC WANT DISCREPANCY REJECT – DOB SAME AS DOW NLETS ADMINISTRATIVE (AM)

MESSAGE/NOTIFICATION

DATE OF BIRTH CONTAINED IN WANTED NOTICE IS THE SAME AS DATE OF WARRANT. PLEASE MODIFY YOUR NCIC ENTRY, XXXXXXXXX, TO REFLECT THE CORRECT INFORMATION TO UPDATE SUBJECT'S, XXXXXXXXX, CRIMINAL HISTORY RECORD.

NCIC WANT DISCREPANCY REJECT – INCORRECT UCN NLETS ADMINISTRATIVE (AM)

MESSAGE/NOTIFICATION

PLEASE BE ADVISED UCN: XXXXXXXXX REFLECTED IN YOUR NCIC WANTED PERSON ENTRY, XXXXXXXXX, IS INCORRECT. PLEASE MODIFY YOUR NCIC ENTRY APPROPRIATELY.

NCIC WANT DISCREPANCY REJECT – INCORRECT UCN WITH POSSIBLE FUZZY MATCH NLETS ADMINISTRATIVE (AM) MESSAGE/NOTIFICATION

PLEASE BE ADVISED UCN: XXXXXXXXX REFLECTED IN YOUR NCIC WANTED PERSON ENTRY, XXXXXXXXX, IS INCORRECT. THE CORRECT UCN FOR YOUR WANTED SUBJECT MAY BE UCN XXXXXXXXX. PLEASE MODIFY YOUR NCIC ENTRY APPROPRIATELY. FOLLOWING COMPLIANCE WITH THIS REQUEST, THE SUBJECT'S IDENTITY HISTORY RECORD WILL BE UPDATED.

CRIMINAL PRINT IDENT – WANTING AGENCY ONLINE HIT NOTIFICATION

ON CCYY/MM/DD, A FINGERPRINT CARD WAS IDENTIFIED WITH
XXXXXXXXXXXXXXXXXXXXXXXXXXXX, FBI/XXXXXXXX BY XXXXXXXXXXXXXXXXXXXX
(ORI/XXXXXXXX), XXXXXXXXXXXXXXXXXXXX. OUR RECORD INDICATE YOUR
AGENCY HAS AN ACTIVE WANT FOR THIS INDIVIDUAL AS
XXXXXXXXXXXXXXXXXXXXXXXXXXXX, CASE NUMBER XXXXXXXXXXXXXXXXXXXX, ENTERED
IN NCIC (NIC/XXXXXXXX). SUBJECT’S IDENTIFICATION RECORD INCLUDING CURRENT ARREST
INFORMATION, IS AVAILABLE VIA THE INTERSTATE IDENTIFICATION INDEX. FOLLOW-UP ACTION BY YOU
WITH THE ARRESTING AGENCY MAY BE APPROPRIATE. CLEAR OR CANCEL YOUR NCIC RECORD WHEN
SUBJECT IS NO LONGER WANTED. FBI CJIS DIVISION, CLARKSBURG, WV

**TEXT FOR NEW MESSAGES NOTIFYING OF DISPOSITION,
PROBATION/SUPERVISION, AND NAME/DATE OF BIRTH MODIFICATION
UPDATES**

DISPOSITION UPDATED TO WANTED RECORD NLETS ADMINISTRATIVE (AM) MESSAGE/NOTIFICATION
ON XXXX/XX/XX, A DISPOSITION WAS UPDATED TO DOA XXXX/XX/XX, UCN/XXXXXXXX. OUR RECORDS
INDICATE YOUR AGENCY HAS AN ACTIVE WANT FOR THIS INDIVIDUAL AS
XXXXXXXXXXXXXXXXXXXXXXXXXXXX, CASE NUMBER XXXXXXXXXXXXXXXXXXXX, ETNERED IN NCIC
(NIC/XXXXXXXX). SUBJECT’S IDENTIFICATION RECORD INCLUDING RECENT UPDATE IS AVAILABLE VIA
THE INTERSTATE IDENTIFICATION INDEX.

**PROBATION/SUPERVISION UPDATED TO WANTED RECORD NLETS ADMINISTRATIVE (AM)
MESSAGE/NOTIFICATION**
ON XXXX/XX/XX, PROBATION/SUPERVISION WAS UPDATED TO DOA XXXX/XX/XX, UCN/XXXXXXXX. OUR
RECORDS INDICATE YOUR AGENCY HAS AN ACTIVE WANT FOR THIS INDIVIDUAL AS
XXXXXXXXXXXXXXXXXXXXXXXXXXXX, CASE NUMBER XXXXXXXXXXXXXXXXXXXX, ETNERED IN NCIC
(NIC/XXXXXXXX). SUBJECT’S IDENTIFICATION RECORD INCLUDING RECENT UPDATE IS AVAILABLE VIA
THE INTERSTATE IDENTIFICATION INDEX.

**MODIFICATION (NAME OR DATE OF BIRTH) UPDATED TO WANTED RECORD NLETS ADMINISTRATIVE
(AM) MESSAGE/NOTIFICATION**
ON XXXX/XX/XX, A NAME OR DATE OF BIRTH MODIFICATION WAS MADE TO UCN/XXXXXXXX. OUR
RECORDS INDICATE YOUR AGENCY HAS AN ACTIVE WANT FOR THIS INDIVIDUAL AS
XXXXXXXXXXXXXXXXXXXXXXXXXXXX, CASE NUMBER XXXXXXXXXXXXXXXXXXXX, ENTERED IN NCIC
(NIC/XXXXXXXX). SUBJECT’S IDENTIFICATION RECORD INCLUDING RECENT UPDATE IS AVAILABLE VIA
THE INTERSTATE IDENTIFICATION INDEX.

**CJIS ADVISORY POLICY BOARD (APB)
NATIONAL CRIME INFORMATION CENTER (NCIC) SUBCOMMITTEE
VIDEO TELECONFERENCE
APRIL 23, 2019**

STAFF PAPER

NCIC ISSUE #2

Update on the Proposed Technical Solution to Streamline the Child Care and Development Block Grant Act (CCDBGA) Background Checks

PURPOSE

To provide an update regarding the proposed technical solution for the FBI to search the Next Generation Identification (NGI) System and query the National Crime Information Center (NCIC) National Sex Offender Registry (NSOR) in response to a national criminal history record background check submitted pursuant to the CCDBGA.

POINT OF CONTACT

Biometric Services Section, Criminal History Information and Policy Unit

Questions regarding this topic should be directed to <agmu@leo.gov>.

REQUEST OF THE SUBCOMMITTEE

The Subcommittee is requested to review the information included in this paper and provide appropriate comments, suggestions, and recommendations to the Advisory Policy Board (APB).

BACKGROUND

On November 19, 2014, the CCDBGA, Public Law 113-186, was enacted and reauthorized the Child Care and Development Fund (CCDF) program for the first time in 18 years. Section 7 amended the CCDBGA of 1990 (Title 42, United States Code [U.S.C.], Section 9858 et seq.) by requiring a state which receives CCDF funding to have in effect requirements, policies, and procedures to require and conduct criminal background checks for child care staff members, including prospective child care staff members, of child care providers (42 U.S.C. § 9858f). The U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Care (OCC) published a Final Rule on September 30, 2016, based on these requirements (see Title 45, Code of Federal Regulations [C.F.R.], Part 98).

As provided in the OCC Final Rule (81 Federal Register 67495), the CCDBGA criminal background check requirements for a child care staff member are as follows (45 C.F.R. § 98.43):

- An FBI fingerprint-based national criminal history background check.
- **A name-based search of the NCIC NSOR.**
- A search of the following registries, repositories, or databases in the State where the child care staff member resides and each State where such staff member resided during the preceding five years:
 - State criminal registry or repository, with the use of fingerprints being:
 - Required in the State where the staff member resides;
 - Optional in other States;
 - State sex offender registry or repository; and
 - State-based child abuse and neglect (CAN) registry and database.

Through coordination with the OCC, the FBI Criminal Justice Information Services (CJIS) Division disseminated a letter to all CJIS Systems Officers (CSOs), State Identification Bureau (SIB) Representatives, Compact Council Members, and Additional State Compact Officers on June 2, 2017, to provide guidance regarding the background check requirements for the CCDBGA. For the NCIC NSOR check requirement, the FBI CJIS Division recommended designated state child care agencies partner with law enforcement agencies to have a search of the NCIC NSOR conducted using the Query Sex Offender (QXS) message key (MKE). The guidance in the letter opines that law enforcement agencies may provide the NCIC NSOR results to the designated state child care agency; however, the NCIC NSOR results may not be provided to a child care provider or the applicant. The letter also reiterates a search of the NCIC NSOR is name-based and is not based upon positive identification through the use of fingerprints.

As a search of the NCIC NSOR for a noncriminal justice background check was unprecedented prior to the CCDBGA, numerous questions arose surrounding the NCIC NSOR check requirement. The FBI CJIS Division provided states with the following options for conducting the NCIC NSOR check:

1. The designated state child care agency partner with a law enforcement agency as stated in the letter.
2. The SIB conduct the QXS queries on behalf of the designated state child care agency.
3. If the designated state child care agency has a law enforcement component (e.g., an Office of the Inspector General), the designated state child care agency may use its NCIC terminals to have the law enforcement component within the agency conduct the QXS queries [Note: Any NCIC terminals located within the designated state child care agency which are utilized for anything other than law enforcement purposes (e.g., Adam Walsh Child Protection and Safety Act of 2006) may not be utilized to conduct the NCIC NSOR check pursuant to the CCDBGA].

Even with the options provided, states have found it difficult to fulfill the NCIC NSOR check requirement of the CCDBGGA.¹ In particular, the guidance to partner with law enforcement agencies creates challenges for the states due to limited resources.

As a result of the CCDBGGA background check requirements, a topic paper suggestion was submitted by Mr. Ted DeRosa, CSO, Colorado Bureau of Investigation recommending the FBI pursue a technical solution to streamline the process. The topic paper suggestion recommended the FBI modify the NGI System so fingerprints submitted under the CCDBGGA are identified and the biographic information from the fingerprint submission is passed to the NCIC for a name-based search of the NSOR. The proposal recommended if the biographics match an NSOR record, an automated message be sent to the SIB which submitted the CCDBGGA background check to notify the agency of a potential match. It was requested the message include pertinent information such as the NSOR agency information, instructions on who to contact to further identify or confirm the NSOR, and a statement informing the SIB the results are from a name-based search of the NSOR and are not based upon positive identification.

This topic suggestion was vetted through the Advisory Process in spring 2018. The FBI CJIS Division requested input from the user community regarding the importance and utility of the proposed solution in order to move forward with a technical impact analysis (TIA). As such, the APB recommended the FBI CJIS Division conduct a TIA and bring the results back through the Advisory Process for a final determination.

DISCUSSION AND ANALYSIS

The FBI CJIS Division conducted a TIA as requested in the Colorado proposal; however, the assumption for the request was that fingerprints were submitted to the FBI's NGI System. In order to provide options to those states that make an identification at the state level and do not forward the applicant fingerprints to the FBI, a second TIA was conducted from an NCIC perspective. Both technical solutions are outlined below for Subcommittee review and consideration.

¹ The original deadline for states to implement the CCDBGGA requirements was September 30, 2017; however, due to various implementation challenges, such as completing the NCIC NSOR check and inter-state checks, the OCC granted waivers. The initial one-year extension deadline was September 30, 2018, for those states who submitted an extension request. The OCC has since granted another extension to requesting states, so long as certain milestones were met. These milestones included the FBI fingerprint check and the three intra-state checks (state criminal registry using fingerprints, state sex offender registry, and state CAN registry). For those states that fulfilled these requirements, a one year extension was granted until September 30, 2019, to allow additional time to implement the NCIC NSOR check, the remaining inter-state checks, and to complete the backlog of existing providers. Please note the OCC has granted a time-limited waiver renewal deadline to requesting states so long as progress was demonstrated during the initial waiver period. These states have until September 30, 2020, to implement. For more information on deadlines, contact the OCC at OCC.OHS.BACKGROUNDCHECK@acf.hhs.gov.

NGI System Technical Solution

As background, the NGI System currently conducts a Query Ten Print (QTP), often referred to as a “hot check,” for every tenprint submission received by the NGI System. The QTP is an external system message sent by the NGI System utilizing the tenprint biographics for a name-based search of the NCIC. The “hot check” conducts a search of the following NCIC files: Supervised Release, Protection Order, Identity Theft, Protective Interest, Violent Person, Missing Person, Known or Suspected Terrorist, Gang member, Wanted Person, Protective Interest, Foreign Fugitive (Interpol and Canada), and **NSOR**. If during the QTP search there is a “hit,” the NCIC record owning agency is notified via an International Justice and Public Safety Network (Nlets) Administrative Message (AM). The notification emphasizes the results are based on a name-based search. In addition, no notification is sent to the tenprint submitting agency nor is any subsequent maintenance performed on the Identity based on the QTP results.

Leveraging the functionality that currently exists for the QTP process, the FBI CJIS Division’s Information Technology Management Section conducted a TIA. The solution uses the biographic information from a Non-Federal Applicant User Fee (NFUF) Type of Transaction (TOT) submitted to the NGI System pursuant to the CCDBGGA to perform the desired search of the NCIC NSOR, and provides a separate response that can be linked to the fingerprint response. This proposed solution is outlined below (new functionality is in bold font):

1. An NFUF TOT is submitted to the NGI System pursuant to the CCDBGGA and contains a valid Reason Fingerprinted (RFP).
2. The NFUF search results are returned to the submitting agency via the Submission Results Electronic (SRE) TOT.
3. The QTP is conducted and any “hits” are returned to the NCIC record owning agency.
4. **If the biographics from the NFUF fingerprint submission match a record in the NCIC NSOR during regular QTP processing, in addition to the notification going to the NCIC record owning agency, an Nlets AM indicating a “hit” will also be provided to the SIB.**
5. **The Nlets AM to the SIB will contain a mutually consistent value shared between both the fingerprint response (SRE) and the NCIC NSOR results, such as the Transaction Control Number (TCN) from the fingerprint submission, in order for the SIB to link both responses. [Note: The submitting Originating Agency Identifier (ORI) value and the TCN value from the NFUF submission are returned in the SRE. The TCN value is listed as a Transaction Control Reference (TCR).]**
6. **The SIB should disseminate the information from the Nlets AM to the authorized agency, similar to the “Send Copy To” (SCT) functionality.**

When conducting the TIA for the NGI System, the following assumptions were made:

1. An NFUF TOT is received by the NGI System and is populated with one of the specifically anticipated values in the RFP field indicating the NFUF submission is related to the CCDBG (CCDBG or CCDBG Volunteer) and should be processed according to the specific guidelines outlined above.
2. If the submitting agency incorrectly enters a value in the RFP field, the process as outlined will not be followed.
3. It is expected the SIB will disseminate the information contained in the Nlets AM to the NFUF submitting agency.
4. It is expected the user community will be educated accordingly and the designated state child care agency receives an appropriate directive based on the agency's review of the returned results.

In order for the proposed technical solution to be implemented, various requirements will need to be addressed; however, it is anticipated the proposed technical solution would require minimal effort since the NGI System is already in possession of a comprehensive NCIC response due to the current QTP process.

Furthermore, it should be noted that incoming information related to an Identity is very dynamic; therefore, the information is accurate and correct only for a particular moment in time. Additional actions (expungements, dispositions, NSOR entries, NSOR deletions, etc.) could arrive within moments of a completed response. In addition, it is possible that the two responses could produce conflicting results. For example, the Identity History Summary returned in the SRE contains an NSOR event, but a resulting NCIC search produces a "no hit." This can happen if a messaging issue occurs between the NCIC and NGI System. In addition, the NCIC NSOR check could produce a record that is not associated with an FBI Universal Control Number.

Lastly, it should be noted the NCIC QXS MKE, unlike the QTP, is part of the delayed inquiry process in which the NCIC performs a five day continuing evaluation service. Should information be added to the NSOR database within five days, the NCIC will send a follow-up response to the agency that conducted the QXS (via an NCIC \$.H message). The QTP will only produce a first response as a result of the check conducted at the time of the NFUF fingerprint submission.

The level of effort to complete the NGI System technical solution is minimal and would take approximately 14 to 16 weeks to complete. Multiple system level testing will be required. However, since the QTP functionality already exists within the NGI System, the solution as described will effectively and efficiently provide the ability for the SIB to (1) receive appropriate information; (2) confirm that an appropriate search of the NCIC NSOR was conducted; and (3) receive the relevant "hit" or "no hit" details from the NCIC NSOR results.

NCIC Technical Solution

As previously mentioned, not all applicant fingerprint submissions for the CCDBGGA are forwarded to the FBI (e.g., National Fingerprint File states may make the identification at the state level). As the NGI System technical solution is only valid for applicant fingerprints submitted to the NGI System, a second solution is being provided from an NCIC perspective. The following options are provided for Subcommittee review and consideration in order to streamline the NCIC NSOR check requirement and provide consistent results:

- Option 1: Add a new message field code (MFC) to the QXS transaction. The MFC could be used to identify when an active non-suppressed record should be returned in the hit response.
- Option 2: Add a new MKE to act the same way as the QXS with the only difference being that active non-suppressed records are returned in the hit response.

The level of effort for Option 1 is minimal, depending on the complexity of the requirements. Option 2 would require the most effort due to the creation of a new MKE. It is also important to note that the priority assigned should take into consideration the ongoing development of the NCIC 3rd Generation.

OPTIONS

NGI Technical Solution

The Subcommittee is requested to discuss the proposal and choose one of the following options:

- Option 1: Implement the NGI System Technical Solution as described.
- Option 2: No change.

If the proposal of this topic is approved, the system enhancements necessary to implement the proposal should be assigned the priority: _____ (enter 0-5) and categorized as: _____ (enter High, Medium, or Low).

NCIC Technical Solution

The Subcommittee is requested to discuss the proposal and choose one of the following options:

- Option 1: Implement the NCIC Technical Solution by adding a new MFC to the QXS transaction so only active non-suppressed records are returned in the response.
- Option 2: Implement the NCIC Technical Solution by adding a new MKE to act the same as

the QXS, with the only difference being active non-suppressed records are returned in the hit response.

Option 3: No change.

If the proposal of this topic is approved, the system enhancements necessary to implement the proposal should be assigned the priority: _____ (enter 0-5) and categorized as: _____ (enter High, Medium, or Low).

RECOMMENDATION

The FBI CJIS Division does not have a recommendation at this time.

FEEDBACK FROM WORKING GROUP MEMBERS

Question: What is a non-suppressed record in the NSOR?

FBI Response: The active non-suppressed distinction was added to the recommendation to note that only active NCIC NSOR records would be returned in response to the query (excludes any expired or cleared NSOR records).

SPRING 2019 WORKING GROUP ACTIONS:

FEDERAL WORKING GROUP ACTION:

Motion 1: To accept Option 1 with a priority level 3M.
NGI Technical Solution

Option 1:

Implement the NGI System Technical Solution as described.

Action: Motion carried.

Motion 2: To accept Option 1 with a priority level 3M.
NCIC Technical Solution

Option 1:

Implement the NCIC Technical Solution by adding a new MFC to the QXS transaction so only active non-suppressed records are returned in the response.

Action: Motion carried.

NORTH CENTRAL WORKING GROUP ACTION:

Motion 1: To accept Option 1 on both.
NGI Technical Solution

Option 1:

Implement the NGI System Technical Solution as described.

NCIC Technical Solution

Option 1:

Implement the NCIC Technical Solution by adding a new MFC to the QXS transaction so only active non-suppressed records are returned in the response.

Action: Motion carried.

Motion 2: To accept Priority level 2H on both

Action: Motion carried.

NORTHEASTERN WORKING GROUP ACTION:

NGI Technical Solution

Motion: To adopt Option 1 with an addition designated in **bold:** Implement the NGI System Technical Solution as described. **States should have the option to opt out.** Priority level 3H.

Action: Motion carried.

NCIC Technical Solution

Motion: To adopt Option 1. Implement the NCIC Technical Solution by adding a new MFC to the QXS transaction so only active non-suppressed records are returned in the response. Priority level 3H.

Action: Motion carried.

SOUTHERN WORKING GROUP ACTION:

NGI Technical Solution

Motion 1: To adopt Option 1: Implement the NGI System Technical Solution as described.

Action: Motion carried, with two abstentions.

Motion 2: To assign Priority level 3M.

Action: Motion carried, with two abstentions.

NCIC Technical Solution

Motion 3: To adopt Option 2: Implement the NCIC Technical Solution by adding a new MKE to act the same as the QXS, with the only difference being active non-suppressed records are returned in the hit response.

Action: Motion carried.

Motion 4: To assign Priority level 3M.

Action: Motion carried.

WESTERN WORKING GROUP ACTION

NGI Technical Solution

Motion: To adopt Option 1. Implement the NGI System Technical Solution as described.

Action: Motion carried.

Motion: To assign a Priority level 3M.

Action: Motion carried.

NCIC Technical Solution

Motion: To adopt Option 1: Implement the NCIC Technical Solution by adding a new MFC to the QXS transaction so only active non-suppressed records are returned in the response. Priority level 3H

Action: Motion carried.

ACTION ITEM: Consider consistent messaging/message content for QXS and QTP transactions supporting CCDBGA.

SPRING 2019 SUBCOMMITTEE ACTIONS:

NCIC SUBCOMMITTEE ACTION:

Recommendation #1 NGI Technical Solution

Motion: To accept Option 1 with additions: Implement the NGI System Technical Solution as described. States should have the option to opt out.

Action: Motion carried.

Recommendation #2 NCIC Technical Solution

Motion: To accept Option 1: Implement the NCIC Technical Solution by adding a new MFC to the QXS transaction so only active non-suppressed NSOR records are returned in the response.

Action: Motion carried.

Recommendation #1 and #2

Motion: To assign a priority of 2H for both recommendations.

Action: Motion carried.

IDENTIFICATION SERVICES (IS) SUBCOMMITTEE ACTION:

Motion: To accept Option 1: Implement the NGI System Technical Solution as described.

Action: Motion carried.

Motion: Assign a Priority 2H.

Action: Motion carried.

Motion: To accept Option 1: Implement the NCIC Technical Solution by adding a new MFC to the QXS transaction so only active non-suppressed NSOR records are returned in the response - Priority: 2H.

Action: Motion carried.

**CJIS ADVISORY POLICY BOARD (APB)
NATIONAL CRIME INFORMATION CENTER (NCIC) SUBCOMMITTEE
VIDEO TELECONFERENCE
APRIL 23, 2019**

STAFF PAPER

NCIC ISSUE #4

NCIC Third Generation (N3G) Project

PURPOSE

To endorse the recommendations provided by the N3G Task Force

POINT OF CONTACT

Global Law Enforcement Support Section, NCIC Operations and Policy Unit

Questions regarding this topic should be directed to <agmu@leo.gov>.

REQUEST OF THE SUBCOMMITTEE

The Subcommittee is requested to review the information provided in this paper and provide appropriate comments, suggestions, or recommendations to the APB.

BACKGROUND

The purpose of the N3G Project is to identify requirements which will improve, modernize, and expand the existing NCIC system to continue providing real-time, accurate, and complete criminal justice information in support of law enforcement and criminal justice communities.

In June 2016, the APB approved, for further exploration, 14 high-level concepts as representation of more than 5,500 user requests. Functional requirements correlating to those high-level concepts were subsequently forwarded for further review and are listed with the status of the approval process.

Concept 1: Flexible Data Format – Director Approved
Concept 2: Tailored Functionality – Director Approved
Concept 3: Access Data Repositories – Director Approved
Concept 4: Name Search Algorithm – Director Approved
Concept 5: Enhanced Data Search – Director Approved
Concept 6: System Search - Pending Director Approval
Concept 7: Enhanced Training Resources – Pending Director Approval
Concept 8: Enhanced Testing Environment – Director Approved
Concept 9: Record Content - Pending Director Approval

Concept 10: Enhanced Multimedia – Director Approved
Concept 11: Improved Data Management – Pending Director Approval
Concept 12: Alternative Outbound Communications – Pending Director Approval
Concept 13: Alternative Access – Director Approved
Concept 14: Improved Outbound Communications - Pending Director Approval

An N3G Task Force was established to assist with the development of the N3G Project. The purpose of the N3G Task Force is to offer continuous subject matter expertise and user experience to the CJIS Division project personnel during the development of N3G. The APB also granted the N3G Task Force the discretion to provide the initial review, acceptance, and disposition or disposal of the concepts and their associated functional requirements before introducing them through the CJIS Advisory Process. The inaugural N3G Task Force meeting was held on 08/18/2015, and meetings have routinely been conducted both in person and telephonically since the initial meeting. As a result of the collaborative efforts of the N3G Project Team and the N3G Task Force, over 1200 functional requirements associated with the 14 high-level concepts were identified.

The N3G Task Force dispositioned all 1200 of the initial functional requirements and recommended approximately 400 move forward for further exploration. Those functional requirements were approved by the APB during meetings held in June 2017 through December 2018. None of the initial functional requirements proposed for Concept 13 were approved by the N3G Task Force. This recommendation was subsequently endorsed by the APB at the December 2017 meeting.

N3G Functional Requirement Exploration Strategy

Since the initial Advisory Process review of N3G Task Force approved functional requirements has concluded, the N3G Task Force has moved into its next area of responsibility to further explore APB approved functional requirements in conjunction with the NCIC Program Office. The method to further explore the remaining N3G functional requirements and an agile Advisory Process approval strategy were adopted by the APB in June 2018. The APB recognized that a streamlined approval process was necessary to ensure the successful and timely deployment of N3G functionality using the Agile Development Methodology.

As a reference, the APB approved process, for moving functional requirements forward, allows the N3G Task Force to determine if a functional requirement falls into either the “straight forward” or “needs further research” category. As described in the spring 2018 topic paper, many of the APB-approved “for further exploration” functional requirements are very straight forward and need no further information for development. For instance, a requirement may read “expand the name field to 50 characters.” This requirement is straight forward, needing no further information for development. As such, it can be turned over to developers as currently defined. The N3G Task Force has identified approximately 150 requirements which fall into the straight-forward category. Other functional requirements do need further policy, legal, and technical refinement such as the ability to enter “multiple warrants for the same subject by the same ORI.” Further research, legal review, and technical impact analysis on 260 of those types

of requests will be conducted by the N3G Task Force and the CJIS Division NCIC Program Office collectively. Once completed, those identified as adding value and benefit to NCIC stakeholders will move to the development stage.

Any requirements needing major modifications or new requirements identified by the N3G Task Force will be forwarded through the Advisory Process for final approval. Functional requirements no longer supported by the N3G Task Force will not be moved forward for inclusion in N3G project development. Functional requirements excluded after the N3G Task Force further exploration are identified in an addendum to this paper for traceability purposes. These items will continue to be included with the N3G Project staff paper for the next several rounds of the Advisory Process meetings until all the exclusions are exhausted.

N3G Functionality Approval Strategy

As the N3G Task Force further explores the volumes of functional requirements, new system functionality is beginning to emerge. This includes an emphasis on streamlining processes when possible, coupled with the development of new or modified policy definitions. In accordance with the APB agile approval process, the N3G Task Force approved N3G functionality will be advanced to the development effort. Once requirements have been forwarded to the development team and functionality begins to emerge from the sprint development process, the N3G Task Force will confirm functionality (as demonstrated virtually or in person) meets the original intent, as approved by the APB. Consequently, their decision will be forwarded to the NCIC Subcommittee for advisement and endorsement. If the NCIC Subcommittee concurs, the recommended N3G functionality will be advanced to the non-operational environment or directly to the APB for final disposition. Conversely, if the N3G Task Force determines the functionality requires further refinement, it will be returned to a development program backlog and then reintroduced into the development process once necessary changes are identified. Although this approach puts considerable responsibility on the N3G Task Force up front, it will pave the way for continued user engagement in the N3G development effort.

The N3G Task Force has established and continues to reiterate several “guiding principles” to be taken into consideration as the requirements are further analyzed and developed. One such principle is to ensure current system performance and response times are not degraded with the introduction of new functionality. Another principle established is continued support of legacy functionality. Since CJIS Systems Agency (CSA) and many local agency systems will require upgrades and/or additional programming to take advantage of new capabilities, the CJIS Division is committed to support legacy NCIC system functions during a transition period, to be defined by the APB. This will ensure vital services remain available to all users. The intent of the N3G project is to be forward looking, but backward compatible. Additional guiding principles include the integration of national standards, when applicable, and scalability. The next generation of the NCIC system should provide scalable capacity for additional input, storage, processing, and output functionality. Furthermore, the N3G Task Force determined enhancements to the NCIC system should be established as user friendly and intuitive as possible. Providing a more intuitive system could simplify training new users and allow current users to be more efficient and effective.

DISCUSSION AND ANALYSIS

Part I - N3G User Transition Fundamentals

As the 14 high-level concepts of N3G move into the development stage, it is important to clarify the N3G Project is an enhancement effort rather than a full system replacement. Based on this premise, the NCIC Program Office, in conjunction with the N3G Task Force, has initiated two fundamental N3G transition requirements. These are based on the understanding in which NCIC will continue to release newly developed functionality in the operational environment consistent with the annual enhancement build schedule and associated notification process existing today. They are also in keeping with the “guiding principles” as described previously. The N3G Task Force proposes the following user transition fundamentals for the Subcommittee to consider with the understanding this list is not all inclusive, rather a starting point for user preparedness:

1. Extensible Markup Language (XML) User Transition Timeframe

- a. All CSAs and direct interface agencies must convert to the National Information Exchange Model (NIEM) data processing format, using web service applications, from the current NCIC socket supported dot delimited and Global Justice Data Model (GJXDM) formats by **September 30, 2022**.
- b. Dot delimited and GJXDM XML formatted messages, along with Transmission Control Protocol/Internet Protocol socket and MQ Series Protocols will no longer be supported effective **September 30, 2022**.

2. Availability of New Functionality

- a. N3G developed functionality, to include improved and streamlined capabilities, along with new files, fields and codes will only be available for entry and maintenance using the NIEM XML data processing format. However, dot delimited and GJXDM XML users must be able to accept new data in responses.

The fundamental related to NIEM XML transition is being proposed as a result of the December 2016 APB recommendations related to Concept 1 – Flexible Data Format. NIEM XML was endorsed as the standard flexible data format for NCIC moving forward. This recommendation was caveated with understanding the FBI CJIS Division, in conjunction with the Advisory Process, would establish compliance and sunset dates for users as the N3G project matures. The N3G Task Force discussed the proposed date at length during their September 2018 meeting. The group collectively agreed a “hard deadline” date is needed in order for users to secure funding for the NIEM XML conversion, and take full advantage of new system features and functionality to be delivered over the next several years. Additionally, the International Justice and Public Safety Network (Nlets) intends to sunset their traditional dot-delimited message format by 12/31/2019. This will require the Nlets membership to transmit all messages and responses in a standardized NIEM XML format. Although the CJIS Division and Nlets agreed to stay lockstep in their use of standard XML models and specific versions, the N3G Task Force supports a three year post- Nlets transition date for NCIC NIEM XML, again, to allow CSAs to secure vendor support and/or funding.

The fundamental related to the availability of new functionality is being proposed for multiple reasons: 1) to negate the resource-intensive need for the NCIC to maintain both a legacy environment and an enhanced environment; and 2) to create an incentive for CSAs to meet compliance dates to ensure their stakeholders have access to new and improved NCIC services upon delivery.

Part II - N3G Project – Functionality Approved by the N3G Task Force for Development

As stated earlier, the N3G Task Force is in the process of further exploring approximately 260 functional requirements associated with the original 14 high-level N3G concepts. The N3G Task Force has formed policy subgroups to thoroughly explore all aspects of the proposed functionality. Thus far, four policy groups including a Gang, Warrant, Supplemental Data, and a Message Key subgroup have been established and meet on a regular basis. Each group is represented by members of the N3G Task Force in addition to other law enforcement and criminal justice community subject matter experts. As the groups presented recommendations to the N3G Task Force for further consideration, it became evident that individual functional requirements have inter-dependencies. As such, holistic functionality has emerged which encompasses some or even, many individual functional requirements. Individual functional requirements will no longer be presented individually through the Advisory Process with the understanding that the functionality approved by the N3G Task Force satisfies all of the associated functional requirements. Conversely, as discussed previously, functional requirements the N3G Task Force excludes will be identified in the addendum at the end of the staff paper for traceability purposes. The N3G Task Force approved functionality, as described below, is being provided for your information and awareness as it will move forward to the agile development process.

Warrant

During the N3G Canvass, participants requested the NCIC System allow the entry of multiple warrants for the same individual by the same agency. The N3G Task Force established a Warrant Policy Group to explore functional requirements related to this issue. The Warrant Group explored possible solutions and determined the most important information for tactical officers to have readily available during an encounter are the offenses associated with the warrant entry. **The N3G Task Force approved the following functionality related to the multiple warrant issue:**

- The current Additional Offense (ADO) field will remain as part of the NCIC record with modifications made to the ADO field definition;
- The caveat generated when the ADO is populated with a Y will be modified; and
- Supplemental Offense (OFF) fields will be created to allow for the entry of offense information associated with additional warrants or additional offenses within a single warrant.

Message Key (MKE)

The MKE Group was created to analyze the functional requirements related to streamlining MKEs and exploring other methods simplifying the process of entering records into the NCIC

System. The requests related to MKEs were diverse. Hence, the MKE Group determined it would be beneficial to review the requests in a tiered approach, focusing on the Caution and Medical Conditions (CMC)/Scars, Marks, Tattoos, and Other Characteristics (SMT) recommendations first. The MKE Group reviewed the removal of caution indicators from the MKE and determined it is still critical to alert law enforcement of cautions through a new field. They also explored requests to separate the CMC into two fields, create additional CMCs, and reviewed the utility of both the CMC and SMT fields. **The N3G Task Force approved the following functionality related to the CMC/SMT issue:**

- The caution indicator will be removed from the MKE;
- A caution field for “caution officer safety” or “caution medical condition” could be populated by the user to trigger a cautionary response; and
- Additional CMC codes were approved for development.

Supplemental

The Supplemental Policy Group was established to discuss and analyze the functional requirements related to the entry and maintenance of supplemental data. During the user canvass, a prevalent request was to create the ability to enter all NCIC data in the base record. Consequently, all supplemental data fields would be modifiable and there would be no need for additional transactions per a specified number of supplemental data entries. Other requests regarding supplemental data included increasing the number of supplemental data fields allowed, having no limit on the number of supplemental data fields, and creating the ability to enter all dental data in the base record. The group analyzed the utility of the number of allowable fields today. They also discussed creating consistency for the numbers of supplemental data fields allowed. **The N3G Task Force approved the following functionality related to**

Supplemental data:

- Ability to enter all supplemental data in the base record;
- Provide all dental data in the base record;
- Allow for supplemental data to be modified; and
- Create consistency in the number of supplemental data fields allowed by establishing a tiered approach allowing 25, 55, and 99 per record.

RECOMMENDATIONS

The Subcommittee is requested to review and endorse the two N3G Task Force approved N3G user transition fundamentals as outlined in Part I of the Discussion & Analysis Section and provide comments or suggestions as appropriate.

1. Extensible Markup Language (XML) User Transition Timeframe

- a. All CSAs and direct interface agencies must convert to the National Information Exchange Model (NIEM) data processing format, using web service applications, from the current NCIC socket supported dot delimited and Global Justice Data Model (GJXDM) formats by **September 30, 2022**.
- b. Dot delimited and GJXDM XML formatted messages, along with Transmission Control Protocol/Internet Protocol socket and MQ Series Protocols will no longer be supported effective **September 30, 2022**.

2. Availability of New Functionality

- a. N3G developed functionality, to include improved and streamlined capabilities, along with new files, fields and codes will only be available for entry and maintenance using the NIEM XML data processing format. However, dot delimited and GJXDM XML users must be able to accept new data in responses.

National Crime Information Center (NCIC) Third Generation (N3G) Project Addendum

Functionality excluded after Program Office Research

Fingerprint Classification (FPC)

Users requested the FPC Field be removed from the NCIC System due to its perceived antiquity and lack of value. Subsequent research determined the field is rarely populated and when it is available, it is either due to the “packing the record” policy or it is populated with an unknown value. After further exploration, the N3G Task Force moved forward the functional requirement to delete the FPC Field.

Functional Requirements excluded after Program Office Research

Concept 9

- Expand the length of the SMT field

The N3G Task Force moved to exclude the request to expand the length of the SMT field. The field contains NCIC assigned codes which allows for 3-10 character. Since the field should only be populated with an NCIC assigned code, it can be presumed only codes fitting an appropriate description will be assigned.

- Create an assaultive behavior CMC

As mentioned earlier, the MKE group explored requests for new CMCs. The group recommended the request to create an assaultive behavior CMC should be excluded based on the duplicity with the “violent tendencies” currently existing CMC. Therefore, the N3G Task Force excluded this request from further consideration.

Concept 10

- Provide the ability to export images

The request for NCIC to provide for the ability to export images was excluded for N3G project consideration. This was based on the fact a user interface is not being created between the NCIC and end users. The NCIC will return images as part of the NCIC response. It will be the responsibility of the end user to create the functionality to export the image.

Concept 11

- Automatically include a caution indicator caveat in a response message when a qualifying CMC is entered

The N3G Task Force concurred with the recommendation of the MKE Policy Group to not automatically include a caution indicator caveat in a response message when a qualifying CMC is entered. Instead, as mentioned above, a new field will generate a caveat to the user indicating “caution officer safety” or “caution medical condition”. This will allow the user to determine when a caution is justified.

- Create the capability to recall a record to use previously entered data elements in a new record

During the user canvass, there were requests for functionality which would allow users to retrieve previously entered records to expedite the entry of a new record for the same individual. After reviewing the potential benefit of the requested functionality against the retrieval methods available, challenges of ensuring records were for the same individual, so the new record was accurately packed, it was determined this functionality would provide minimal benefit. Accordingly, the N3G Task Force excluded the recall functionality from consideration.

- Allow the date of expiration to be modified on Protection Orders that have expired during a specified timeframe

Protection Order File (POF) records which have been retired can currently be searched using a direct inquiry. Allowing these records to be modified after they have been retired would consequently re-activate the record. Based on discussion of the N3G Task Force, the reactivation of records functionality was removed from consideration.

- Improve the linking capability between person and vehicle files

Currently, an agency entering a record in the NCIC System sharing the same incident as a record entered by a different agency has the ability to link the records by entering the associated Originating Agency Identifier (ORI) and Originating Agency Case Number (OCA) in the linkage fields (LKI and LKA). The NCIC System will automatically link records entered within 30 days of the original entry that contain the same ORI and OCA. The N3G Task Force determined no other methods are needed for linking records at this time.

SPRING 2019 WORKING GROUP ACTIONS:

FEDERAL WORKING GROUP ACTION:

Motion: To endorse the two N3G Task Force approved N3G user transition fundamentals as outlined below:

Extensible Markup Language (XML) User Transition Timeframe

- a. All CSAs and direct interface agencies must convert to the National Information Exchange Model (NIEM) data processing format, using web service applications, from the current NCIC socket supported dot delimited and Global Justice Data Model (GJXDM) formats by **September 30, 2022**.
- b. Dot delimited and GJXDM XML formatted messages, along with Transmission Control Protocol/Internet Protocol socket and MQ Series Protocols will no longer be supported effective **September 30, 2022**.

Availability of New Functionality

- a. N3G developed functionality, to include improved and streamlined capabilities, along with new files, fields and codes will only be available for entry and maintenance using the NIEM XML data processing format. However, dot delimited and GJXDM XML users must be able to accept new data in responses.

Action: Motion carried.

NORTH CENTRAL WORKING GROUP ACTION:

Motion: To endorse the two N3G Task Force approved N3G user transition fundamentals as outlined below:

Extensible Markup Language (XML) User Transition Timeframe

- a. All CSAs and direct interface agencies must convert to the National Information Exchange Model (NIEM) data processing format, using web service applications, from the current NCIC socket supported dot delimited and Global Justice Data Model (GJXDM) formats by **September 30, 2022**.
- b. Dot delimited and GJXDM XML formatted messages, along with Transmission Control Protocol/Internet Protocol socket and MQ Series Protocols will no longer be supported effective **September 30, 2022**.

Availability of New Functionality

- a. N3G developed functionality, to include improved and streamlined capabilities, along with new files, fields and codes will only be available for entry and maintenance using the NIEM XML data processing format. However, dot delimited and GJXDM XML users must be able to accept new data in responses.

Action: Motion carried

NORTHEASTERN WORKING GROUP ACTION:

Motion: To adopt both recommendations proposed in the topic paper.

Extensible Markup Language (XML) User Transition Timeframe

- a. All CSAs and direct interface agencies must convert to the National Information Exchange Model (NIEM) data processing format, using web

service applications, from the current NCIC socket supported dot delimited and Global Justice Data Model (GJXDM) formats by **September 30, 2022**.

- b. Dot delimited and GJXDM XML formatted messages, along with Transmission Control Protocol/Internet Protocol socket and MQ Series Protocols will no longer be supported effective **September 30, 2022**.

Availability of New Functionality

- a. N3G developed functionality, to include improved and streamlined capabilities, along with new files, fields and codes will only be available for entry and maintenance using the NIEM XML data processing format. However, dot delimited and GJXDM XML users must be able to accept new data in responses.

Action: Motion carried.

SOUTHERN WORKING GROUP ACTION:

Motion 1: To endorse:

Extensible Markup Language (XML) User Transition Timeframe

- a. All CSAs and direct interface agencies must convert to the National Information Exchange Model (NIEM) data processing format, using web service applications, from the current NCIC socket supported dot delimited and Global Justice Data Model (GJXDM) formats by **September 30, 2022**.
- b. Dot delimited and GJXDM XML formatted messages, along with Transmission Control Protocol/Internet Protocol socket and MQ Series Protocols will no longer be supported effective **September 30, 2022**.

Action: Motion carried.

Motion 2: To endorse:

Availability of New Functionality

- a. N3G developed functionality, to include improved and streamlined capabilities, along with new files, fields and codes will only be available for entry and maintenance using the NIEM XML data processing format. However, dot delimited and GJXDM XML users must be able to accept new data in responses.

Action: Motion carried.

WESTERN WORKING GROUP ACTION:

Motion: To adopt the Recommendations as stated in the topic paper:

Extensible Markup Language (XML) User Transition Timeframe

- a. All CSAs and direct interface agencies must convert to the National Information Exchange Model (NIEM) data processing format, using web service applications,

from the current NCIC socket supported dot delimited and Global Justice Data Model (GJXDM) formats by **September 30, 2022**.

- b. Dot delimited and GJXDM XML formatted messages, along with Transmission Control Protocol/Internet Protocol socket and MQ Series Protocols will no longer be supported effective **September 30, 2022**.

Availability of New Functionality

- a. N3G developed functionality, to include improved and streamlined capabilities, along with new files, fields and codes will only be available for entry and maintenance using the NIEM XML data processing format. However, dot delimited and GJXDM XML users must be able to accept new data in responses.

Action: Motion carried.

SPRING 2019 NCIC SUBCOMMITTEE ACTION:

Motion: To endorse the two N3G Task Force approved N3G user transition fundamentals as outlined below:


Extensible Markup Language (XML) User Transition Timeframe

- a. All CSAs and direct interface agencies must convert to the National Information Exchange Model (NIEM) data processing format, using web service applications, from the current NCIC socket supported dot delimited and Global Justice Data Model (GJXDM) formats by **September 30, 2022**.
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Availability of New Functionality

- a. N3G developed functionality, to include improved and streamlined capabilities, along with new files, fields and codes will only be available for entry and maintenance using the NIEM XML data processing format. However, dot delimited and GJXDM XML users must be able to accept new data in responses.

Action: Motion carried.



FEDERAL BUREAU OF INVESTIGATION
Science and Technology Branch

Science and Technology Branch Update

June 2019

UNCLASSIFIED

Topics for Discussion

- Current Operating Environment
- Laboratory Division Updates
 - Strategy Update: Investigative Genealogy
 - Case Update: Florida Mail Bombs
- Operational Technology Division Updates
 - Strategy Update: Computer Network Operations/Computer Network Exploitation (CNO/CNE)
 - Case Update: Austin Bombings
- Looking Ahead

UNCLASSIFIED 2




FEDERAL BUREAU OF INVESTIGATION
Science and Technology Branch

Current Operating Environment

UNCLASSIFIED

Current Operating Environment

- Threats remain largely the same, but now each has a cyber component:
 - Criminals
 - Competitors
 - Coworkers
 - Counterintelligence
 - Terrorism
- We are experiencing a philosophical shift:
 - Online criminals vs. criminals online
 - A scam is still a scam, but threat vectors have evolved



<https://i3.safeframe.com/secure/frame/https://www.flickr.com/photos/2271133834/402523738426411386img-ADivvaed9f9mewt53ggf7d6weD4f8aun-1541889260694377>

UNCLASSIFIED

Current Operating Environment

- Technological advances have resulted in increased capabilities for adversaries and greater parity across the board
 - Adversaries do not adhere to our rules
 - Black market sale of criminal capabilities allows unsophisticated criminals to keep pace with the U.S.
- Are we keeping up?



UNCLASSIFIED

5

Current Operating Environment

- Policy and legislation are not keeping pace with the speed of technological innovation
 - Unmanned Aerial Systems
 - Privacy laws and ownership of personal information
 - Communications Assistance for Law Enforcement Act (CALEA)
 - Ubiquitous surveillance

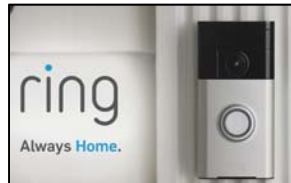


UNCLASSIFIED

6

Current Operating Environment

- We are under ubiquitous surveillance, and various surveillance tools are now accessible to everyone
 - People are monetizing your patterns of life and your personal information
 - Your data is being aggregated and collated
 - Who has ownership of your personal data?
- Our adversaries have moved to 3rd party targeting and they are good at it



<https://www.ring.com/2f8pqig=4DvVaw2d-w022228844z2p2Q13500h-1544568809154527>



https://www.miamiherald.com/technology/2016/mar/22/2016-03-22/miami-herald-police-and-banders-target-the-poor/24794305?_fqiig=4DvVaw2d-w022228844z2p2Q13500h-1544568809154527

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7



FEDERAL BUREAU OF INVESTIGATION
Science and Technology Branch

Laboratory Division Updates

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8

Laboratory Division Case Update: Florida Mail Bombs

- In October 2018, Cesar Sayoc mailed 16 rudimentary explosive devices to government officials and media figures nationwide
- No one was injured
- Investigators were able to find DNA and fingerprint evidence on some of the materials sent by the bomber
- Sayoc pled guilty in March 2019



<https://www.nytimes.com/2019/03/12/us/politics/fingerprints-mail-bomber-case-https://img4.abcnews.com/media/155921354848135>

UNCLASSIFIED

11



FEDERAL BUREAU OF INVESTIGATION
Science and Technology Branch

Operational Technology Division Updates

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12

Operational Technology Division: CNO/CNE

- Crimes related to Computer Network Operations and Computer Network Exploitation, or CNO/CNE, are increasing
 - The number of Internet crimes reported to the FBI grew by 16% in 2018
 - It is difficult to estimate the losses that remain unreported

**\$2.7
BILLION**

IN VICTIM LOSSES
REPORTED TO THE FBI IN
2018
(CONSERVATIVE)

UNCLASSIFIED

13

Operational Technology Division: CNO/CNE

- CNO/CNE capabilities are strategically significant to the FBI and the investigator due to expanding financial, personal, criminal, and intelligence activities in our “digital world”
 - There are two kinds of people in the world:
 - Those who have been hacked
 - Those who don’t know it yet
- STB is consolidating CNO/CNE components enterprise-wide to better define and address the threat

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Operational Technology Division Case Update: Austin Bombings

- In March 2018, Mark Anthony Conditt planted several explosive devices in Austin, TX
- Five bombs exploded, killing two people and injuring five
- Investigators identified the bomber's location using cell phone data
- Conditt detonated one of the bombs, killing himself, as law enforcement closed in



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15



FEDERAL BUREAU OF INVESTIGATION
Science and Technology Branch

Looking Ahead

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FEDERAL BUREAU OF INVESTIGATION
Science and Technology Branch

Thank You

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19



Connecting with our partners

Michael D. DeLeon
 Assistant Director
 Federal Bureau of Investigation
 Criminal Justice Information Services Division

June 2019






Assistant Director
Michael D. DeLeon

Deputy Assistant Director
Kimberly J. Del Greco



Information Services Branch





Deputy Assistant Director
Michael A. Christman



Operational Programs Branch








**National Crime Information Center
3rd Generation**

- **Response to Request for Information/
name search capability**
- **XML available in user environment
for testing**
- **Development started
on advanced multimedia**



Uniform Crime Reporting Program

- **National Incident-Based
Reporting System Transition**
- **National Use-of-Force Data
Collection**
- **Ambushes and Unprovoked Attacks
study released**




National Data Exchange

- **7,334 contributing agencies**
- **1.4M average monthly searches**
- **18K active users**

New data source available

- **Innocence Lost Database**





Next Generation Identification
Transition to National Iris Service

Next steps

- **Update algorithm**
- **Federal Repository**
- **Provide services to existing participants**

Targeting FY 2020 for initial rollout






National Instant Criminal Background Check System

Annual transaction volumes

- 2016–27,538,673
- **2018–26,181,936**
- 2017--25,235,215
- 2015--23,141,970




National Threat Operations Center

- Transformation of Public Access Line program
- Opportunity to better integrate with investigative arm of law enforcement
- Working to ensure tips/leads shared with partner agencies





Connecting with our partners





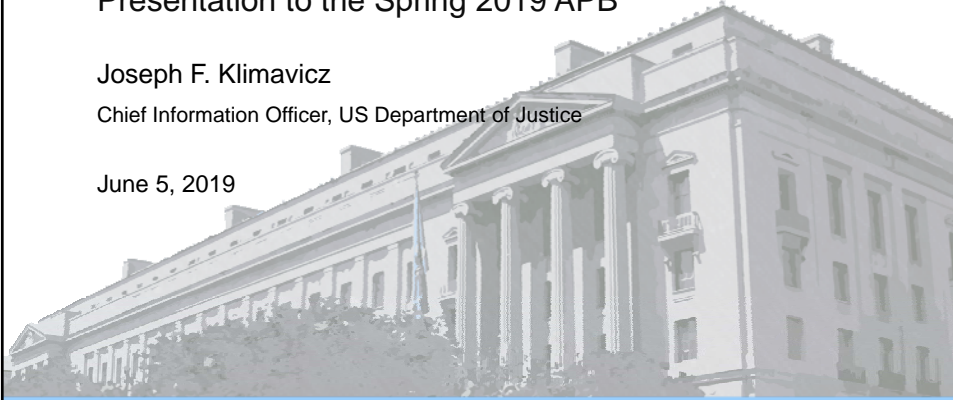
Department of Justice
Office of the Chief Information Officer

DOJ CJIS Systems Agencies Services Transformation Update

Presentation to the Spring 2019 APB

Joseph F. Klimavicz
Chief Information Officer, US Department of Justice

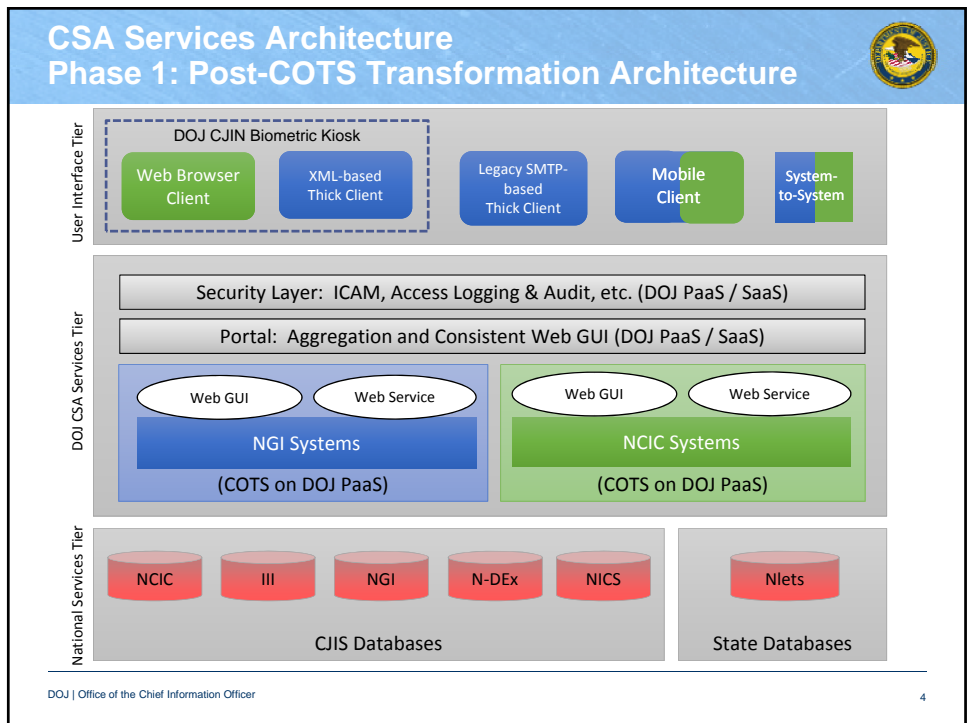
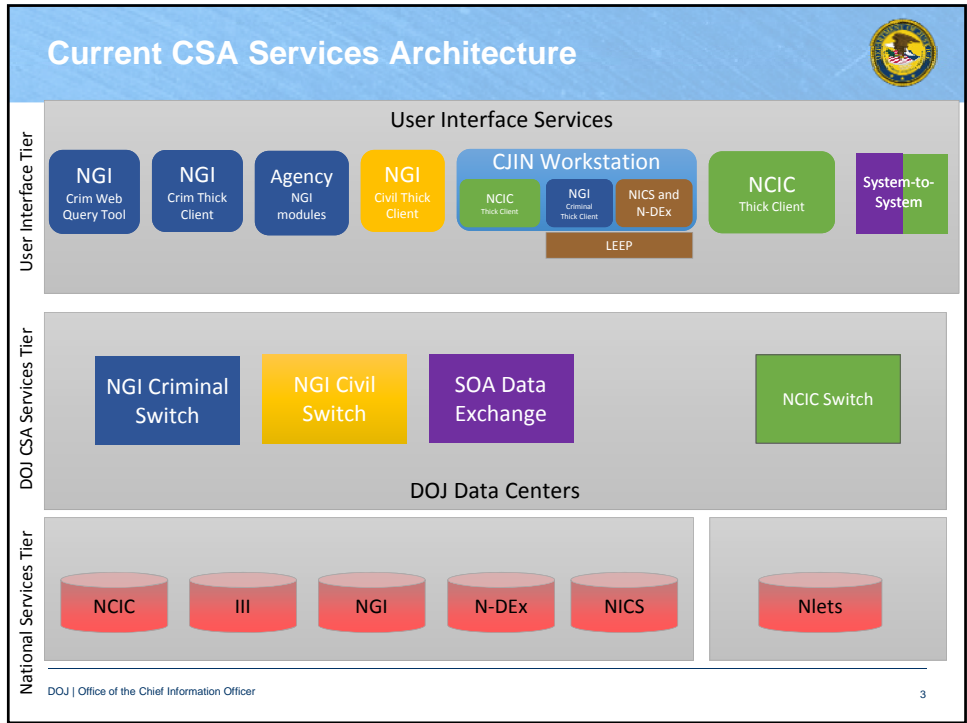
June 5, 2019

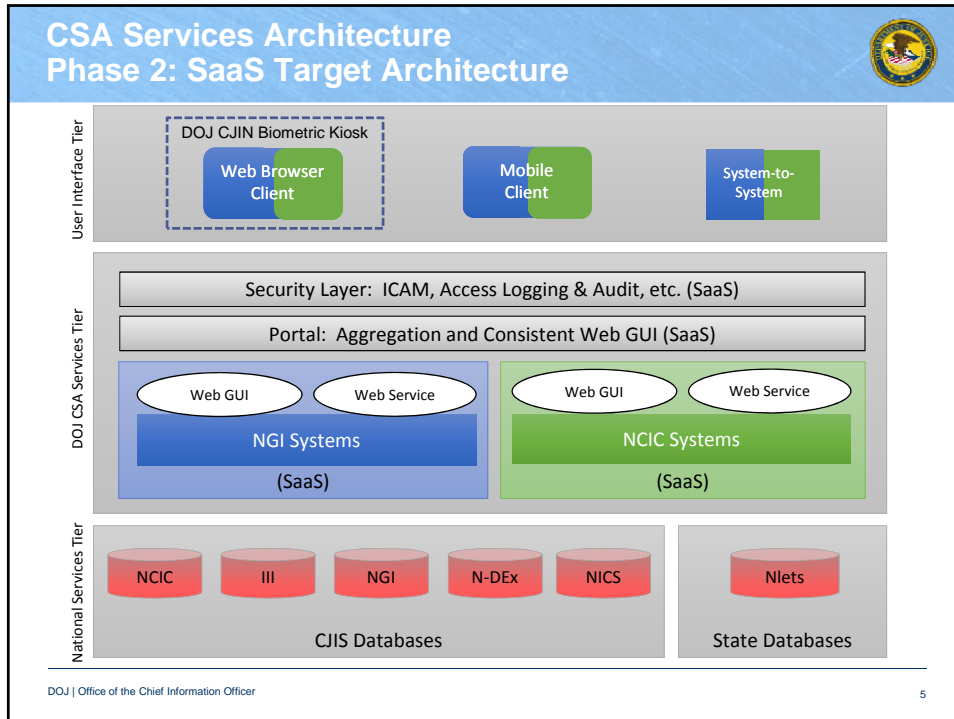


DOJ CSA Services Transformation



- DOJ is continuing to move forward with a holistic transformation of its CJIS Systems Agencies (CSA) Services
- In consultation with CSAs across the country, DOJ is bringing transformative technologies used across the IT industry to the law enforcement space, beginning with the following:
 - Cost reduction through economies of scale
 - Functionality improvement
 - Business process reengineering
 - Shared identity and access management





- ## CSA Services Technology Needs
1. FedRAMP-compliant SaaS using a true multi-tenant model
 2. Web-based and mobile solutions that allow zero-configuration clients, including support for latest biometric capabilities and devices
 3. Full Identity and Credential Access Management (ICAM) support, to include law enforcement-specific credentialing
- DOJ | Office of the Chief Information Officer 6



U.S. Department of Justice
Federal Bureau of Investigation
Science and Technology Branch
Criminal Justice Information Services Division

APB Item #2
**Chairman's Report on the National Crime
Information Center (NCIC) Subcommittee**

Walt Neverman, Chairman
June 2019 CJIS APB Meeting
Jacksonville, Florida



U.S. Department of Justice
Federal Bureau of Investigation
Science and Technology Branch
Criminal Justice Information Services Division

Accepted as Information Only
NCIC Issue #3 – CJIS Division NCIC Status



Recommendation for IS Subcommittee

NCIC Issue #5 – Modernizing and Standardizing Electronic Biometric Transmission Specification (EBTS) Sex Codes



NCIC Issue #1

Subsequent Activity Notifications for Wanted Notices on the Next Generation Identification (NGI) System

Purpose:

To cease manual notifications for specific maintenance transactions in the NGI System for agencies with an active want, and determine if those should be replaced with automated notifications



NCIC Issue #1 - continued

Subsequent Activity Notifications for Wanted Notices on the Next Generation Identification (NGI) System

Available Options Considered:

Option 1: Pursue development of automated messages to wanting agencies on each of these updates: dispositions, modification of name or date of birth, expungement of last criminal event within the UCN, and flashes. (Federal, North Central, Northeastern, and Western endorsed Option #1 with Western also requesting a revisit of the existing and new messages.)

Option 2: Cease the manual process without establishing any new notifications to the wanting agencies. (Southern endorsed Option #2.)



NCIC Issue #1 - continued

Subsequent Activity Notifications for Wanted Notices on the Next Generation Identification (NGI) System

IS Subcommittee Motion:

Option 1 as modified: Return all messages to Working Groups for review of message content and review of automating manual messages. Pursue development of automated messages to wanting agencies on each of these updates: dispositions, modification of the name and date of birth, expungement of the last criminal event within the UCN, and flashes.



NCIC Issue #1 - continued

Subsequent Activity Notifications for Wanted Notices on the Next
Generation Identification (NGI) System

NCIC Subcommittee Motion:

The NCIC Subcommittee moved to endorse Option 1 with additions:

Pursue development of automated messages to wanting agencies on each of these updates: dispositions, modification of name or date of birth, expungement of last criminal event within the UCN, and flashes. Also revisit the messages currently being sent as well as any new messages to clarify the intent of the messages and recommend a record review. Proposed message revisions will be brought through the Advisory Process.



NCIC Issue #1 - continued

Subsequent Activity Notifications for Wanted Notices on the Next
Generation Identification (NGI) System

Recommended APB Motion:

Option 1 with additions: Pursue development of automated messages to wanting agencies on each of these updates: dispositions, modification of name or date of birth, expungement of last criminal event within the UCN, and flashes. Also revisit the messages currently being sent as well as any new messages to clarify the intent of the messages and recommend a record review. Proposed message revisions will be brought through the Advisory Process.



NCIC Issue #2

Update on the Proposed Technical Solution to Streamline the Child
Care and Development Block Grant Act (CCDBG) Background
Checks

Purpose:

To provide an update regarding the proposed technical solution for the FBI to search the NGI System and query the NCIC National Sex Offender Registry (NSOR) in response to a national criminal history record background check submitted pursuant to the CCDBG



NCIC Issue #2 - continued

Update on the Proposed Technical Solution to Streamline the Child
Care and Development Block Grant Act (CCDBG) Background
Checks

Available Options Considered:

Recommendation #1 – NGI Technical Solution

Option 1: Implement the NGI System Technical Solution as described. (Federal, North Central, Southern, and Western endorsed Option #1 with Northeastern endorsing Option #1, but added that states should be able to opt out.)

Option 2: No change.



NCIC Issue #2 - continued

Update on the Proposed Technical Solution to Streamline the Child
Care and Development Block Grant Act (CCDBG) Background
Checks

Available Options Considered:

Recommendation #2 – NCIC Technical Solution

Option 1: Implement the NCIC Technical Solution by adding a new MFC to the QXS transaction so only active non-suppressed records are returned in the response. (Federal, North Central, Northeastern, and Western endorsed Option #1.)

Option 2: Implement the NCIC Technical Solution by adding a new MKE to act the same as the QXS, with the only difference being active non-suppressed records are returned in the hit response. (Southern endorsed Option #2.)

Option 3: No change.



NCIC Issue #2 - continued

Update on the Proposed Technical Solution to Streamline the Child
Care and Development Block Grant Act (CCDBG) Background
Checks

IS Subcommittee Motion:

Recommendation #1 – NGI Technical Solution

Option 1: Implement the NGI System Technical Solution as described.

Priority of 2H



NCIC Issue #2 - continued

Update on the Proposed Technical Solution to Streamline the Child
Care and Development Block Grant Act (CCDBG) Background
Checks

NCIC Subcommittee Motion:

Recommendation #1 – NGI Technical Solution

The NCIC Subcommittee made a motion for Option 1 with
additions:

Implement the NGI System Technical Solution as described.
States should have the option to opt out.

Priority of 2H



NCIC Issue #2 - continued

Update on the Proposed Technical Solution to Streamline the Child
Care and Development Block Grant Act (CCDBG) Background
Checks

IS Subcommittee Motion:

Recommendation #2 – NCIC Technical Solution

Option 1: Implement the NCIC Technical Solution by adding a
new MFC to the QXS transaction so only active non-suppressed
NSOR records are returned in the response

Priority of 2H



NCIC Issue #2 - continued

Update on the Proposed Technical Solution to Streamline the Child
Care and Development Block Grant Act (CCDBG) Background
Checks

NCIC Subcommittee Motion:

Recommendation #2 – NCIC Technical Solution

The NCIC Subcommittee moved to endorse Option 1:

Implement the NCIC Technical Solution by adding a new MFC to
the QXS transaction so only active non-suppressed NSOR records
are returned in the response

Priority of 2H



NCIC Issue #2 - continued

Update on the Proposed Technical Solution to Streamline the Child
Care and Development Block Grant Act (CCDBG) Background
Checks

Recommended APB Motion:

Recommendation #1 – NGI Technical Solution

Option 1 with additions: Implement the NGI System Technical
Solution as described. States should have the option to opt out.

Priority of 2H



NCIC Issue #2 - continued

Update on the Proposed Technical Solution to Streamline the Child
Care and Development Block Grant Act (CCDBG) Background
Checks

Recommended APB Motion:

Recommendation #2 – NCIC Technical Solution

Option 1: Implement the NCIC Technical Solution by adding a
new MFC to the QXS transaction so only active non-suppressed
NSOR records are returned in the response

Priority of 2H



NCIC Issue #4

N3G Project Update

Purpose:

To endorse the recommendations provided by
the N3G Task Force.



NCIC Issue #4 - continued

N3G Project Update

Available Recommendations Considered:

1.) XML User Transition Timeframe

- a. All CSAs and direct interface agencies must convert to the NIEM data processing format, using web service applications, from the current NCIC socket supported dot delimited and GJXDM XML formats by September 30, 2022.
- b. Dot delimited and GJXDM XML formatted messages, along with TCP/IP and MQ Series Protocols will no longer be supported effective September 30, 2022.

(All five Working Groups endorsed the XML User Transition Timeframe.)



NCIC Issue #4 - continued

N3G Project Update

Available Recommendations Considered:

2.) Availability of New Functionality

- a. N3G developed functionality, to include improved and streamlined capabilities, along with new files, fields, and codes will only be available for entry and maintenance using the NIEM XML data processing format. However, dot delimited and GJXDM XML users must be able to accept new data in responses.

(All five Working Groups endorsed the Availability of New Functionality.)



NCIC Issue #4 - continued

N3G Project Update

Subcommittee Motion:

The NCIC Subcommittee moved to endorse the two N3G Task Force approved N3G user transition fundamentals as outlined:

1.) XML User Transition Timeframe

- a. All CSAs and direct interface agencies must convert to the NIEM data processing format, using web service applications, from the current NCIC socket supported dot delimited and GJXDM XML formats by September 30, 2022.
- b. Dot delimited and GJXDM XML formatted messages, along with TCP/IP and MQ Series Protocols will no longer be supported effective September 30, 2022.



NCIC Issue #4 - continued

N3G Project Update

Subcommittee Motion:

2.) Availability of New Functionality

- a. N3G developed functionality, to include improved and streamlined capabilities, along with new files, fields, and codes will only be available for entry and maintenance using the NIEM XML data processing format. However, dot delimited and GJXDM XML users must be able to accept new data in responses.



NCIC Issue #4 - continued

N3G Project Update

Recommended APB Motion:

Endorse the two N3G Task Force approved N3G user transition fundamentals as outlined below:

1.) XML User Transition Timeframe

- a. All CSAs and direct interface agencies must convert to the NIEM data processing format, using web service applications, from the current NCIC socket supported dot delimited and GJXDM XML formats by September 30, 2022.
- b. Dot delimited and GJXDM XML formatted messages, along with TCP/IP and MQ Series Protocols will no longer be supported effective September 30, 2022.



NCIC Issue #4 - continued

N3G Project Update

Recommended APB Motion:

2.) Availability of New Functionality

- a. N3G developed functionality, to include improved and streamlined capabilities, along with new files, fields, and codes will only be available for entry and maintenance using the NIEM XML data processing format. However, dot delimited and GJXDM XML users must be able to accept new data in responses.



N3G Task Force Update

Wyatt Pettengill, Chairman
June 2019 CJIS APB Meeting
Jacksonville, Florida



N3G Task Force Update

Concepts presented and endorsed at December 2018 APB:

- Concept 7 – Enhanced Training Resources
- Concept 11 – Improved Data Management
- Concept 12 – Alternative Outbound Communications
- Multiple Concepts – Clean-up

N3G Further Exploration of Functional Requirements:

- Face-to-face meetings
- New Orleans – December 2018 (in conjunction with the APB)



N3G Task Force Update

Current Status:

A topic paper is being drafted for presentation during the fall 2019 Working Group meetings:

The topic paper provides an update on the N3G development and N3G recommendations that have been endorsed by the N3G Task Force.

Next steps:

Receive and discuss recommendations from Policy Groups

Continue to provide guidance to the CJIS Division regarding topic papers for the APB

Next Task Force meeting in fall 2019



Conclusion

Questions or Comments?

Nlets Update

Frank Minice
Deputy Executive Director

System Stats – March 2019

- ❖ System Uptime – **99.993%**
- ❖ Planned Downtime – **0.007% 3 minutes** Zero Unplanned Downtime

- ❖ YTD Messages Processed – **673,055,932** - *on pace for nearly 3 billion transactions in 2019.*

- ❖ Top 5 Message Keys In Order – **DQ, RQ, IPQ, IQ, CR**
- ❖ Top 5 Users (In Order by Volume) – **TC, IP, TX, CN, II**

- ❖ Average Round Trip Message Response Time – **1.38 seconds**

- ❖ Common Vulnerability Scoring System – **4.67**

NOVA Updates



- NOVA Phase II Complete
 - Expansion of IaaS to our secondary facility
 - Backup-as-a-Service features added for Nova tenants and off-site customers
- Continued security enhancements
 - Re-designed network architecture to leverage latest perimeter security technologies
 - Enhancements to Multi-Factor Authentication
 - In-transit and at-rest data encryption by default
 - Continued alignment with CJIS policy to meet and exceed requirements

Nets Coop Site Move

- Timeline to meet December 31, 2019 lease expiration
- Site Location - Examined 8 within Nevada, Utah, and Texas
- Planned September cutover to Flexential Plano, Texas facility.
- No users will be impacted

NJIN 2.0 Current Status

- ✓ Hardware procured and TIBCO products acquired
- ✓ Team training on TIBCO and consultants engaged
- ✓ Final detailed design completed
- ✓ Input/Output layer code complete and in UAT
- ✓ NJIN ESB code complete
- ✓ Integration testing complete
- ✓ Performed “UAT” on QA system
- ✓ Complete phased IO layer implementation in production
- Next Steps
 - Implement NJIN 2.0 processing in test
 - Implement NJIN 2.0 processing in production

Sunsetting of Nlets Socket Protocol

BOD Fall 2014 Motion 8

Resolved that Nlets will sunset Nlets Socket Protocol by July 2017

*All users either Web Services or MQ Series with the exception of 3 states and 7 federal agencies.

Nlets is tracking the plans and progress of all non-compliant users

Sunsetting of Legacy Text Formats

BOD Fall 2014 Motion 7 and Fall 2015 Motion 20

Resolved that Nlets will sunset dot delimited text formats by December 2019 at which time all Nlets message traffic will be in standardized XML format.

*Nearly every user is sending Nlets some amount of XML. None have completed 100% standardization

Standardized XML Status

*Details and schemas can be found @ wiki.nlets.org

Responses that must be updated to standardized format:

- Amber Alert
- Boat Registration
- Concealed Weapons
- Criminal History
- Drivers Responses
- Hit Confirmation
- Parole, Probation, Corrections
- Sex Offender
- Snowmobile
- State Warrant
- Vehicle Responses
- Wildlife Violation/License

DHS LENS – Charge Mapping

- DHS utilizes criminal history rapsheets received via Nlets to make notification decisions
- Nlets, with assistance from SEARCH, has mapped all state statutes to NCIC charge codes
- NCIC charge codes are populated in the Nlets parsed rapsheet today
- Continuation funding in place that has allowed changes in 10 states to send the NCIC charge code natively (total now at 17.)
- Funding available to convert to XML or upgrade to current version of the rapsheet as long as NCIC charge code mapping is included

Nlets Justice Portal

- Available for disaster recovery
- Has been utilized by MA, DE, IL, and SD,
- All Nlets transactions and query only NCIC transactions are available
- Pework is recommended- ORI, IP addresses, and strategy.
- If interested, please contact the Nlets NOC @ 800-528-4020
- Free service

Questions?





APB Item #5

Chairman's Report on the National Data Exchange (N-DEX) Subcommittee

Ms. Donna Uzzell, Chair
Florida Department of Law Enforcement



N-DEX Issue # 1

N-DEX Program Status

Purpose:

The N-DEX Program Office presented an update on Program activities.

- N-DEX System Participation Snapshot
- N-DEX Stakeholder Relationships, Outreach, and Customer Support
- Outstanding Action Items
- N-DEX System Technical Updates and Enhancements
- Brand Management
- 2019 Success Story

Subcommittee Action:

This issue was accepted for information only.



N-DEx Issue # 2

N-DEx System Access via LEEP

- The N-DEx Program Office is improving the account access process via the Law Enforcement Enterprise Portal (LEEP) for both the LeepID user and the account manager.
- Must transition away from using the Special Interest Groups (SIGs) for account requests.
- All N-DEx System account requests will be available via the N-DEx System, within the CSO management tool.
- State-specific requirements will be communicated to the requestor during the application process.
- Enhancing the system access process also requires an update to notifications of requests.
- The N-DEx Program Office is requesting input regarding notifications as we transition to the new process.



N-DEx Issue # 2

N-DEx System Access via LEEP

OPTIONS

Option 1 – The CSO, or designee, must log on (without prompting) to the N-DEx System to view and manage account requests. E-mail notification will not be provided.

Option 2 – An automatic e-mail notification will be provided to prompt the CSO, or designee, to log on to the N-DEx System to view and manage account requests.



SPRING 2019 WORKING GROUP ACTIONS:

FEDERAL WORKING GROUP ACTION:

Motion: To accept Option 2 (modified): An automatic e-mail notification will be provided to prompt the CSO, **and** designees, to log on to the N-DEx System to view and manage account requests.

Action: Motion carried.

NORTH CENTRAL WORKING GROUP ACTION:

Motion: For a new Option 3: An automatic e-mail notification will be provided to prompt the CSO, or designee, to log on to the N-DEx System to view and manage account requests. Have the ability to set the frequency of the delivery of the emails as well as the option to opt out of the notifications.

Action: Motion carried.

NORTHEASTERN WORKING GROUP ACTION:

Motion: To adopt Option 2 with the addition designated in bold: An automatic e-mail notification will be provided to prompt the CSO, or designee, to log on to the N-DEx System to view and manage account requests **with the option for the CSO or designee to designate frequency of delivery.**

Action: Motion carried.

SOUTHERN WORKING GROUP ACTION:

Motion: To adopt Option 2: An automatic e-mail notification will be provided to prompt the CSO, or designee, to log on to the N-DEx System to view and manage account requests.

Action: Motion carried.

WESTERN WORKING GROUP ACTION:

Motion: To adopt Option 2: An automatic e-mail notification will be provided to prompt the CSO, or designee, to log on to the N-DEx System to view and manage account requests.

Action: Motion carried.



Subcommittee Motion for the APB

The Subcommittee motioned to approve Option 2 with the added language (in bold):

Recommended APB Motion:

Endorse Option 2 with the added language in bold. An automatic e-mail notification will be provided to prompt the CSO, or designee, to log on to the N-DEx System to view and manage account requests, **with the option for the CSO and designees to select immediate (real-time delivery) or nightly delivery.**



N-DEx Issue # 3 CJIS Audit Unit Annual Update

Purpose:

- The CJIS Audit Unit presented an update on audit results from the past year.

Subcommittee Action:

This issue was accepted for information only.



N-DEx Ad-Hoc Discussion Items

The N-DEx Program Office presented four ad hoc topics for discussion:

- Advanced Permission and Verification
- Use Code F for States
- Data Sharing Rules
- Success Story of the Year Awards

Subcommittee Action:

These issues were accepted for information only

2019



National Data Exchange Success Story of the Year

N-DEX Helps Dethrone “Princely” Child Predator

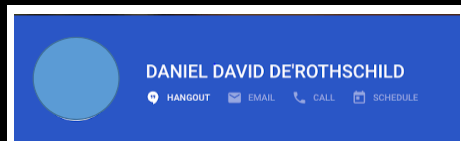


Photo Credit: <https://www.philly.com/philly/news/pennsylvania/philadelphia/david-milner-child-pornography-prince-daniel-david-derothschild-arrest-philadelphia-2018082.html>
<https://www.chicagotribune.com/news/2018/04/10/david-milner-daniel-david-derothschild/>





APB Item #7

Chairman's Report on the Identification Services (IS) Subcommittee

Mr. Charles Schaeffer, Chairman
June 2019 Advisory Policy Board Meeting
Jacksonville, Florida



Informational Topics

- IS Issue #1 Miscellaneous Action Items Update
- IS Issue #2 Subsequent Activity Notifications for Wanted Notices on the Next Generation Identification (NGI) System
- IS Issue #3 Updated on the Proposed Technical Solution to Streamline the Child Care and Development Block Grant Act (CCDBG) Background Checks
- IS Issue #7 Rapid Deoxyribonucleic Acid (DNA) Update
- IS Issue #8 Ad hoc Items



IS Issue #1

Miscellaneous Action Items Update

Purpose: To provide an update on action items.



IS Issue #2

Subsequent Activity Notifications for Wanted Notices on the NGI System – *Addressed by the NCIC Subcommittee*



IS Issue #3

Update on the Proposed Technical Solution to Streamline the Child Care and Development Block Grant Act (CCDBG) Background Checks – *Addressed by the NCIC Subcommittee*



IS Issue #7

Rapid Deoxyribonucleic Acid (DNA) Update

Purpose: To provide an update on the FBI Booking
Station Rapid DNA Initiative.



IS Issue #8

Ad hoc Items

Purpose: To provide updates on various items/issues of importance.



Action Topics

- IS Issue #4 Driver's License Numbers (DLNs) in the NGI System
- IS Issue #5 Modernizing and Standardizing Electronic Biometric Transmission Specification (EBTS) Sex Codes
- IS Issue #6 Cascade Top Priority Ten Print Rap Sheet Search Transactions Against Unsolved Latent File



IS Issue #4

Driver's License Numbers (DLNs) in the NGI System

Purpose: To inform of the activities regarding the
inclusion of DLN in NGI.



Options:

Option 1: Make no change regarding the
addition of a DLN field to the NGI System
and close the June 2005 APB action item.

Option 2: Continue to pursue the addition
of a DLN field to the NGI System for the
Fall 2019 APB.



Working Group Results:

Northeastern, Southern, Western, and Federal:
Option 2: Continue to pursue the addition of a DLN field to the NGI System.

North Central: Amended Option 2: Continue to pursue the addition of a DLN field to the NGI System as an OLN.



IS Recommended Motion for APB:

Option 2: Continue to pursue the addition of a DLN field to the NGI System for the Fall 2019 APB.



IS Issue #5

Modernizing and Standardizing *EBTS Sex Codes*

Purpose: To discuss and provide recommendations for potential changes to Subject Sex Code Tables with the EBTS.



NGI SEX Codes Table	
If the Following Condition Exists	Enter Code
Subject's Gender Reported as Female	F
Occupation or Charge Indicated as "Male Impersonator"	G
Subject's Gender Reported as Male	M
Occupation or Charge Indicated as "Female Impersonator" or Transvestite	N
Male Name, No Gender Given	Y
Female Name, No Gender Given	Z
Unknown Gender	X



Options:

Option 1: Make no change.

Option 2: Change the sex codes of G, N, X, Y, and Z to U within the NGI System and the EBTS.



Working Group Results:

Northeastern, North Central, Southern, Western, and Federal: Option 2: Change the sex codes of G, N, X, Y, and Z to U within the NGI System and the EBTS.

NCIC Subcommittee:

Amended Option 2: Change the sex codes of G, N, X, Y, and Z to U within the NGI System and the EBTS with the addition of non-binary to the U category.



IS Recommended Motion for APB:

Option 2: Change the sex codes of G, N, X, Y, and Z to U within the NGI System and the EBTS. The definition of U should include “non-binary” in addition to “Unknown/Unspecified.” / Priority 3M.



IS Issue #6

Cascade of Ten Print Rap Sheet (TPRS) Transactions Against the Unsolved Latent File (ULF)

Purpose: To propose the NGI System’s TPRS transactions cascade against the ULF to possibly provide increased benefit to law enforcement investigations.



Options:

Option 1: The FBI CJIS Division implements a technical solution to cascade all TPRS transactions against the ULF.

Option 2: No change.



Working Group Results:

Northeastern, North Central, Southern, and Federal:
Option 1: The FBI CJIS Division implements a technical solution to cascade all TPRS transactions against the ULF with a priority of 3M.

Western: Option 1: The FBI CJIS Division implements a technical solution to cascade all TPRS transactions against the ULF. Business rules associated with data sharing must be established prior to turning on the service with a priority level of 3M.



IS Recommended Motion for APB:

Option 3: The FBI CJIS Division implement a technical solution to cascade all TPRS transactions against the ULF via an initial pilot guiding the final implementation.



Action Item:

The intended outcomes of the pilot are to establish business rules; efficacy; workflow/impact to the contributor; and accuracy of the search of the ULF by the TPRS TOTs.



Questions?

SEARCH, The National Consortium for Justice Information and Statistics

David J. Roberts

Executive Director, SEARCH – The National Consortium
for Justice Information and Statistics

CJIS APB Meeting

June 5, 2019



NCHIP/NARIP Solicitations



NCHIP/NARIP Solicitations

OMB No. 1121-0120
Approval Expires 11/30/2020

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Statistics



FY 2019 National Criminal History Improvement Program (NCHIP)

FY 2019 Competitive Grant Solicitation

CFDA # 16.554

Grants.gov Solicitation Number: BUS-2019-15724

Solicitation Release Date: April 23, 2019

Application Deadline: 11:59 p.m. eastern time on June 3, 2019

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Statistics (BJS) is seeking applications for funding for the fiscal year (FY) 2019 National Criminal History Improvement Program (NCHIP). This program furthers the Department's mission by enhancing the criminal justice capabilities of U.S. state and tribal governments by improving the accuracy, utility, and interstate accessibility of criminal history records, and enhancing records of protective orders, automated identification systems, and other state systems supporting national records systems and their use for name- and fingerprint-based criminal history background checks. For the purpose of this solicitation, "state" includes the District of Columbia and U.S. territories.

This solicitation incorporates the [OJP Grant Application Resource Guide](#) by reference. The OJP Grant Application Resource Guide provides guidance to applicants for the preparation and submission to OJP of applications for funding. If this solicitation expressly modifies any provision in the OJP Grant Application Resource Guide, the applicant is to follow the guidelines in this solicitation as to that provision.

Eligibility (Who may apply): Eligible applicants are limited to the agency designated by the governor in each state to administer the NCHIP (34 U.S.C. § 40301) and federally recognized Indian tribal governments (as determined by the Secretary of the Interior). (A determination by the Secretary of the Interior is not required for tribes to which federal recognition was extended by virtue of Public Law 115-121, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2017.)

All recipients and subrecipients (including any for-profit organization) must forgo any profit or management fee.

BJS will consider applications under which two or more entities would carry out the federal award; however, only one entity may be the applicant. Any others must be proposed as subrecipients (subgrantees). The applicant must be the entity that would have primary responsibility for carrying out the award, including administering the funding and managing the entire project. For additional information on subawards, see the [OJP Grant Application Resource Guide](#).

OMB No. 1121-0120
Approval Expires 11/30/2020

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Statistics



NICS Act Record Improvement Program (NARIP)

FY 2019 Competitive Grant Solicitation

CFDA # 16.813

Grants.gov Solicitation Number: BUS-2019-15723

Solicitation Release Date: April 23, 2019

Application Deadline: 11:59 p.m. eastern time on June 3, 2019

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Statistics (BJS) is seeking applications for funding for the 2019 National Instant Criminal Background Check (NICS) Act Record Improvement Program (NARIP). This program furthers the Department's mission by enhancing the completeness, automation, and transmittal of records to state and federal systems used by the NICS. Eligible states and tribes may receive grant funding to improve the completeness, automation, and transmittal of records to state and federal systems. For the purpose of this solicitation, the term "state" includes the District of Columbia and U.S. territories.

This solicitation incorporates the [OJP Grant Application Resource Guide](#) by reference. The OJP Grant Application Resource Guide provides guidance to applicants for the preparation and submission to OJP of applications for funding. If this solicitation expressly modifies any provision in the OJP Grant Application Resource Guide, the applicant is to follow the guidelines in this solicitation as to that provision.

Eligibility (Who may apply): Eligible applicants are limited to the agency designated by the Governor in each state to administer the National Criminal History Improvement Program (34 U.S.C. § 40301) and federally recognized Indian tribal governments (as determined by the Secretary of the Interior). (A determination by the Secretary of the Interior is not required for tribes to which federal recognition was extended by virtue of Public Law 115-121, the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2017.)

All recipients and subrecipients (including any for-profit organization) must forgo any profit or management fee.

BJS will consider applications under which two or more entities would carry out the federal award; however, only one entity may be the applicant. Any others must be proposed as subrecipients (subgrantees). The applicant must be the entity that would have primary responsibility for carrying out the award, including administering the funding and managing the entire project. For additional information on subawards, see the [OJP Grant Application Resource Guide](#).

2018 Survey of State Criminal History Information Systems



2018 Survey of State CHIS



U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Statistics
Washington, D.C. 20531



OMB No. 1101-0112 Approved Expires 11-11-2022

MEMORANDUM

Date: May 10, 2019
To: Directors, State Criminal Record Repositories
From: Devon B. Adams
Chief, Criminal Justice Data Improvement Program
Subject: Survey of Criminal History Information Systems

I am writing to seek your assistance in providing information to the Bureau of Justice Statistics (BJS), U.S. Department of Justice, on the status of state-held criminal records. Approximately every two years since 1989, the Survey of State Criminal History Information Systems has captured a snapshot of the continuing growth, ongoing improvements, and practices associated with maintaining and updating state criminal records. As in previous years, your response to this survey is voluntary; however, doing so is a special condition placed on all National Criminal History Improvement Program (NCHIP) and NICS Act Record Improvement Program (NARIP) awards.

Survey responses will be compiled by SEARCH, The National Consortium for Justice Information and Statistics. A copy of the 2018 survey questionnaire is attached. A password-protected version of the SEARCH Web site is available for those states that wish to provide their survey responses online. Responses should reflect conditions as of December 31, 2018. Those wishing to use the online response option to fill out the survey are urged to visit www.search.org/survey/questionnaire, and use your state's assigned password to gain access. The online survey allows each section to be completed independently by the appropriate staff person. Responses using the online survey tool to enter 2018 data can view previously submitted 2016 data for comparison purposes. Where applicable, your state's 2016 responses are displayed in color within each section of the online survey.

Statistical data presented in past surveys has supported and provided insight to both State and Federal legislative efforts that involve the use of criminal history records. Prominent among these is the Brady Handgun Violence Prevention Act, which mandated the development of the National Instant Criminal Background Check System (NICS). Further, the survey provides trend data documenting the correlation between containing federal funding incentives such as the BJS-administered NCHIP and NARIP Program awards and documented results.

Your past cooperation and assistance with this effort has provided a wealth of useful data for law and policy makers, researchers, justice practitioners, and others who depend on survey data to craft responsible laws, policies, and procedures, not to prepare informative reports and educational materials. The published 2016 survey is available at <http://www.ncjrs.gov/pdffiles1/bja/grants/251136.pdf>.

Your contribution to the Web-enabled Survey of State Criminal History Information Systems make it a useful resource to users both within and outside of the criminal justice community.

Please contact SEARCH staff Dennis DeLacore at 775-412-1950 (email: dennis@search.org) if you have any questions or comments about the survey, or if you would like details on how to submit the survey via fax or mail. We ask that you submit your survey responses by June 18, 2019. Thank you in advance for your assistance and cooperation with this important effort.

Survey of State Criminal History Information Systems, 2018

Since 1989, the Survey of State Criminal History Information Systems has been used to collect the nation's most complete, comprehensive and relevant data on the number and status of state-maintained criminal history records and on the increasing number of operations and services involving governmental justice background checks provided by the state repositories. This data collection is supported by Cooperative Agreement No. 2015-201-SS-K01 awarded by the Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. www.bjs.gov. Completion of the survey is voluntary; however, doing so is a special condition placed on all National Criminal History Improvement Program (NCHIP) and NICS Act Record Improvement Program (NARIP) awards.

If you use the online survey tool, available at <http://www.search.org/survey/questionnaire>, to enter 2018 data, you can view previously submitted 2016 data for comparison purposes. Where applicable, your state's 2016 responses are displayed in color within each section of the online survey. It is hoped that this information will help you complete the survey more accurately and efficiently. We cannot better appreciate the assistance you provide in completing the survey. Direct your questions or comments to SEARCH staff Dennis DeLacore at 775-412-1950 or dennis@search.org.

If it is more convenient, you may request a PDF copy of the survey, complete it manually, and fax (914-392-8444) or e-mail it to the attention of Dennis DeLacore at dennis@search.org. The deadline for survey submissions is June 18, 2019.

The survey is divided into five sections. You may submit each section independently and not necessarily in the order presented. This is done so that different people on your repository's staff may submit the data for which they are responsible. Repository directors are responsible to see that the survey is submitted in its entirety. Please note the following:

1. All reported data should be for calendar year 2018, or as of December 31, 2018.
2. The term " felony " includes any crime classified as a felony under your state's laws. These offenses are generally punishable by a term of incarceration in excess of one year. If your state's laws do not use the term " felony ", please substitute functional equivalents, such as class 1, 2, 3, and 4 offenses in New Jersey and class A, B and C offenses in Maine.
3. Questions that seek responses based on a " legal requirement " refer only to a state statute or a state administrative regulation having the force of law.
4. If additional space is needed, please use the " Additional Comments " area at the end of each section.
5. Please use the " Additional Comments " area at the end of each section to provide explanatory notes for responses that require explanation or when " no data is available ", and to describe significant changes between the current response and data reported in the 2016 survey.
6. If a question is not applicable to your repository, please note the question number and indicate " NA " in the " Additional Comments " area at the end of each section.

Privacy Statement

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. The survey will be sent to criminal history repositories in 50 jurisdictions, including the 50 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico and the U.S. Virgin Islands. The average time required for each agency to complete the survey is estimated at 6-75 hours. Send comments regarding the burden estimate or any aspect of this survey, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington DC, 20531. Do not send your completed forms to this address.

1

Quality Assurance and Criminal History Records Improvement Workshops



SEARCH Quality Assurance Program

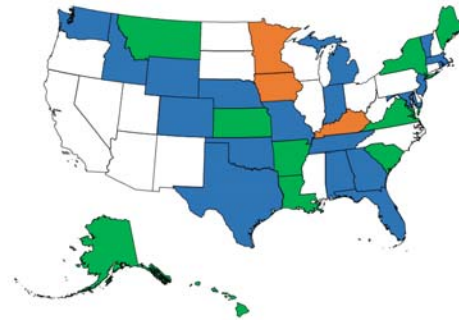
State Repository Quality Assurance Program
 — Program Guide
 — Program Checklist

and

A Methodology for Determining Costs Associated with
 Noncriminal Justice Purpose Background Checks

Version 2 - February 2017

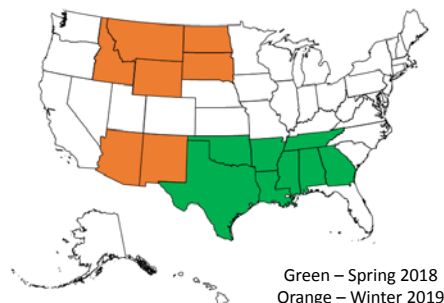
Participating States



Criminal History Record Improvement Workshops

- Facilitators – Bureau of Justice Statistics, Federal Bureau of Investigation, National Center for State Courts and SEARCH
- Participants – Teams from each state - criminal history repository staff, law enforcement, courts, prosecutors, judicial college staff
- Topics covered:
 - Creation, use and maintenance of criminal history records
 - Disposition reporting
 - NICS prohibitors
 - National Criminal History Improvement Program (NCHP)
 - NICS Act Record Improvement Program (NARIP)

Participating States



Green – Spring 2018
 Orange – Winter 2019

**Performance Accountability Council
Program Management Office (PAC PMO)
National Background Investigations Bureau
(NBIB) Gap Analysis**



NBIB Gap Analysis

- **Profiles of CCH Repositories**
 - Structured interviews completed with HI, MT, UT, NV, OR, WA; planned for AZ, CO, ID
- **Inventory/mapping of state CHR to the JTF Standardized XML Rapsheet 4.1**
 - AR, AZ, DE, ID, MT, NV, NY, OK, SC, UT, WI
- **Citation in Lieu of Arrest Practices**
- **Assessing costs for non-criminal queries**
- **On-site detailed review w/2 states and 6 agencies**

Developing Criminal History Metrics and Research Measures



Computerized Criminal History Analytics

Exploiting the research value of CCH Records

- *Process Measures*, related to operational workflow, reporting volumes, data quality metrics, timeliness, etc.
- *Research Measures*, related to risk assessment, recidivism, redemption, criminal careers, admission and discharge cohorts, assessing changes in the active offending population, etc.

Developing Universal CCH Metrics

- SEARCH CCH Metrics Working Group
- Working with SEARCH Members and others to identify and define universal process and data quality measures
 - Trend analysis
 - Anomaly detection
- Develop Performance Dashboards
- Partner with JRSA & Statistical Analysis Centers

CCH Metrics Working Group

Chair: Mr. Matthew R. Ruel, Maine State Police

- SEARCH Members
 - Dr. Alfred Blumstein (At-Large)
 - Major Brandon Gray (NJ)
 - Dr. James Lynch (At-Large)
 - Ms. Debbie McKinney (OK)
 - Major Jennie Temple (SC)
- Justice Research and Statistics Association
 - Mr. Roger Przybylski, Director of Research
- Statistical Analysis Centers
 - Dr. Connie Kostelac, Wisconsin Department of Justice
- Research Fellow
 - Dr. Shawn Bushway, Professor, Rockefeller College and School of Criminal Justice, University at Albany-SUNY

Ex Officio

- Bureau of Justice Statistics
- Arnold Ventures

Research Metrics

- Create a Broad Research Agenda
 - Profile admission cohorts
 - Profile discharge cohorts
 - Profile active offending populations
- Focus on risk, recidivism, redemption
- Criminal career development
- Assess variations across states and interstate criminality.
 - FBI reported in the 1980s that about 30% of persons in their CCH files had arrests in more than one state

Recidivism Research

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Statistics



SPECIAL REPORT

MAY 2018

NCJ 250975

2018 Update on Prisoner Recidivism: A 9-Year Follow-up Period (2005-2014)

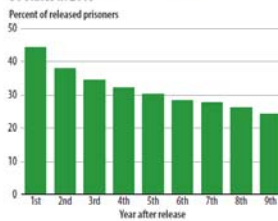
Marlei Alper, Ph.D., and Matthew R. Durose, *BJS Statisticians*
Joshua Markman, *former BJS Statistician*

Five in 6 (83%) state prisoners released in 2005 across 30 states were arrested at least once during the 9 years following their release. The remaining 17% were not arrested after release during the 9-year follow-up period.

About 4 in 9 (44%) prisoners released in 2005 were arrested at least once during their first year after release (figure 1). About 1 in 3 (34%) were arrested during their third year after release, and nearly 1 in 4 (24%) were arrested during their ninth year.

This report examines the post-release offending patterns of former prisoners and their involvement in criminal activity both within and outside of the state where they were imprisoned. The Bureau of Justice Statistics analyzed the offending patterns of 67,966 prisoners who were randomly sampled to represent the 401,288 state prisoners released in 2005 in 30 states. This sample is representative of the 30 states, both individually and collectively, included in the study (see *Methodology*). In 2005, these 30 states

FIGURE 1
Annual arrest percentage of prisoners released in 30 states in 2005



Note: The denominator for annual percent is 401,288 (total state prisoners released in 30 states in 2005). See table 5 for estimates and appendix table 7 standard errors.
Source: Bureau of Justice Statistics, *Recidivism of State Prisoners Released in 2005* data collection, 2005–2014.

- **SEARCH Membership Group Meetings**
- **50th Anniversary Commemoration**
- **SEARCH Symposium on Justice Information Technology, Policy and Research**



2019 SEARCH Membership Group Meeting and 50TH Anniversary Commemoration



**Monday, July 22, 2019
Washington, DC—Hyatt Regency Crystal City**



2019 SEARCH Symposium on Justice Information Technology, Policy & Research				
SEARCH Symposium on Justice Information Technology, Policy and Research				
Welcome and Introductions	8:00AM – 8:30AM	Welcome, Introductions, SEARCH 50th Anniversary Overview of the Symposium: Objectives, Perspectives, and Approach		
Technology Keynote	8:30AM – 9:30AM	Technology: A Vision of the Future of Justice Technology		
Break	9:30AM – 9:45AM	Conference Foyer		
Policy Keynote	9:45AM – 10:45AM	Policy: Privacy, Transparency, Accountability, and Evolving Legal Doctrines in Justice Technology		
Break	10:45AM – 11:00AM	Conference Foyer		
Research Keynote	11:00AM – 12:00PM	Research: Establishing a Research Agenda for Justice Reform, Evidence-Based Practices, and Performance Management		
Lunch/Exhibit Hall	12:00PM – 1:30PM	Grand Opening—Exhibit Hall		
Workshops	1:30PM – 3:00PM	Technology	Policy	Research
		Facial Recognition: Assessing Current Technology, Research Trends, and Future Directions	Exploring the Enduring Impact of Criminal History Records— Beyond the Scarlet Letter	NICS: Emerging Legislation, Evolving Challenges, and Innovative Solutions
Break/Exhibit Hall	3:00PM – 3:30PM	Exhibit Hall		
Workshops	3:30PM – 5:00PM	Technology	Policy	Research
		Artificial Intelligence and Machine Learning: Exploring Applications in Justice Operations	Legislative and Policy Proposals on Expungement and Sealing: Trends in Criminal History Records Management	Criminal Justice Reform and Reentry: Understanding Risk, Recidivism, and Redemption
Reception/Exhibit Hall	5:30PM – 7:00PM	Exhibit Hall – Sponsored Reception		

2019 SEARCH Symposium on Justice Information Technology, Policy & Research

SEARCH Symposium on Justice Information Technology, Policy and Research				
Continental Breakfast	7:00AM – 8:00AM	Conference Foyer		
		Technology	Policy	Research
Workshops	8:00AM – 9:00AM	Real World Information Security: Vulnerability Assessments, Systems Security Auditing, and Building Robust Security	Official CCH Records vs. Commercial Background Checks— What do we Know?	Facial Recognition Research: Measuring Efficiency, Effectiveness, and Business and Public Safety Value
Break/Exhibit Hall	9:00AM – 9:30AM	Exhibit Hall		
		Technology	Policy	Research
Workshops	9:30AM – 10:30AM	Technology Tools and Applications to Support Justice Reform and Reentry	Facial Recognition: Privacy, Transparency, Evolving Legal Doctrine, Policy Guidance, and Operations	NIBRS and Crime Analysis: Developing Analytic Models for State and Local Crime Analysis Using NIBRS
Break/Exhibit Hall	10:30AM – 11:00AM	Exhibit Hall		
		Technology	Policy	Research
Workshops	11:00AM – 12:00PM	IT Consolidation, Cloud Hosting, and Regional Sharing: Technical, Operational, and Management Considerations	Privacy and Security in an Increasingly Online World— Beyond a Zero Sum Game	Exploiting the Value of Criminal History Records— Establishing a Research Agenda
Lunch/Exhibit Hall	12:00PM – 1:30PM	Exhibit Hall		
		Technology	Policy	Research
Workshops	1:30PM – 3:00PM	Justice Information Sharing Case Studies: Exploring Regional Information Sharing Capabilities	The Implications of "Cite-and-Release" Policies on Criminal History Records	Understanding Crime in Context: Contemporary Research in Measuring Community Health, Safety, and Wellness

Thank You

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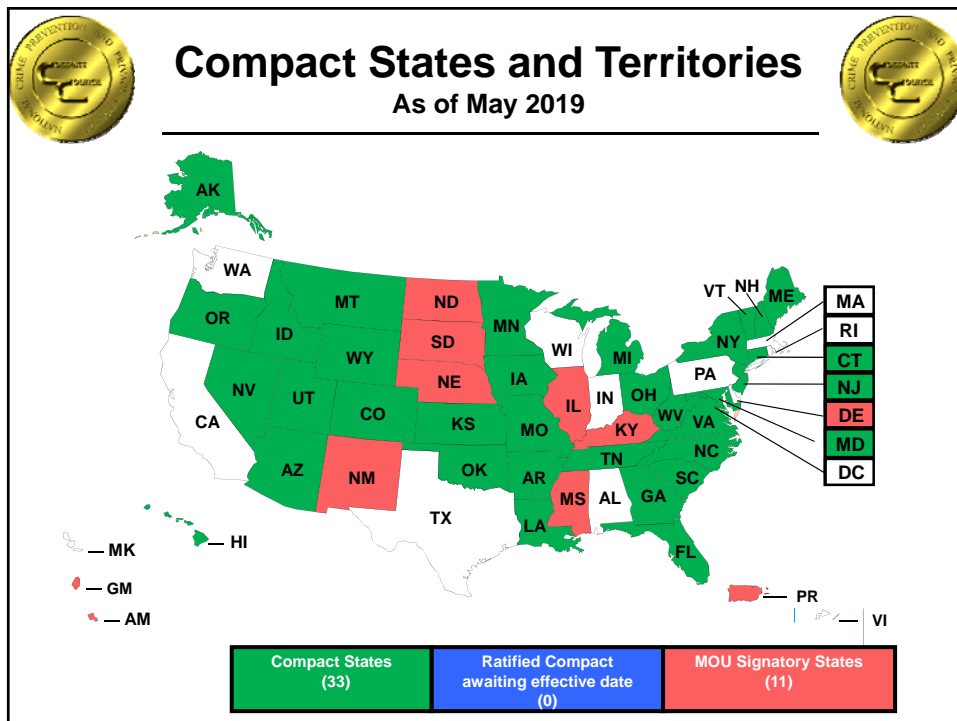
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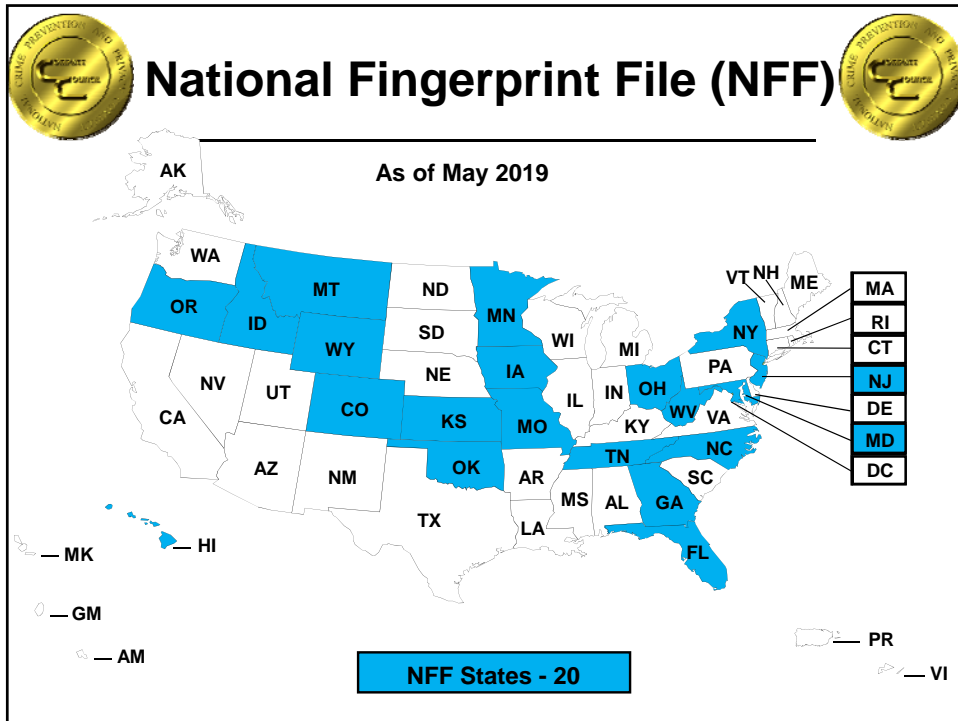
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National Crime Prevention and Privacy Compact Council Update



Mr. Wyatt Pettengill
Council Chair





-
- ## Council Initiatives
- Illegible Fingerprints
 - NFF Participation Implementation Plans
 - Focus Groups/Task Forces



Leadership Updates



- Standards & Policy Chair/Vice-Chair
 - Mr. Charlie Schaeffer - Florida
 - Major Brandon Gray - New Jersey
- Planning and Outreach Chair/Vice-Chair
 - Ms. Kathryn Monfreda - Alaska
 - Ms. Nicole Borgenson - Utah



Council Updates



- State Compact Officer Election Results
 - Mr. Jason Bright – Montana
 - Ms. Kathryn Monfreda – Alaska
 - Ms. Leslie Moore – Kansas
 - Major Jennie Temple – South Carolina
 - Mr. Brad Truitt – Tennessee
- Other Council Membership changes



Upcoming Meetings



Regional Committee Meetings

Tentative August 28-29, 2019
Clarksburg, WV

Standards and Policy Committee Planning and Outreach Committee

September 18-19, 2019
Pittsburgh, PA

Compact Council

Nov. 6-7, 2019 (tentative)
Location to be determined



Contact Information



Council Chairman

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FBI Compact Officer

Ms. Chasity S. Anderson
(304) 625-2803
E-mail: csanderson@fbi.gov

Council Website: <http://www.fbi.gov/compact-council>



APB Item #11

Chairman's Report on the Uniform Crime Reporting (UCR) Subcommittee

Ms. Kathryn M. Monfreda
Criminal Justice Information Services (CJIS)
Advisory Policy Board (APB) Meeting
June 2019
Jacksonville, Florida

UNCLASSIFIED



UCR Issue #2

How to Reflect the Status and Resolution of Crime in the National Incident-
Based Reporting System (NIBRS) Data Collection

Purpose:

Provide guidance on pursuing modifications to the
NIBRS data collection to better reflect the resolution of
cases requiring the attention of law enforcement.

UNCLASSIFIED

2



UCR Issue #2 continued

How to Reflect the Status and Resolution of Crime in the National Incident-Based Reporting System (NIBRS) Data Collection

Subcommittee Options:

FOR COLLECTING UNFOUNDED

Option 1: Working with contributing agencies and state UCR Programs, add a data element to the Administrative Segment within NIBRS to record an incident as unfounded.

Option 2: Working with contributing agencies and state UCR Programs, continue to conduct research and outreach for data collection alternatives

Option 3: No change.

UNCLASSIFIED

3



UCR Issue #2 continued

How to Reflect the Status and Resolution of Crime in the National Incident-Based Reporting System (NIBRS) Data Collection

Working Group Actions:

FOR COLLECTING UNFOUNDED

Federal, Northeastern, and Southern moved to accept Option 1

North Central and Western moved to accept Option 2

UNCLASSIFIED

4



UCR Issue #2 continued

How to Reflect the Status and Resolution of Crime in the National Incident-Based Reporting System (NIBRS) Data Collection

The UCR Subcommittee recommends the following APB motions for collecting unfounded:

Motion #1: Accept new Option 4 - The FBI will add “unfounded” to the NIBRS by working with contributing law enforcement agencies and state UCR Programs to conduct research and outreach for data collection alternatives and identify an implementation plan.

Motion #2: Request the FBI provide the UCR Subcommittee with an update on the research at the Fall 2019 Subcommittee Meeting in anticipation of submitting the implementation plan to the APB process in Spring 2020.

UNCLASSIFIED

5



UCR Issue #2 continued

How to Reflect the Status and Resolution of Crime in the National Incident-Based Reporting System (NIBRS) Data Collection

Subcommittee Options:

FOR COLLECTING ADMINISTRATIVELY CLOSED

Option 1: Working with contributing agencies and state UCR Programs, add a data element to the Administrative Segment within NIBRS to record an incident as administratively closed.

Option 2: Working with contributing agencies and state UCR Programs, continue to conduct research and outreach for data collection alternatives

Option 3: No change.

UNCLASSIFIED

6



UCR Issue #2 continued

How to Reflect the Status and Resolution of Crime in the National Incident-Based Reporting System (NIBRS) Data Collection

Working Group Actions:

FOR COLLECTING ADMINISTRATIVELY CLOSED

Federal and Southern moved to accept Option 1

North Central and Western moved to accept Option 2

Northeastern moved to accept Option 3

UNCLASSIFIED

7



UCR Issue #2 continued

How to Reflect the Status and Resolution of Crime in the National Incident-Based Reporting System (NIBRS) Data Collection

The UCR Subcommittee recommends the following APB motions for collecting administratively closed:

Motion 1: Accept new Option 4 - The FBI will explore adding case disposition options such as administratively closed to the NIBRS, which may enhance or clarify the resolution of the incident by conducting research and outreach with contributing law enforcement and state UCR Programs.

Motion 2: Request the FBI provide the UCR Subcommittee with an update on the research at the Fall 2019 Subcommittee Meeting in anticipation of submitting the topic paper to the APB process in Spring 2020.

UNCLASSIFIED

8



Informational Topics

The UCR Subcommittee accepted the following topics for Information Only:

UCR Issue #1 – UCR Status Report

UCR Issue #3 – National Use-of-Force Data Collection Update

UCR Issue #4 – Status of the NIBRS Transition

UCR Issue #5 – Beyond 2021 Task Force Update

UCR Issue #6 – Crime Data Explorer Update

UCR Issue #7 – Law Enforcement Officers Killed or Assaulted Update

UCR Issue #8 – Expansion of Domestic Violence Definition

Ad hoc topics

- NIBRS Estimation Project
- Federal NIBRS Offense Definitions



MEMORANDUM

To: Members, Advisory Policy Board
From: Carol E. Tracy, Executive Director, and
Terry L. Fromson, Managing Attorney, Women's Law Project
Re: Recommendation to Require NIBRS Reporting and Publication of
Unfounded Sex Crime Data
Date: May 29, 2019

The Women's Law Project submits this memorandum to urge the Advisory Policy Board (APB) to require the collection of law enforcement sex crime unbounding data by NIBRS and to include unbounding data related to sex crimes in the FBI's publicly reported crime data at the local agency, state, and national level. We also request that NIBRS apply the unfounded standard used in the Summary Reporting System (SRS) and that it be accompanied by explanations and scenarios to improve law enforcement understanding. These recommendations related to the subject of Item #11, UCR ISSUE #2, on the APB's June 5, 2019 meeting agenda.

This memo also raises the following additional concerns that we believe should be addressed by the APB in transitioning to NIBRS. The NIBRS definition of rape is inconsistent with the revised SRS definition of rape adopted in 2012 and should be revised to be consistent. The rape definition and other sex crime definitions in NIBRS retain archaic and biased crime terminology that should be removed. We also request that the FBI publicly report exceptional clearance data for sex crimes, both in total as well as by subcategory.

All of these subjects were discussed with Daniel Bibel and Charles Watson of the MITRE Corporation who met with us in March 2017 as part of their obligation to the FBI to gauge issues and concerns about the transition to NIBRS.¹ We assume our concerns were shared with the FBI at that time and we are disappointed that they were not considered to date in the APB's implementation of the transition to NIBRS and other changes in the "Beyond 2021" conversion to NIBRS.

We appreciate the opportunity provided by Amy Blasher, Unit Chief, CJIS, and this body to share our concerns and recommendations with you. We hope our input is helpful to the decisions being made as the FBI transitions to NIBRS.

¹ See WLP Letter to Bibel and Watson. Attachment A.

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The Women’s Law Project

The Women’s Law Project is a public interest law office dedicated to expanding the rights and status of women through impact litigation and policy advocacy. Violence against women is one of our priorities.

We have been researching and reviewing Uniform Crime Report (UCR) data for almost twenty years, ever since we started working with the Philadelphia Police Department (PPD) to improve its response to sex crimes. Our work followed the scandal exposed by the *Philadelphia Inquirer* in 1999 of the PPD’s long history of high unfounded rates and miscoding sexual assault complaints as non-crimes and not fully investigating them. This work led to significant reform in the PPD and an unprecedented invitation by the Police Commissioner to WLP and other advocates to review PPD sex crime files, including *all unfounded* files, which became an annual case review.

Our early case reviews and discussions with investigators led us to conclude that the then narrow UCR rape definition contributed to Philadelphia’s miscoding of sex crime complaints. In 2001, we asked the FBI to update its definition of rape to be more inclusive of public understanding of rape and more consistent with state crime codes. When we renewed our request in 2011, which the Police Executive Research Forum (PERF) membership supported,² the APB allowed us to appear before the regional working groups considering our request and to attend the APB meeting in which the final recommendation to the FBI to revise the definition of rape in the SRS was approved.³

Collection and Public Reporting of Data on Unfounded Crime Reports

There is a long history of misuse and abuse of unfounding sex crimes. According to the 2013 SRS user manual, unfounding a crime report is expected to be used only occasionally and only after determined through an investigation. The manual states that “Occasionally, an agency will receive a complaint [that] is determined through investigation to be false or baseless. In other words, no crime occurred. If the investigation shows no offense occurred nor was attempted, UCR Program procedures dictate the reported offense is unfounded ...”⁴

There is a documented history of law enforcement agencies unfounding sex crime cases more than “occasionally.” WLP’s first exposure to such misuse occurred when, sixteen years after the fact, we learned that the FBI, as a result of an audit, notified the Philadelphia Police Department in 1983 that its unfounded rate of 52% was too high and the PPD first responded by saying women lied about rape.⁵

² PERF, Improving the Police Response to Sexual Assault 4-5 (2012) (79% of PERF membership survey did not believe the old definition was adequate) *available at*

https://www.policeforum.org/assets/docs/Critical_Issues_Series/improving%20the%20police%20response%20to%20sexual%20assault%202012.pdf

³ See Women’s Law Project, Policy Brief: Advocacy to Improve Police Response to Sex Crimes. (2013). Attachment B.

⁴ SRS User Manual Version 1.0 06/20/2013.

⁵ Mark Fazlollah, Michael Matza and Craig R. McCoy *After FBI questioned one tactic, another was found*, (Philadelphia Inquirer Oct. 18,1999) *available at*

High unfounded rates of sex crimes have been reported in a number of U.S. cities. In 2010, Baltimore had a 30% unfounded rate,⁶ and its police commissioner reported that an audit found half of its 2009 unfoundeds were misclassified.⁷ Exceptionally high unfounded rates and classification of unfounding before a full investigation has been conducted have been reported in sex crime cases in Cleveland, New York and other cities.⁸ In 2018, an investigative news report determined that 7 of the 19 jurisdictions reviewed had unfounded rates above 10%.⁹ This problem occurs outside of the U.S.; two years ago, Canada faced a similar scandal when it was discovered that the national unfounded rate was almost 20%.¹⁰

In its investigations of law enforcement agencies for civil rights violations, the Department of Justice Civil Rights Division similarly found that law enforcement agencies have misclassified substantial numbers of rape reports as unfounded.¹¹

The high unfounded rates of rape that have been reported in the media are potentially an indicator of the historic bias associated with rape. Rape is a crime that is subject to erroneous myths and historical baggage that results in societal underestimation of the seriousness of the crime and overestimation of its victims as liars and blameworthy. These stereotypes and biases have impacted law enforcement investigation and assessment of rape reports, including the decision to unfound a rape report.¹²

The magnitude of the problem is serious in nature and numbers. Rape, as comprehensively defined by the revised SRS rape definition is a uniquely invasive crime that may be accompanied by physical injury in addition to penetration but is certainly accompanied by mental anguish and emotional trauma, often of a longlasting nature.

<http://inquirer.philly.com/packages/crime/html/101899side2.asp>

⁶ Justin Fenton, *City Rape Statistics, Investigations Draw Concern*, Balt. Sun, June 27, 2010, available at <https://www.baltimoresun.com/news/bs-md-ci-rapes-20100519-story.html>.

⁷ PERF, *Improving the Police Response to Sexual Assault* 9-10 (2012).

⁸ See Carol Tracy, *Testimony on Rape in the United States: The Chronic Failure to Report and Investigate Rape Cases*, Before the Senate Committee on the Judiciary Subcommittee on Crime and Drugs (Sept. 14, 2010) available at <https://www.judiciary.senate.gov/imo/media/doc/09-14-10%20Tracy%20Testimony.pdf>

⁹ Yeung, Greenblatt, Fahey, Harris *When It Comes to Rape, Just Because a Case Is Cleared Doesn't Mean It's Solved*, (ProPublica, Newsy, and Reveal from the Center for Investigative Reporting (Nov. 15, 2018) available at <https://www.propublica.org/article/when-it-comes-to-rape-just-because-a-case-is-cleared-does-not-mean-solved> [hereinafter "ProPublica"] (summarizing news reports disclosing high unfounded rates for rape in a number of U.S. cities.

¹⁰ Robyn Doolittle, *Unfounded: Why Police Dismiss 1 In 5 Sexual Assault Claims As Baseless* (The Globe and Daily Mail Feb. 3, 2017) available at <https://www.theglobeandmail.com/news/investigations/unfounded-sexual-assault-canada-main/article33891309/>

¹¹ U.S. Department of Justice, Office of Civil Rights, *Investigation of the Baltimore City Police Department*, 126-7 (Aug. 10, 2016) available at <https://www.justice.gov/crt/file/883296/download>; U.S. Department of Justice, Office of Civil Rights, *Investigation of the New Orleans Police Dept.*, 45, 47 (Mar. 16, 2011) available at, https://www.justice.gov/sites/default/files/crt/legacy/2011/03/17/nopd_report.pdf

¹² IACP, *Sexual Assault Response Policy and Training Content Guidelines* 6, 31-32 (2015) (“Although many individuals, including some officers and investigators, believe that false complaints are frequent, research shows that only a small percentage of sexual assault complaints are false.”), 31-32, 37 (a victim may disengage from the criminal justice system for many reasons, including fear, pressure, embarrassment and other reasons; such disengagement does not render the complaint false) available at <https://www.theiacp.org/sites/default/files/all/i-i/ICAP%20Sexual%20Assault%20Response%20Policy%20and%20Training%20Content%20Guidelines.2017.3.23.pdf>

The FBI's Crime in the United States report estimates 135,755 rapes in the United States in 2017. (Table 1). It also shows that 34.5% of 121,084 rapes nationally known to law enforcement in 2017 were cleared by arrest or exceptional means (Table 25), 23,436 of which resulted in arrest (Table 29).¹³ Absent is the critical information about the number and percentage of crime reports which were deemed unfounded nationally or at the state or local agency/city level.

The absence of the collection of unfounded sex crime data in NIBRS impacts the accuracy of UCR data and eliminates an important measure of police performance in investigating sex crimes.¹⁴ Moreover the current practice that allows NIBRS jurisdictions to delete unfounded crimes without explanation or public knowledge undermines the credibility of law enforcement.

The *collection and publication* of information about unfounded sex crimes is important for a number of reasons. In addition to internal quality assurance by law enforcement, unfounded data is important for public understanding of crime report outcomes and for use by researchers and advocates to improve police response to complaints. Analyzing crime data is an important part of Philadelphia's annual case review. Publication of unfounded sex crime data will also improve public trust in law enforcement and ultimately improve public safety.

Providing explanations and scenarios to improve law enforcement understanding may reduce misclassifications. For example, the terms baseless and false should be explained along with a discussion of the historical bias associated with sex crimes and scenarios that illustrate the proper use of these terms.

Impact on state systems users will be minimal. If the collection of unbounding data is incorporated into NIBRS, law enforcement organizations transitioning from SRS to NIBRS, which constitute the largest portion of law enforcement, will just be continuing past practice. In addition, even though NIBRS has not required reporting of unfounded crimes, NIBRS jurisdictions have unfounded cases and deleted them from their statistics. Therefore, requiring the reporting of this data in a separate classification should not be burdensome.

Recommended Future Topics for APB Consideration

Crime Definitions

We recommend that the APB consider replacing the NIBRS definitions of sexual assault, including rape, sodomy, and sexual assault with an object, with the UCR SRS definition of rape adopted in 2012. As we stated in our request to expand the former SRS rape definition, the current SRS rape definition is more consistent with public understanding of rape and more

¹³ Tables 1 and 25 have unexplained different totals for rape offenses known to law enforcement.

¹⁴ When the media informed Erica Smith, Bureau of Justice Statistics (BJS), in 2018 that the conversion to NIBRS would eliminate the collection of unbounding data, she said "dropping unfounded cases from the data collection is unacceptable" and that the data is a "really critical piece of information that the BJS needs to perform its obligations appropriately." ProPublica, *supra* note 9.

consistent with modern crime statutory definitions. If the SRS definition is incorporated into NIBRS, it will provide the public with a more accurate understanding of the number of the most serious sexual assault complaints, those involving penetration, and will provide a more accurate measure to support funding requests by the police and advocates as well as research.

Moreover, adoption of the expanded rape definition in NIBRS will eliminate the antiquated but persistent framing of rape as “carnal knowledge,” a term that Black’s Law Dictionary (10th ed. 2014) now refers to as “an ancient term” for sexual intercourse, especially with an underage child.” The 2019 NIBRS manual relies on *Black’s Law Dictionary*, 6th ed., which defines *carnal knowledge* as “the act of a man having sexual bodily connections with a woman.”¹⁵ Either definition is inappropriate in contemporary criminology. Thus, in addition to modernizing terminology, using the SRS rape definition will expand application of the NIBRS rape category to rape of someone who is the same sex as the offender. The 2019 NIBRS manual specifically requires “at least one of the offenders is the opposite sex of the victim.”¹⁶

For similar reasons we recommend the APB consider retiring the term “sodomy.” “Sodomy” is archaic and reflective of historical bias. Sodomy is a term that is particularly applied to those of the same sex. Historically, sodomy has also been referred to as *buggery*, *abominable*, *detestable crime against nature*, and *unnatural offense*. Black’s Law Dictionary (10th ed. 2014). There is no need to replace sodomy with another term as it is subsumed within the SRS definition of rape. We see no reason to segregate sexual penetration crimes by orifice penetrated or by penetrating body part or object.

“Fondling” is actually an act that is more commonly thought of as touching lovingly, affectionately or tenderly, not a crime.¹⁷ “Sexual contact” is a more appropriate term to describe non-penetrative sex crimes.

Scenarios illustrating each category of sexual offense, with a particular emphasis on illustrating the elimination of bias in decision-making, would help improve accurate classification.

Other sex offenses (e.g. indecent exposure, which under the current NIBRS user manual is classified as disorderly conduct when it is a sex offense) should not be put in what is now an undifferentiated “all other offenses” category. We recommend consideration of a category of “other sex offenses,” long in use by the SRS.

Exceptional Clearance Data

We recommend the APB consider publishing “Exceptional clearance” (EC) data in the aggregate and by subcategory at the national, state, and agency levels. The EC category is another category which is vulnerable to misuse in sex crimes because it pronounces a case “solved” without an arrest. High exceptional clearance rates, particularly in the “victim refusal to

¹⁵ 2019 NIBRS Manual at 41.

¹⁶ *Id.*

¹⁷ See definition of fondle available at <https://www.dictionary.com/browse/fondle>.

cooperate” and “prosecutor declination” subcategories, have raised concerns that the EC category is being misused or abused.¹⁸

Although there are several categories of exceptional clearance, the FBI only publishes exceptional clearance data in the aggregate and appears to only publish it at the national level. We request that the APB consider publishing EC data (1) in the aggregate and by subcategory, particularly subcategories B = Prosecution Declined (by the prosecutor for other than lack of probable cause) and D = Victim Refused to Cooperate (in the prosecution), (2) at the national, state and local level, and (3) on an annual basis.

With respect to victim refusal to cooperate, researchers and advocates are acutely aware of the inability of victims to participate in criminal investigations, particularly with crimes relating to sexual assault. Significant research demonstrates that victims do not continue to participate in the criminal process for a host of reasons, including protecting themselves and their families from threatened harm and adverse treatment by the criminal justice system. The International Association of Chiefs of Police, (IACP) recommends not exceptionally clearing cases in which a victim refrains from participating for such reasons if the evidence indicates a crime has occurred.¹⁹ Sharing and publishing this data on an annual basis would be enormously helpful to those working to improve police response to violence against women, both to develop initiatives to support victim cooperation and to measure their success. Because some sexual offenders are serial perpetrators, efforts to increase victim participation is important to public safety.

As to prosecutor declination, this category can be made based on prosecutorial perspectives about the difficulty of trying the case or anticipation that biases of juries and judges will make the case unwinnable, and not based on a decision as to whether a judge or jury should find that an offense has been proven based on admissible evidence.²⁰ Decisions not to prosecute may also be based on lack of training or misinformation about sexual assault.²¹ Because prosecutorial decisions may be based on extralegal factors, there should be more transparency about the impact of prosecutorial decision-making about sex crimes.

Thank you for your consideration of our comments and recommendations.

¹⁸ See APB June 5, 2019 Agenda Packet, APB Item #11, UCR Issue #2 Staff Paper at 5; See also Melissa S. Morabito, Linda M. Williams, April Pattavina, Decision Making in Sexual Assault Cases: Replication Research on Sexual Violence Case Attrition in the U.S. (Feb. 2019) available at <https://www.ncjrs.gov/pdffiles1/nij/grants/252689.pdf>; Cassia Spohn, Ph.D., Katharine Tellis, M.S.W., Ph.D., Policing and Prosecuting Sexual Assault in Los Angeles City and County: A Collaborative Study in Partnership with the Los Angeles Police Department, the Los Angeles County Sheriff's Department, and the Los Angeles County District Attorney's Office, (Feb. 2012) available at <https://www.ncjrs.gov/pdffiles1/nij/grants/237582.pdf>;

¹⁹ IACP, Sexual Assault Response Policy and Training Content Guidelines 37 (2015) available at <https://www.theiacp.org/sites/default/files/all/i-IACP%20Sexual%20Assault%20Response%20Policy%20and%20Training%20Content%20Guidelines.2017.3.23.pdf>

²⁰ Aequitas, Model Response to Sexual Violence for Prosecutors, 29-30 available at <https://box.sve.mybluehost.me/wp-content/uploads/2018/09/Model-Response-to-Sexual-Violence-for-Prosecutors-RSVP-An-Invitation-to-Lead.pdf>

²¹ *Id.*



Women's Law Project

To: Daniel Bibel, Charles Watson, MITRE
From: Terry Fromson, Carol Tracy, Women's Law Project
Re: NIBRS Recommendations
Date: March 17, 2017

Thank you for meeting with us to discuss our concerns and recommendations about the NIBRS program. We have outlined them below. Please note that all references to user manuals are to the 2013 versions, the most recent publicly available. In addition, to the extent suggested changes to the NIBRS user manual can be implemented in the current revision, we would appreciate your sharing them with the appropriate personnel.

- 1) We have an overall question about how NIBRS data will be reported to the public. To date, publicly reported data has been limited to specific data elements from the UCR Summary system. NIBRS collects significantly more data, much of which has value to the public as well as other data users. How is NIBRS going to publish that data publicly? Will it be limited to the Crime Data Explorer about which you told us or will there be tables posted similar to but expanding upon those currently published for the UCR Summary system?
- 2) We would like to see included in the initial section of the NIBRS User Manual Introduction two important purposes of the data. First, is the importance of public accessibility to the data for public understanding of crime trends and police response in the communities in which they reside. It is important to mention and keep in mind the importance of public accessibility to the data collected by NIBRS. While accountability and transparency for the communities served is mentioned in 1.2 UCR Advisory Groups, it is buried there and is more appropriately included in the first paragraph of the Introduction along with the list of other users and benefits. The second purpose is that accurate data helps both law enforcement and community advocates to support their services. Law enforcement is funded by government; government needs to understand the scope of the needed services. Likewise, community resources for victims need to provide need to funders to support the scope of services required by the community. Data is very important in driving resources.
- 3) Eliminate Groups A and B as unnecessary and meaningless. Incident and arrest information (as well as exceptional clearance and unfounded) should be reported for all crimes categories.
- 4) Eliminate current sexual offense definitions on pages 17 and 39-40 because the terminology both in the rape definition and use of the terms "sodomy" and "fondling" is archaic, inappropriate, and reflective of historical bias. "Fondling" is actually an act that is more commonly thought of as touching lovingly, affectionately or tenderly, not a crime. See Merriam Webster. We also do not see a reason to segregate sexual penetration crimes by orifice penetrated or penetrating body part or object or by force.

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We recommend the following replacement definitions:

For rape, instead of 11A, B, and C, we propose 11A be defined as follows:

11A. Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim including instances where the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age.. (New UCR summary definition; summary user manual at 32, modified to include phrase attached to each of NIBRS sex crime definitions regarding inability to consent).

It should include the description accompanying the definition in the summary manual:

“Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes either gender of victim or offender. Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.”

It should also include examples, which are included in the NIBRS manual for other terms and crimes, but not for rape and sexual assault. Below are the examples used in the UCR Summary Program user manual at 32-33, which we have edited to remove archaic terminology.

“The following scenarios illustrate incidents known to law enforcement classified as Rape, Completed (2a):

1. A young man was reentering his apartment from a night out when he was attacked by an unidentified man and forced into his apartment. The young man was held down by the attacker and anally sexually penetrated.
2. A female high school student was drinking with a male classmate at her house. The young man gave her a pill that he said would make her feel “really good.” After taking the pill, the young woman did not recall what happened. A rape kit indicated semen from sexual penetration.
3. A man worked as an aide at a residential facility for adults with a range of mental disabilities. He asked a woman in his care who had a severe mental disability to go for a walk with him in the woods behind the facility. Once alone, he instructed her to do what he said or he wouldn’t be her friend anymore. He touched her breasts and sexually penetrated her. Because of the woman’s disability, she was unable to understand and consent to either the sexual contact or penetration.
4. One night, a woman’s husband was very drunk, and he accused her of sleeping around. He became enraged, pushed her onto the bed, and sexually penetrated her with an object. She was too afraid to struggle.

5. A woman broke up with her ex-boyfriend three months earlier, but he showed up at her workplace and followed her home. Once there, he intimidated her and told her he wouldn't leave until she had sex with him. He forced his penis into her mouth.

6. After a first date, two men were kissing and had removed their clothes. One man had initially consented to having sex, but changed his mind once they began. He told the other man he did not want to have sex, but the man held him down and forced his penis into the other man's mouth.

7. A woman took her young son to a secluded park. She told him they would have special time together, convinced him to remove his pants, and penetrated him with her fingers. She told the boy that she would go to jail if he told anyone and that his father would not love him anymore.

8. A 17-year-old boy coerced his 10-year-old sister into letting him penetrate her vagina with his penis.

9. A college freshman attended an off-campus party. She drank heavily until she had difficulty standing and was slurring her speech. Two older male students offered to walk her home. Once in her dorm room, she passed out. She awoke the next day unclothed and with vaginal pain and found used condoms in her bed. She contacted the local rape crisis center, where they assisted her in getting a forensic exam and reporting to her local police department.

10. A man who owned a restaurant threatened to fire a waitress if she would not consent to sexual acts with him. When she refused, he threatened her. She was afraid to resist, and he orally penetrated her vagina.

11. Two women had been dating for a few months. After an argument, one woman became violent, held the other woman down, touched her breasts and vaginal, and penetrated her vagina with her tongue.

Rape—Attempts to Commit Rape (2b) Assaults or attempts to rape are classified as Attempts to Commit Rape (2b). The following scenarios illustrate incidents known to law enforcement classified as Attempts to Commit Rape (2b):

12. A man attacked a woman on the street, knocked her down, and attempted to rape her. A pedestrian frightened the man away before he could complete the attack.

13. At a local bar, a man slipped a sedative drug into his date's drink. However, the man could not convince the woman to leave her friends and go home with him. After an investigation, detectives concluded that the man intended to rape the woman.

Query: We understand NIBRS counts rape and sodomy as two crimes to be reported. Would NIBRS require reporting multiple crimes if there were multiple penetrations or acts that met the new definition of rape?

Sexual Contact: (in lieu of 11d Fondling, NIBRS user manual at 40)

Sexual contact means any touching of the clothed or unclothed sexual or intimate body parts, anus, groin, breast, inner thigh, or buttocks of another person with any body part or object for the purpose of sexual gratification, sexual arousal, or sexual degradation. without the consent of the victim, including instances where the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age.

Incest and statutory rape:

While these categories are listed as non-force, it seems they are segregated from the rape category not because of lack of force but because of particular consent issues. We do not have expertise on these subjects. Incest seems archaic as defined in the NIBRS user manual. Statutory rape is undefined and should be defined. Generally it is defined along the lines of Pennsylvania's crime definition: "a person commits a felony of the second degree when that person engages in sexual intercourse with a complainant to whom the person is not married who is under the age of 16 years and that person is either:

- (1) four years older but less than eight years older than the complainant; or
- (2) eight years older but less than 11 years older than the complainant."

If these two categories are retained, examples should be included.

Other sex offenses (e.g. indecent exposure, which under the current NIBRS user manual is classified as disorderly conduct when it is a sex offense) should not be put in what is now an undifferentiated "all other offenses" category, which is what happens with them. There should be a category of other sex offenses.

5) Collect, audit, and publicly report numbers of unfounded reports to law enforcement by offense category. It is important to include this information in particular because it is a category that is vulnerable to abuse and misuse.

We recommend defining unfound as it is defined in the UCR summary system with the recommended addition in track changes here: A "a complaint is to be unfounded only after it is determined through a thorough investigation that the complaint is false or baseless, meaning the evidence demonstrates that no conduct that meets the legal definition of a crime occurred or was attempted.

Although the NIBRS manual does not address collecting data on unfoundeds, we were surprised to see a reference to unfound on page 141 of the NIBRS user manual where the benefits of NIBRS are discussed. It seems to be a benefit that a supplemental report of unfounded can be tied to the original entry for a report. This is what it says: "Association of Update Reports—LEAs handle information updates, such as **unfound** an offense with subsequent submissions via the SRS, but there is no way to tie the update to the original offense. In the NIBRS, however, updated information is available with, and directly tied to, the original incident."

6) Exceptional Clearance and subcategories of exceptional clearance are collected, as set forth on page 69, data element 4, of the NIBRS user manual. As we discussed, we would like to see the

clearance categories of arrest and exceptional clearance disaggregated and reported separately. Because they are susceptible to misuse, particularly with respect to sex crimes, it is important to also disaggregate and publicly report the exceptional clearance subcategories of B = Prosecution Declined (by the prosecutor for other than lack of probable cause) and D= Victim Refused to Cooperate (in the prosecution). In addition, guidance should be provided for application of both these categories. There is currently no guidance in either manual for use of these categories. High exceptional clearance rates and prosecutor declinations have raised concerns that the category is being misused or abused. See Cassia Spohn's report at <https://www.ncjrs.gov/pdffiles1/nij/grants/237582.pdf>. Similarly, victim refusal to cooperate may be misused, particularly if it is caused by police behavior and/or a case is cleared on this basis before the investigation is completed. Victim refusal to cooperate should only be used if the victim is unable or unwilling to participate in the criminal justice process for reasons not caused by law enforcement and only after information and evidence has been gathered to support the arrest of the suspect and referral for prosecution.

7) Guidance is needed for non-crime categories. Such closing coding is acknowledged in the NIBRS user manual at page 69: "LEAs must not confuse exceptionally clearing an incident with administratively closing an investigation." However, this simple statement does not provide any guidance on how to avoid confusion. Clear guidance is needed to avoid miscoding of crime that results in the disappearance of crimes from the reporting system.

We are very concerned about use of non UCR codes by some police jurisdictions. Our experience in Philadelphia and other jurisdictions is that coding reports as non-crimes may lead to no or perfunctory investigations that fail to recognize and address crimes. It also has the potential to contribute to undercounting crime. Because the use of such codes can result in inaccurately depressing UCR crime statistics, we think issuance of guidance on this subject is in the UCR's interest and would benefit police.

One type of non-UCR coding we have seen is the classification of "third party reports" when a report is made by someone other than the alleged victim. This might include a report made by a doctor after a medical exam that is first made to a child abuse hotline (or directly to police where such mandatory reporting is required), or by a teacher, parent, relative, or neighbor based on observations or communications by a child. They codes may be changed if an investigation determines a crime occurred. Should such reports be coded crimes at the beginning and be unfounded if a thorough investigation determines no crime has been committed? Or should it remain in a non-crime code until an investigation determines a crime has been committed? We have seen different police jurisdictions handle it differently. Jurisdictions have indicated more guidance would be helpful on these questions.

We have also seen the use of the code "medical investigation" for reports by an individual who wakes up in a strange place unclothed who has no memory of sexual penetration but suspects she may have been raped. Without additional evidence, is it appropriate to code this situation as a non-crime?

8) Remove "homosexual from the manual. On page 51 of the NIBRS manual remove the crime altogether as well as its use in relationships on page 118.

9) We have additional concerns about the relationship categories Outside Family But Known to the Victim.

- Gender has become more fluid. Intimate partner or dating partner might be better than girlfriend/boyfriend.
- Is there any need to delineate same sex relationship?
- The list includes employers but does not include other unequal relationships such as student/teacher, athlete/coach, police/citizen, patient/doctor, and institutional relationships (patient/nursing home, prisoner/prison guard). Should there be additional categories for these relationships?
- The example of “Other VO = Victim Was Offender” of “where a participant in the incident is a victim and offender in the incident, such as domestic disputes where both husband and wife are charged with assault” should be removed. Police are strongly discouraged NOT to arrest both but instead to identify the primary offender.

10) We recommend NIBRS consider adding sexual orientation and gender identity to the data elements it collects, after consulting with advocates who represent these communities and participated in the development of the hate crime data elements.

11) We identify the fields we want published in NIBRS annual data publication and we would like to generate from Crime Data Explorer to include the following:

Offense known to law enforcement
UCR Offense
Arrest
Cleared Exceptionally
Specific EC subcategories: B Prosecution Declined and D Victim Refused to Cooperate
Unfounded
Victim and offender ages
Victim and offender sex (gender)
Victim and offender race and ethnicity
Type weapon/Force involved

Please feel free to contact us if you have any questions.

POLICY BRIEF

February 2013

ADVOCACY TO IMPROVE POLICE RESPONSE TO SEX CRIMES

INTRODUCTION

The Women's Law Project (WLP) is a leader in pursuing innovative strategies to improve police response to sex crimes on both a local and national level. WLP's advocacy on this issue started with its leadership in reforming police practice in Philadelphia in 1999, which included the unprecedented advocate review of sex crime files. The WLP initiated the call for the change in the Federal Bureau of Investigation's (FBI) antiquated definition of rape in its Uniform Crime Reporting (UCR) system and successfully requested hearings before the Senate Judiciary Committee's Sub-Committee on Crime & Drugs to address the national crisis that was revealed when media coverage demonstrated that the failures in Philadelphia existed in many cities. By invitation from The National Academies, the WLP has contributed its expertise on sex crime definitions to the examination of conceptual and methodological issues surrounding survey statistics on rape and sexual assault and the development of recommendations for best methods for obtaining accurate statistics in the future. WLP is currently participating as an advisor to the American Law Institute's project to modernize its model sex crime laws.

This policy brief provides the highlights of WLP's advocacy initiatives, including a detailed description of its unique Philadelphia Police Department (PPD)/advocate sex crime file review.

The goals of these advocacy initiatives are to achieve justice for the individual victims, prevent serial offenders from re-perpetrating, increase public confidence in the criminal justice system, and improve societal understanding of the prevalence of serious sexual assault in society.

IT STARTED WITH THE CRISIS

In the fall of 1999, *The Philadelphia Inquirer* published a series of articles revealing that the PPD had downgraded thousands of rapes and other sex crimes to a non-criminal category for almost two decades. This downgrading eliminated a full and complete investigation of thousands of sexual assault cases. Almost one third of all sex crime reports were buried in the non-crime code "2701-Investigation of Person." The victims were never advised that their complaints had been shelved.

This disclosure came on the heels of the murder of Shannon Schieber by serial sexual predator Tony Graves. The police eventually linked the attack on Schieber to five other sexual assaults of women in the same Philadelphia neighborhood. Although four of these assaults occurred prior to the strangulation death of Schieber, they were put in the 2701 non-crime category, preventing police from connecting the perpetrator to the related assaults. After raping one more woman in Philadelphia in 1999, Graves went to Colorado, where he raped eight more women. Graves was ultimately convicted of all of the crimes, but the downgrading of crimes to non-crime categories unquestionably interfered with the earlier identification of a rapist and the prevention of a murder and many rapes.

The Inquirer's series hit the advocacy community like a bombshell, because advocates had believed that the PPD was appropriately handling sex crime investigations. Women Organized Against Rape (WOAR), Philadelphia's nonprofit rape crisis center, one

of the first in the country, had aggressively advocated for reform in police and prosecutorial practice in the late 70s and early 80s. In response to this advocacy, in 1981 the PPD established a special rape squad so that investigations of rape and other sex crimes would be tailored to the unique and sensitive nature of the crimes. Child abuse was later added to the unit, which is now called the Special Victims' Unit (SVU). At the same time, a special prosecution unit for sexual assault was established in the Philadelphia D.A.'s office.

Looking back, it is clear that the police response to sex crimes was not as it should have been. In its first years, the SVU reported high numbers of unfounded complaints. According to the FBI, which monitors crime statistics through its UCR system, a complaint is to be unfounded only after it is determined through investigation that the complaint is false or baseless, meaning the evidence demonstrates that no conduct that meets the legal definition of a crime occurred or was attempted. Despite strict guidelines for classifying a complaint as unfounded, law enforcement frequently classify cases as unfounded that do not meet these requirements. This misclassification results in inordinately high unfounding rates. In 1983, the PPD SVU's unfounded rape rate was 43%, when the national average was 10%. By increasing the unfounded rate, a police department keeps the crime rate down, a result that police seek to achieve for public relations purposes.

In 1984, the FBI noticed an increase in Philadelphia's unfounded rate for rape to 52%

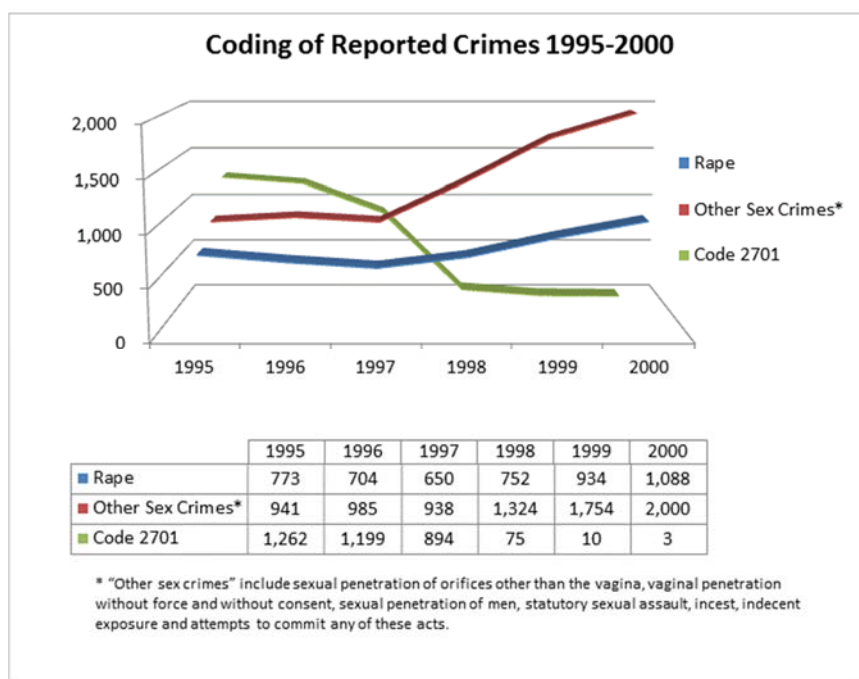
for the first half of 1983 and sent a letter to the PPD asking for an explanation. After the FBI told Philadelphia to reduce the unfounded rape rate, Philadelphia reduced it to 16% in 1984.

The FBI examined and addressed only the PPD's unfounded rate at that time. However, the PPD was apparently placing significant numbers of complaints in non-crime codes as well. Research conducted following the *Inquirer's* 1999 disclosures revealed studies had uncovered these PPD practices years before. A 1978 academic study analyzed the interaction of the Philadelphia criminal justice system with sexual assault victims and identified the use of non-crimes codes by the PPD in the early 1970s.¹ According to that study, the PPD placed almost 11% of the 1141 cases studied into non-crime codes, including code 2701—Investigation of Person.² A University of Pennsylvania law review published in 1968 also revealed that the PPD used the non-crime code 2701 in the 1960's, at which time it also engaged in other practices that essentially unfounded crimes, including turning away complainants without preparing and filing incident reports and unfounding inci-

dent reports without any follow-up investigation at all.³

In the 1980's, in response to the FBI's directive to reduce its unfounded rape rate, the PPD increased the number of cases it placed in non-crime codes. According to the *Inquirer*, the PPD placed approximately 30% of its complaints in code 2701 over two decades. This manipulation of case classification gave the PPD an artificially high rate of clearing—or solving—rape cases. The PPD's rape clearance rate for 1993 was 74 percent, compared to the national average of 53 percent.

In 1997, the FBI and PPD auditors questioned PPD's use of the 2701 code and the PPD discontinued its use for sex crimes.



¹Thomas W. McCahill, Linda C. Meyer, Arthur M. Fischman, *The Aftermath of Rape* 81, 99, 109-112 (1979).

²*Id.* at 99, 110.

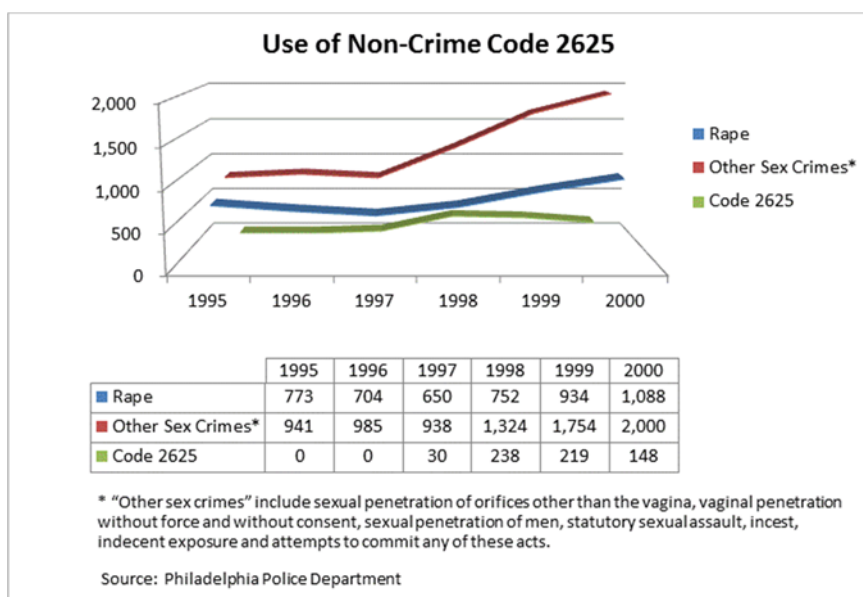
³Note, *Police Discretion and the Judgment That a Crime Has Been Committed—Rape in Philadelphia*, 117 U. of Pa. L. Rev. 277, 279 n. 8 (1968).

The elimination of the 2701 code caused an increase in the unfounded rate – which doubled to 18% in 1998.

At same time, the SVU started placing complaints in another non-crime code: “2625–Investigation, Protection and Medical Examination.” In 1998 and 1999, the SVU placed about 5% of its caseload in this code.

ings with then-Police Commissioner Timoney and his senior staff to discuss the need for Departmental reform.

The Commissioner agreed to conduct an internal audit to evaluate the coding of sex crime complaints placed in non-crime codes for the previous five years—which was at that time the statute of limitations or



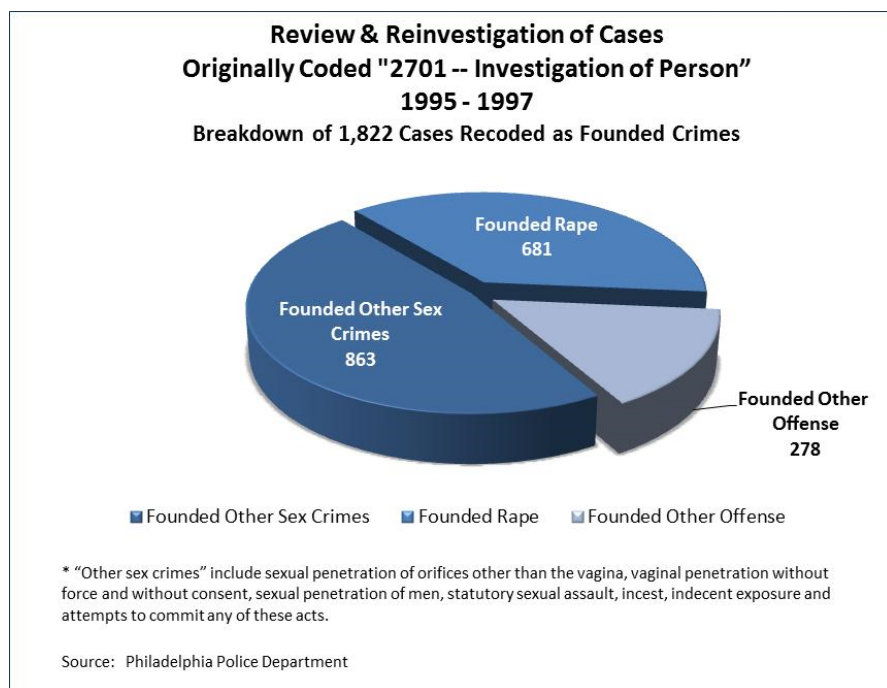
time period following the assault during which charges could still be filed against an assailant. He assigned his Quality Assurance Bureau as well as 45 newly-graduated detectives to conduct this reinvestigation and re-coding of approximately 3,700 complaints handled from 1995 through 1999 and agreed that the Department would re-code and pursue any cases that had incorrectly

been placed in a non-crime code.

THE ADVOCATE RESPONSE

The WLP led the advocacy by the women's and children's organizations that work on sexual assault to address this scandal. Although WOAR had been meeting with the police for years, they were unaware of the PPD practice of decriminalizing rape complaints and saw it as a betrayal of the good faith in which they had interacted with the police. Recognizing the need for public oversight, the WLP requested that the Public Safety Committee of City Council hold hearings to investigate the *Inquirer's* allegations. In addition, WLP organized meet-

The outcome of the reinvestigation was alarmingly revealing. It found that 681 cases that had been coded 2701 should have been classified and investigated as rape—a first degree felony. In total, 58% of the 3,119 cases originally coded 2701 were re-coded as crimes and founded. In addition to the 681 recoded as founded rape crimes, 1,141 were recoded as crimes other than rape, including other sex crimes.



REASONS FOR POLICE

MISHANDLING OF SEX CRIMES

There are multiple reasons for the PPD's mishandling of sex crimes. The two primary reasons revealed from the interviews reported in the press as well as in the academic literature are: (1) the influence of societal bias against sex crime victims and myths about sexual assault and (2) pressure to improve crime statistics.

Societal myths influence police response to sex crimes. Rape myths are "attitudes and beliefs that are generally false but are widely and persistently held, and that serve to deny and justify male sexual aggression against women."⁴ These myths include:

- Most rape claims are false, and women cry rape out of guilt or vengeance.
- Most rapes are committed by strangers.

- Real rape victims fight back and are seriously injured.
- Rape happens only to women who are considered "bad" by society, including those considered to be "promiscuous" or to dress provocatively and those who drink alcohol or engage in other activities that render them deserving of rape or blame.
- When a woman says "no" she means "yes."
- Women secretly want to be raped.

These myths wrongly blame the victim, assume the victim's untruthfulness, trivialize the seriousness of sexual assault, and excuse the assailant's behavior.

In fact, most rape allegations are not false, rape does not discriminate among classes of women, and most rapes are committed by someone the victim knows. In contrast to the mistaken belief that women make false allegations, most women do not even report their victimizations to law enforcement. In reality, only 5% to 20% of victims report to police. In addition, intoxicated victims are incapable of consenting to sex and rape often results in few, if any, physical injuries apart from the rape itself. Many victims do not physically resist their attackers for a variety of reasons. They fear serious injury or death and are immobilized by trauma. Furthermore, research shows that there is a wide range of reactions and behaviors that victims exhibit during and in the aftermath of sexual assault, and it is erroneous to assume that a victim should behave in any particular way.

The factors associated with the unbounding and decriminalizing of rape in Philadelphia echo these myths and biases. The study of the PPD's response to sex crimes in the 1970s found the following variables associated with the PPD's unbounding of sexual assault at that time:

- The victims were poor, minorities, prostitutes, and alcohol and drug abusers.
- The police believed the woman asked for it.

- The police believed the case would not succeed in court.

The following variables were identified as associated with coding a sexual assault as a non-crime:

- The assault took place in the victim's home.
- The victim was a heavy drinker.
- There was more than one offender.
- The victim had a history of truancy.
- Coercion was lacking.
- No sex act was completed.
- The victim was poor.
- The victim had prior trouble with the police.

The comments to *Inquirer* reporters in 1999 by then-current and former police as well as victims reflect the same biases. Police reported:

- Using non-crime codes to sideline victims who did not "fit a certain profile" or were not "people of substance," had a history of drug and alcohol abuse, spent time in prison or had criminal records, were strippers, prostitutes, or had been offered (but not accepted) money for sex, lived in dangerous parts of the city, had mental problems; or were low income;

⁴Kimberly A. Lonsway & Louise F. Fitzgerald, *Rape Myths in Review*, 18 *Psych. of Women Quarterly* 133, 133-34 (1994).

- Questioning whether someone was really raped based on her “odd” behavior, such as writing notes while waiting to be interviewed and delaying reporting the crime.
- Asserting that non-crime codes were not for “real rapes” but for false complaints.

The police also identified a culture obsessed with statistics and downgrading crime to make the city look good.

Victims reported police treating them as liars:

- Police asked one woman whether she was hallucinating.
- Investigators showed little interest in their case, seemed skeptical, and did not contact them.
- Police told one victim it would be hard to prove rape because she let the perpetrator into her house.

Following the *Inquirer's* revelations and WLP's public comment in the newspapers, victims whose cases had not been investigated contacted WLP lawyers. They told us more about how officer bias affected the handling of their complaints. Victims reported that they were interrogated rather than interviewed, disbelieved, and threatened with false complaint charges or required to undergo polygraphs. They described officers showing more concern for the alleged perpetrator's reputation than the victim's safety.

In addition to bias and motivation to improve statistics, the difficulty of the work may have adversely affected police behavior. The rape unit had traditionally been overburdened and understaffed; training, guidance and supervision were inadequate. Burnout, or what has become known as secondary trauma, affecting persons who routinely work with traumatized clients, appears to have been a factor. This is consistent with research showing that police suffer more work-related trauma than combat veterans.

INNOVATIVE STRATEGIES

Leadership and Partnership

PPD Commissioner Timoney, who had been appointed only a year or so prior to the scandal, responded by not only reinforcing the correct coding of crimes regardless of impact on statistics, but also reorganizing the Special Victims Unit (SVU). Timoney appointed a new captain of the SVU, improved supervision and accountability, and assigned detectives to the unit for the first time. New policies were put in place, requiring captain review of all unfounded files and supervisory review of all files before they are closed.

Revision of Coding Manual

At the invitation of the PPD, the WLP also reviewed and provided extensive written and in-person comment on drafts of a new coding manual prepared by the Department. The coding manual now accurately and specifically describes the nature of the crimes under each code.

The Case File Review

Understanding the crisis in public confidence caused by this scandal, Commissioner Timoney, in an unprecedented move, asked the WLP to convene relevant advocacy groups to review adult and child sexual assault cases. This invitation to allow a citizen's group to review police files is, WLP believes, the first voluntary collaboration of its kind in the country, and as such, has received considerable attention. Thus, in 2000, we commenced what would become an annual review of sex crimes files with our colleagues from the Support Center for Child Advocates, which provides representation to child victims of abuse, Philadelphia Children's Alliance, Philadelphia's primary intervention organization for child sexual abuse victims which coordinates multi-agency forensic interviews, and Women Organized Against Rape, Philadelphia's rape crisis agency. Each organization participating in the review entered into a confidentiality agreement with the PPD, agreeing not to reveal any information learned from the file review.

In the first year of the case review, advocates reviewed all of the cases unfounded by the SVU for the years 1999 and 2000 as well as 100 randomly selected cases from the year 2000.

After the first year, we returned annually through the administration of Commissioner Timoney. When new Commissioners came on board, we met with each new Commissioner to explain the review process and why it was important, and each

Commissioner has supported our file review and agreed to its continuation. The review has been going on now for 12 years. It has resulted in significant improvement in the thoroughness and documentation of investigations and coding of crimes. The review has led to the reopening of some cases that had been unfounded.

During the review, which takes place over several days, advocates read hundreds of files. If needed to identify files for discussion with staff, reviewers write their question and concerns on sticky notes and place them on the files. The captain and lieutenants periodically meet with the advocates to discuss these issues identified. Following discussion and resolution of advocate concerns, the sticky notes are disposed of.

We examine the thoroughness of particular elements of the investigation:

- Were all witnesses interviewed that had been identified?
- Were the interviews conducted in a proper manner, i.e., not calling the victim a liar and not interrogating, blaming or threatening the victim?
- If there was a recantation, was it coerced? Were there circumstances that suggested the recantation resulted from fear of reprisal from the perpetrator and not because the assault did not occur?
- Were photos taken and the scene processed?

- Was evidence collection thorough?
- Was physical evidence timely tested and results returned to the investigator?

In addition, we examine the outcome of the investigation:

- Was the case properly coded as a crime and as the correct crime?
- If the investigation supported an arrest, was it made?
- If a case was unfounded, was it proper to do so? Did the investigation demonstrate that no crime had occurred?
- Did a supervisor review and approve each decision to unfound a case?
- If a case was exceptionally cleared was the exceptional clearance proper? In other words, was an arrest warranted by the evidence and the perpetrator identified and at a known location but some reason outside of law enforcement prevented the arrest from being made ?

It is important to understand that this review has been conducted in a collegial non-adversarial manner. It took some time for the advocates and police to become comfortable with each other. The SVU staff was not used to having outsiders review their files and were cautious in their interactions with the advocates. New to the process, the advocates were equally guarded. However, everyone at the table has been respectful to

one another. Although the Commissioners have invited us to come to them if there were problems, none have arisen. Ultimately, advocates and police staff developed a good rapport that fosters a positive exchange and receptivity to comments and concerns.

Data Review

We regularly obtain data from the Department to monitor ongoing coding and resolution of complaints.

Improved 911 Response

At the request of the Department, we have provided input into the Department's upgrading of its 911 system to better respond to sexual assault calls by assigning the correct priority of response and obtaining from and communicating to the victim essential information.

New Location

When this work began, the SVU was located in an industrial park that was formerly an arsenal. Surrounded by barbed wire, the SVU building was small and overcrowded, with victims and perpetrators passing each other in the halls. This facility was inappropriate for working with victims of sex crimes and child abuse, which requires a high degree of sensitivity.

Our advocacy led to the relocation of the SVU in September 2003 to a more appropriate facility located on the Episcopal Hospital campus, which doubled its previous space. Most importantly, victims and perpetrators are separated, there are comfort-

able waiting rooms for adults and child victims, and private interview space is available. Appropriate work stations and interrogation rooms as well as phone lines and internet access permit officers to conduct adequate investigations. A library and training room were also added to the facility.

In the Spring of 2013, the SVU will move again, this time to a new location where it will be co-located with the sexual assault unit of Philadelphia's child welfare agency, the Department of Human Services (DHS), and the Philadelphia Children's Alliance. Appropriate forensic interviews will take place. Medical examination facilities for children and adults will also be located at this site. This new state-of-the-art facility will accommodate victim needs and provide more efficient investigations of child sexual and physical abuse cases.

CHANGING THE FBI DEFINITION OF RAPE

The WLP led the national effort to change the definition of rape used by the FBI in its UCR system to reflect more accurately societal and legal definitions of serious sexual assault. The WLP recognized the need to change the UCR definition of rape after learning about the impact of the UCR on the PPD's handling and reporting of sex crimes. The UCR was developed in 1929 as a framework for gathering and publishing crime data from local police departments. Unchanged until 2012, the UCR defined rape as "the carnal knowledge of a female, forcibly and against her will." This definition included only forcible male penile penetra-

tion of a female. Omitted from this UCR definition of rape were oral and anal intercourse, penetration of the vagina and anus with an object or body part other than the penis, rape of males, rape of females by females, incest, statutory rape, and non-forcible rape.

As we worked with the PPD, it became apparent that it was the UCR definition of rape and not Pennsylvania's criminal sexual assault statutes that drove police perception and response to sex crimes. As a consequence, police did not perceive sex crime complaints that did not meet the UCR definition of rape as serious or credible crimes and did not code them as crimes and/or investigate them appropriately.

Moreover, as we studied the UCR, we learned that the FBI only issued public announcements relating to the number of complaints that fit within the narrow subset of sex crimes included in the FBI's forcible rape definition. As a consequence, the FBI was leaving the public in the dark about the true incidence of equally serious sex crimes.

In addition, data is instrumental in driving policy responses to societal problems. Sex crime data influences the scope of resources afforded victims. The diminution of sex crime statistics has therefore also hampered government response and victim assistance efforts.

In the years since the UCR created its definition of rape, America significantly expanded its understanding of rape, and states have revised their laws accordingly.

Many state criminal laws now recognize that all forms of non-consensual sexual penetration regardless of gender, relationship, or mode of penetration are as serious as the criminal conduct included in the original UCR definition of rape, but which, until now, remained excluded.

In a letter sent to then-FBI Director Robert Mueller, III in September 2001, the WLP outlined the deleterious impact of the UCR's definition of rape on public knowledge about serious sex crimes and on the reporting and handling of sexual assault complaints. Over 80 organizations throughout the nation involved in advocacy on behalf of victims of sexual assault signed on to this letter in support of its persuasive argument that the UCR's definition of rape should be updated immediately. The letter received no response.

The drive to change the UCR definition of rape gained momentum in 2010, after hear-

ings before the U.S. Senate Judiciary Subcommittee on Crime and Drugs on the mishandling of rape cases by police departments. Carol Tracy, WLP's Executive Director, testified that sexual stereotypes are a root cause of police mishandling of sex crimes and made clear that the manner in which the FBI's UCR system defines, analyzes and publicizes the incidence of sex crimes is also a major factor. Further advocacy led to the creation of a new definition.

The new definition, which goes into effect in 2013, defines rape as "Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim." This effort was supported by the U.S. Department of Justice Office of Violence Against Women.

The Women's Law Project gratefully recognizes the funding provided by
van Amerigen Foundation and
Thomas Skelton Harrison Foundation
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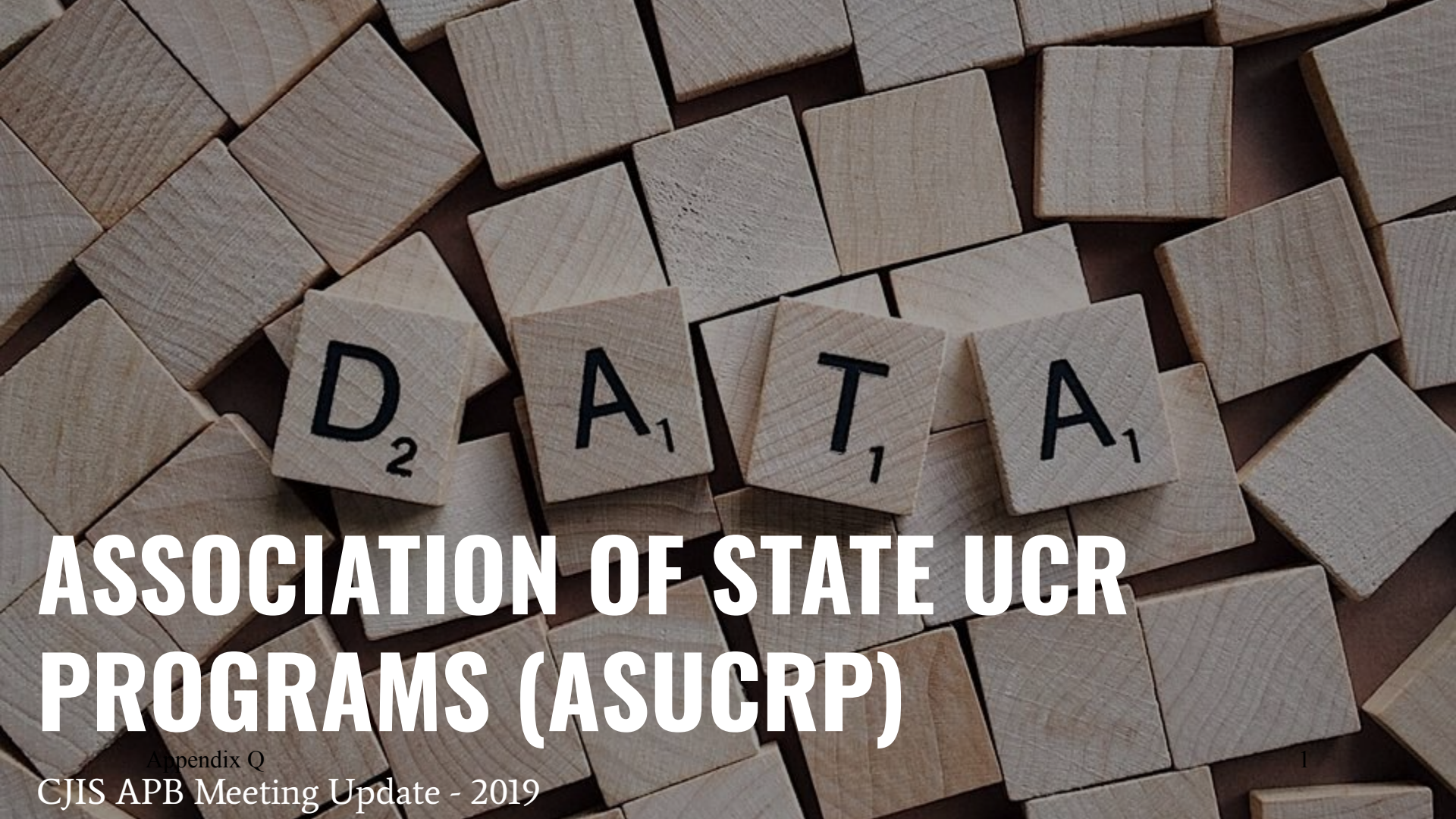


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A background of numerous light-colored wooden blocks, similar to Scrabble tiles, scattered across the frame. Four blocks in the center are arranged to spell out the word "DATA". The 'D' has a subscript '2', the first 'A' has a subscript '1', the 'T' has a subscript '1', and the second 'A' has a subscript '1'.

ASSOCIATION OF STATE UCR PROGRAMS (ASUCRP)

Appendix Q
CJIS APB Meeting Update - 2019

ASUCRP Mission

The ASUCRP represents participants of the national UCR program on the state, regional, and national levels, and provides a method of exchanging technical data on UCR/NIBRS methodology and efforts in a regional, state, or local setting.

ASUCRP Goals

The Association is dedicated to improving the collection, use, and the utility of crime data as reported through UCR/NIBRS, and all state and local crime reporting programs. ASUCRP meets these goals through:

- The sponsorship of education and training sessions at its annual meeting
- The encouragement of special and general research projects dealing with the use of crime data
- The development of relationships with policy-makers to encourage the development of improved systems to collect and analyze crime data

ASUCRP

THE ASSOCIATION OF STATE UNIFORM CRIME REPORTING PROGRAMS

PARTNERSHIPS

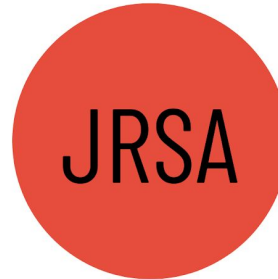


NIBRS Transition

Identifying issues/
concerns/roadblocks

Use-of-Force

Promoting collection and
sharing info

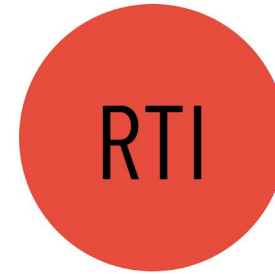


Joint Conference

November 18-21, 2019
Hilton Head, SC

Data Utilization

Promoting value and
utilization of NIBRS data



NCS-X

Partner in NCS-X TTA
Grant

NIBRS Estimation

Grantee partner NCS-X
estimation project

FBI Partnership

Use-of-Force Taskforce

- Providing state data collection program guidance and recommendations
- Identifying roadblocks/concerns/issues impacting states

NIBRS Transition Taskforce

Beyond 2021 Taskforce

- Recommendations for collection improvement post-2021
- Reviewing publication strategies

Timeliness Workgroup

Current ASUCRP Efforts

Use-of-Force

- Promoting collection effort
- Providing updates to program initiatives
- Assisting FBI with state-specific communication
- Working with FBI to overcome state program issues

NIBRS Transition

- Promoting the 2021 deadline
- Pushing for no major NIBRS changes before 2021 to ensure smooth transition
- NCS-X Technical Assistance Grant w/RTI
 - Presenting at SEARCH Symposium
 - Presenting at IACA

Current ASUCRP Efforts

Ongoing Resource for State UCR Programs

- Bouncing Board for program management/state data collection best practices
 - Including NIBRS transition and FBI Use-of-Force guidance
- Scenario-based crime classification guidance and advice
- Business rule and definition recommendations to FBI

Membership Surveys

- Inform agencies and organizations like FBI, APB, IACP, IJIS, BJS, SEARCH, etc status of crime data collection efforts

Where Can ASUCRP Help?

Subject Matter Experts

- Source to receive feedback across a wide spectrum of state program experts running state data collection programs
- Ability to provide input and gain consensus on direction of UCR program
 - Questions on how to implement new UCR rules
 - How impactful a system change will be
 - Current challenges impacting state programs and/or data collection efforts
 - Guidance on development of the Crime Data Explorer
 - Identifying value of NIBRS data
- asucrp@cdps-m.state.co.us

ASUCRP Annual Conference

November 18-21, 2019
The Westin Hilton Head Island
2 Grasslawn Avenue
Hilton Head, SC 29928

Save the Date
2019 **ASUCRP**/JRSA Conference



The Westin Hilton Head Island
2 Grasslawn Ave
Hilton Head, South Carolina 29928

Registration | Monday, November 18, from 1-5pm
Conference | November 19-21, from 8am-5pm

Look for agenda and registration forms
to be posted soon on
www.ASUCRP.net

Questions or Comments?


ASUCRP APB Liaison

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Wisconsin Dept of Justice
veitenheimerdj@doj.state.wi.us
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THE NATIONAL USE-OF-FORCE DATA COLLECTION

Criminal Justice Information Services Advisory Policy Board Spring 2019

Chief Robert S. "Bob" Sage
Jacksonville, Florida
June 2019



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Partnering for Better Data

- Establish a National Use-of-Force Data Collection to promote transparency between law enforcement and served communities
 - Local, state, tribal and federal partners
 - Major law enforcement agencies
- Voluntary data collection to facilitate dialogue with, educate community members about how law enforcement is trained on use-of-force
- Collect all law enforcement use-of-force incidents resulting in the death or serious bodily injury of a person, as well as all firearm discharges at or in the direction of a person



2

Moving the Needle

- Official launch on January 1, 2019
 - Participating Agencies – 2,082

Top 20 Law Enforcement PE Counts Participating	
Chicago Police Department (IL)	Baltimore County Police Department (MD)
Los Angeles Police Department (CA)	Austin Police Department (TX)
Washington DC Metro Police Department	San Diego Police Department (CA)
Las Vegas Metro Police Department (NV)	Fort Worth Police Department (TX)
San Diego Sheriff's Office (CA)	Jacksonville Police Department (FL)
Detroit Police Department (MI)	Indianapolis Police Department (IN)
San Francisco Police Department (CA)	Atlanta Police Department (GA)
San Antonio Police Department (TX)	Orange Sheriff's Office (FL)
Memphis Police Department (TN)	Seattle Police Department (WA)
Orange Sheriff's Office (CA)	Fairfax County Police Department (VA)

As of 5/22/2019

Participation is defined as when an agency submits and releases data to the FBI, either by the direct agency or by the state program manager



Data Collection Participation

"The validity of the entire system and the process hinges upon accurate data. By that, I mean covering as many law enforcement agencies, nationally, that we can get to participate. Local, state, federal, college campuses—everybody."

Doug Middleton, retired, past chair of the UoF Task Force

"If the data pool isn't large enough, it's not going to tell the accurate story of what's happening and what's not happening. It needs to be representative."

Robert Gualtieri, Sheriff of Pinellas County (FL)

		Percent Officer Coverage for the Nation			
		> 80%	60% - 80%	40% - 60%	< 40%
Response Rate of each Data Element	< 30%	No conditions apply to the publication of the results of this item.	FBI will not publish counts or totals, but may publish ratios and percentages for this item.	FBI may publish only the response percentages for the key variables across the entire population and for subpopulations which represent 20% or more of the total population	FBI will not publish results.
	> 30%	FBI will not publish counts or totals, but may publish ratios and percentages for this item.	FBI will not publish counts or totals, but may publish ratios and percentages for this item.	FBI may publish only the response percentages for the key variables across the entire population and for subpopulations which represent 20% or more of the total population	FBI will not publish results.



Recruitment Strategy

- Local/State Outreach
 - Contacting all State UCR Programs to determine a data management decision
 - State UCR Program management
 - Direct contributors
 - Targeted outreach to:
 - Agencies with 200 plus law enforcement employees
 - Out of approximately 500 target agencies, 111 are participating
 - The remaining target agencies would increase our participation percentage approximately 30%



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Tribal Recruitment Strategy

- Tribal Outreach
 - 8 Agencies participating
 - Letters/information packets have been sent to all applicable tribal agencies outlining the collection and requesting participation
 - Collaborate with the CJIS Tribal Engagement Program to incorporate use-of-force information during scheduled on-site visits



6

College/University Recruitment Strategy

- College/University Outreach
 - 63 Agencies participating
 - Developing contacts through International Association of Campus Law Enforcement Administrators (IACLEA) and Campus Safety Meetings
 - Added an IACLEA representative to the task force who is also a member of the UCR Subcommittee



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Federal Recruitment Strategy

- Federal Outreach
 - Currently the FBI is the only federal agency participating
 - Prioritize outreach to the U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, Drug Enforcement Administration, U.S. Marshals Service and Bureau of Alcohol, Tobacco, Firearms and Explosives
 - These federal agencies have the largest law enforcement employee counts
 - Re-engage the federal working group



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Challenges

- State based Use-of-Force databases
 - One-off Systems
 - In coordination with NIBRS build
- Enrolled versus participating statistics
 - States enrolled all agencies
 - States did not have a definitive plan



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Mitigation

- Web Casts
 - Designed to provide State Programs and local agencies a showcase of the portal features
 - Demonstrate the ease of use of the portal
 - Some states have elected to use the portal until their states' systems are finalized after seeing web casts
- Best Practices
 - Developing Quick-Guide for management of data within the portal at both the State and local level
 - Roles and Responsibilities defined
 - Tools for managing the data



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Mitigation

- Prioritizing outreach to state UCR Programs
 - Determine each state's commitment, participation timelines, and projected participation rate
 - Share information to assist in their decision-making and recruiting efforts
 - The FBI requests that SPMs who are experiencing a delay in participation due to funding and technical builds, encourage their local agencies to use the use-of-force portal application housed on the Law Enforcement Enterprise Portal in the interim
- State CJIS Security Officer (CSO) and FBI Special Agency in Charge (SAC) Outreach
 - Utilize CSO and SAC within their areas of responsibility



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Outreach & Future Engagements

- Michigan Chiefs of Police Association – February 2019
- Michigan Sheriffs Association – March 2019
- 2019 IACP Indian Country LE Section Mid-Year Meeting – March 2019
- Georgia Sheriffs Association Command Staff Conference – April 2019
- Virginia Sheriffs Association Spring Conference – April 2019
- FBI National Academy Associates – May 2019
- Association of State Criminal Investigative Agencies 2019 Spring Conference – May 2019
- 2019 Major Cities Chiefs Association, Police Executive Research, and FBI National Executive Institute Associates joint meeting – May 2019
- 2019 International Association of Chiefs of Police Technology Conference – May 2019
- National Sheriffs' Association Annual Education and Technology Expo – June 2019
- Florida Department of Law Enforcement's Criminal Justice Information Services Annual Training Symposium – July 2019
- SEARCH Summer Conference – July 2019
- National Organization of Black Law Enforcement Executives Summer Conference – August 2019
- 27th Annual National Native American LE Association National Collaborative Training Event – August 2019



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Articles and Media



FBI ARTICLES ABOUT THE NATIONAL USE-OF-FORCE DATA COLLECTION

Ohio and Tennessee are the First and Second States to Enroll as Bulk Contributors: May 2019

The National Use-of-Force Data Collection: Now Enrolling Agencies and Accepting Data, *Police Chief Magazine*, June 2019

The National Use-of-Force Data Collection: *International Association of Campus Law Enforcement Administrators Campus Law Enforcement Journal*, June 2019

The National Use-of-Force Data Collection: *Law Enforcement Bulletin*, To Be Determined

FBI RADIO/VIDEO ABOUT THE NATIONAL USE-OF-FORCE DATA COLLECTION

FBI, This Week: National Use-of-Force Data Collection Underway , February 22,2019

The National Use-of-Force Data Collection Marketing Video: Modified and updated, 2019 release

CJIS Tribal Video: UCR portion with Miami Nation, OK, tentatively June 2020



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Information and Support



National Use-of-Force Data Collection

Help Desk

Phone: 304-625-9998

Email: useofforce@fbi.gov

Visit <https://ucr.fbi.gov/useofforce> for FAQs, videos, LEEP access (link), and more.



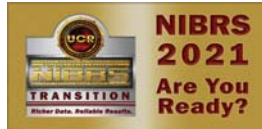
14



National Incident-Based Reporting System (NIBRS) Transition Update

CJIS Advisory Policy Board

Jacksonville, FL
June 5, 2019



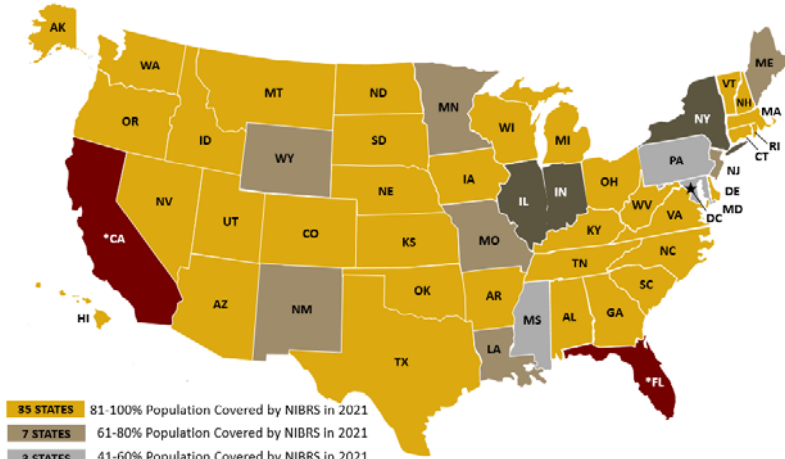
NIBRS Transition

- Successes
- Movements
- Challenges



U.S. Department of Justice
 Federal Bureau of Investigation
 Science and Technology Branch
 Criminal Justice Information Services Division

NATIONAL INCIDENT-BASED REPORTING SYSTEM (NIBRS) 2021 PROJECTED POPULATION COVERED
 BASED ON LAW ENFORCEMENT COMMITMENTS AS OF MAY 2019



- 89 STATES** 81-100% Population Covered by NIBRS in 2021
- 7 STATES** 61-80% Population Covered by NIBRS in 2021
- 3 STATES** 41-60% Population Covered by NIBRS in 2021
- 3 STATES** 21-40% Population Covered by NIBRS in 2021
- 2 STATES** 0-20% Population Covered by NIBRS in 2021

* State has not yet reported committed agencies to the FBI

05-17-2019

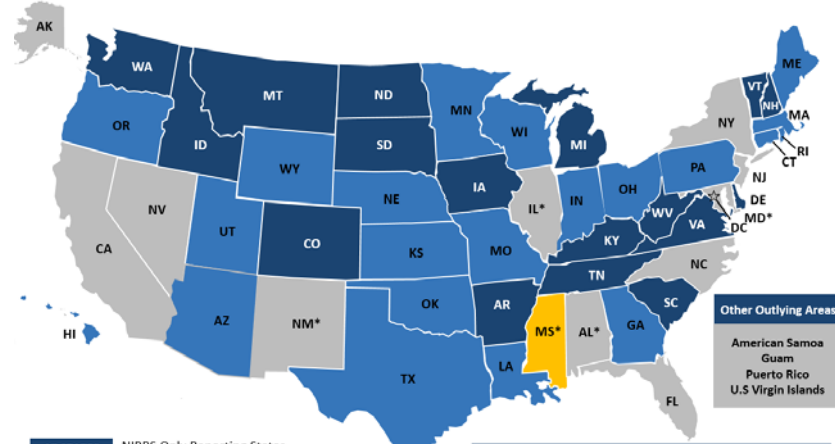


U.S. Department of Justice
 Federal Bureau of Investigation
 Science and Technology Branch
 Criminal Justice Information Services Division

NATIONAL INCIDENT-BASED REPORTING (NIBRS) PARTICIPATION STATUS
 Uniform Crime Reporting (UCR) Program - NIBRS Participation by State



May 2019

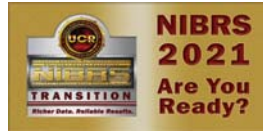


- 17 STATES** NIBRS Only Reporting States
- 21 STATES** Summary Reporting System (SRS)/NIBRS States
- 11 STATES** Developing NIBRS Capability at the State Level
- 1 STATE** Developing a NIBRS Capable State UCR Program

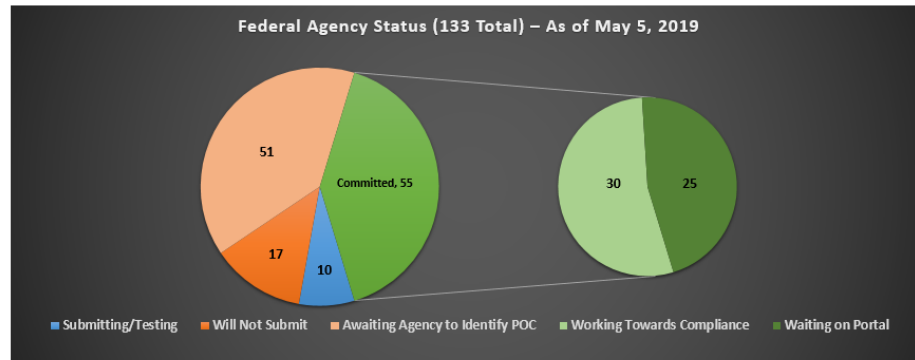
***NIBRS Direct Contributions**

- Alabama (1)
- Washington, DC (1)
- Illinois (1)
- Maryland (1)
- Mississippi (15)
- New Mexico (3)

Other Outlying Areas
 American Samoa
 Guam
 Puerto Rico
 U.S. Virgin Islands



Update on Federal Agencies



Update on Federal Agencies

- In 2017, 189 tribal agencies reported crime data to the UCR Program.
 - Submitted data via NIBRS: 11%
 - Submitted data via Summary Reporting System: 89%
- Dear Tribal Leader letter



Update on Colleges & Universities

- In 2017, approximately 740 universities and colleges reported crime data to the UCR Program.
 - Submitted data via NIBRS: 33%
 - Submitted data via Summary Reporting System: 67%
- Working with local agencies, state UCR Programs have identified nearly 200 universities and colleges committed to transition to NIBRS by 2021.
- Dear Colleague letter



Continuing Efforts

- Non-committed agencies
- NIBRS Transition Task Force
- Conferences/Meetings
- Marketing efforts
- Training



NIBRS Publications

Year	Month	Title	Source
2018	May	"Questions NIBRS Can Answer"	<i>CJIS Link</i>
2018	June	"The FBI's NIBRS Transition: Questions and Answers"	<i>The Police Chief</i>
2018	July	"Getting Ready for the NIBRS Transition"	<i>OnPolicing.org</i>
2018	August	"The New Rules of NIBRS: What County Law Enforcement Agencies Need to Know for the NIBRS Transition"	<i>Sheriff & Deputy</i>
2018	August	"Are You Ready? NIBRS for Large Cities"	<i>The Police Chief</i>
2018	October	"Are You Ready? How Texas is Moving to NIBRS"	<i>The Police Chief</i>
2018	October	"Operational Applications of NIBRS to Policing"	<i>The Police Chief</i>
2019	February	"Why Agencies Should Transition to NIBRS"	<i>CICC Five in 5</i>
2019	March	"The FBI's NIBRS Transition"	<i>Campus Law Enforcement Journal</i>
2019	April	"30 FAQs about NIBRS"	<i>CJIS Link</i>
2019	August	"How Urban Law Enforcement Can Benefit from NIBRS"	<i>CJIS Link</i>
2019	Sept./Oct.	"Benefits of NIBRS for Colleges and Universities"	<i>Campus Law Enforcement Journal</i>



Time Left to Transition to NIBRS:
18 months



APB Item #15
Chairman's Report on the Security and Access (SA)
Subcommittee

Brad Truitt, Chairman
June 2019 CJIS APB Meeting
Jacksonville, Florida



SA Issue #1 - Action Item Review

Purpose:

To provide an update on the CJIS ISO Program's fall 2018 action item to create a *CJIS Security Policy* roadmap and bring it before the Subcommittee for informational purposes.



SA Issue #1 - continued

Action Item Review

Subcommittee Action:

The SA Subcommittee endorsed the modernization of the *CJIS Security Policy* as described in this briefing; creating version 6.0 by December 2022.

- Create a CJIS Security Policy core group consisting of 4-6 members of the SA Subcommittee.
- Convene a Data Categorization Task Force to perform a formal categorization of criminal justice information by the fall 2019 SA Subcommittee meeting.



Accepted as Information Only

SA Issue #2 – Incident Response Best Practice Appendix to the *CJIS Security Policy*

SA Issue #3 – Secure Coding Best Practice Appendix to the *CJIS Security Policy*

SA Issue #4 – Fiscal Year 2018 Audit Results Summary

SA Issue #5 – Task Force Updates

SA Issue #6 – CJIS Information Security Officer Program Update



FBI Action Item

The ISO Program accepted an action item to obtain the FBI's interpretation of the changes made to *CJIS Security Policy*, Section 4.1 regarding the protection of CJI indirectly released into open judicial proceedings. Specifically, the ISO program will clarify the timeframe in which CJI remains under the protection of the courts after adjudication.



Ad Hoc Issues

These issues were presented to the Subcommittee for discussion and future topic paper development.

Issue #1: Mobile Device Management Compliance

Issue #2: Secure Web Protocols

Issue #3: Password Alignment with NIST



Ad Hoc Issues

These issues were presented to the Subcommittee for discussion and future topic paper development.

Issue #4: Auditing of Contractors

Issue #5: ISO Symposium

Issue #6: NIST, National Cybersecurity Center of Excellence (NCCoE) Discussion



Conclusion

Questions or Comments?



Tribal Task Force Update

Mr. William J. Denke, Task Force Chair
Federal Bureau of Investigation (FBI)
Criminal Justice Information Services (CJIS)
Advisory Policy Board APB Meeting
Jacksonville, FL
June 4-6, 2019



Tribal Task Force

- William Denke, Chief of Police, Sycuan Tribal Police Department; Tribal Task Force Chair
- Scott Desjaton, Director, Yavapai Prescott Tribal Police Department
- Chris Sutter, Chief of Police, Tulalip Tribal Police Department
- Ronnie Gilmore, Chief of Police, Miami Nation Police Department

- Kathryn M. Monfreda, Chief, Alaska Department of Public Safety
- Gene Thaxton, Director, Oklahoma Department of Public Safety
- Brian Wallace, Chief Civil Deputy, Marion County Sheriffs Office (OR)
- Timothy L. Chung, Lieutenant Colonel, Arizona Department of Public Safety

- Jason O'Neal, Deputy Associate Director, Bureau of Indian Affairs
- Marcia Good, Department of Justice (DOJ) Office of Tribal Justice
- M. Grant Permenter, FBI Indian Country Crimes Unit
- Scott A. Rago, FBI Global Law Enforcement Support Section



Accomplishments – First half of Fiscal Year 2019

- National Incident-Based Reporting System Conversion
- DOJ Tribal Access Program
- CJIS Division Tribal Engagement Program



Initiatives – Second half of Fiscal Year 2019

- Outreach Efforts
 - Onsite visits
 - FBI CJIS Division Tribal Video
 - Conference Presence
- Access Project
- NCIC Extradition Codes for Tribal Agencies
- Tree of Peace Ceremony



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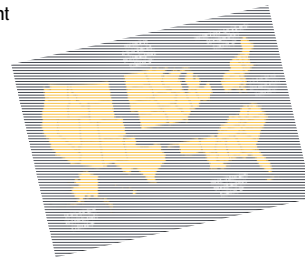
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Questions or Comments?



APB ITEM #19 CHAIRMAN'S REPORT ON THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) SUBCOMMITTEE

Lance Tyler
Vice Chair
NICS Subcommittee



NICS ISSUE #1 INFORMATIONAL

Old Action Items

Joint arrest scenarios between state and
federal agencies

State contact for missing disposition notice

Hierarchy of state courts document

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NICS ISSUE #2 INFORMATIONAL

Driver's License Numbers in the NGI System

Addition of the Driver's License Number to the
Next Generation Identification System

Fall APB paper tentatively scheduled

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NICS ISSUE #3 INFORMATIONAL

NICS Section Update on the U.S. Attorney General Directives and the Fix NICS Act of 2018

Actions Taken

Coordination and Support

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NICS ISSUE #4 ACTION TOPIC

Parsing of the “Also Known As” Information in a NICS Indices Entry During Query Denied Persons and Query NICS Protection Order Responses

Current response returned during the Query Denied Persons (QDP) and Query NICS Protection Order (QNP)

Benefits of alphabetic response

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NICS ISSUE #4 ACTION TOPIC

Option 1: Modification of the response

- a) Change the parsing of the AKA information in a NICS Indices entry to consistently return in an “up-and-down” alphabetic format when responding to a QDP and/or a QNP request
- b) Change the parsing of the AKA information in a NICS Indices entry to consistently return in a “side-by-side” alphabetic format when responding to a QDP and/or QNP request
- b) No change

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NICS ISSUE #4 ACTION TOPIC

The NICS Subcommittee recommends the following APB motion for the parsing of the “also known as” information in a NICS Indices Entry During Query Denied Persons and Query NICS Protection Order Responses:

Motion: To endorse Option 1a—Change the parsing of the AKA information in a NICS Indices entry to consistently return in an “up-and-down” alphabetic format when responding to a QDP and/or a QNP request

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CJIS APB Minutes - Acronyms Listing

AD	Assistant Director
AKA	Also Known As
APB	Advisory Policy Board
ASCLD	American Society of Crime Laboratory Directors
ASUCRP	Association of State Uniform Crime Reporting Programs
BSS	Biometric Services Section
CAU	CJIS Audit Unit
CCDBA	Child Care and Development Block Grant Act
CDC	Centers for Disease Control
CE	Compliance Evaluation
CIO	Chief Information Officer
CJI	Criminal Justice Information
CJIN	Criminal Justice Information Network
CJIS	Criminal Justice Information Services
CODIS	Combined DNA Index System
COTS	Commercial-off-the Shelf
CSO	CJIS System Officer
DAD	Deputy Assistant Director
DFO	Designated Federal Officer
DLN	Driver's License Number
DOJ	Department of Justice
EAD	Executive Assistant Director
EBTS	Electronic Biometric Transmission Specifications
FBI	Federal Bureau of Investigation
FDLE	Florida Department of Law Enforcement
GJXDM	Global Justice Data Model
IACP	International Association of Chiefs of Police
III	Interstate Identification Index
IS	Identification Services
ISO	Information Security Officer
IT	Information Technology
LEEP	Law Enforcement Enterprise Portal
MCSA	Major County Sheriffs of America
MDM	Mobile Device Management
MFC	Message Field Code
MOU	Memorandum of Understanding
N3G	NCIC Third Generation
NCCoE	National Cybersecurity Center of Excellence
NCHIP	National Criminal History Improvement Program
NCIC	National Crime Information Center
NCS-x	National Crime Statistics Exchange
N-DEx	National Data Exchange

NFF	National Fingerprint File
NGI	Next Generation Identification
NIBRS	National Incident-Based Reporting System
NICS	National Instant Criminal Background Check System
NIEM	National Information Exchange Model
NIST	National Identity Services
NIST	National Institute of Standards and Technology
Nlets	International Justice and Public Safety Network
NSA	National Sheriffs' Association
NSOR	National Sex Offender Registry
OLN	Operator's License Number
OMB	Office of Management and Budget
ORI	Originating Agency Identifier
PDF	Portable Document Format
PO	Program Office
POC	Point of Contact
QDP	Query Denied Person
QNP	Query NICS Protection Order
QXS	Query Sex Offender Message Key
R-DNA	Rapid Deoxyribonucleic Acid
RISC	Repository for Individuals of Special Concern
SA	Security and Access
SAC	Special Agent in Charge
SEARCH	National Consortium for Justice Information and Statistics
SRS	Summary Reporting System
STB	Science and Technology Branch
TAP	Tribal Access Program
TOTs	Type of Transactions
TPRS	Ten Print Rap Sheet
TTF	Tribal Task Force
TXDPS	Texas Department of Public Safety
UCN	Universal Control Number
UCR	Uniform Crime Reporting
ULF	Unsolved Latent File
UoF	Use of Force
XML	Extensible Markup Language