

California Law Enforcement Telecommunications System (CLETS)
Advisory Committee (CAC)
Meeting Minutes

August 12, 2014

California Highway Patrol Headquarters, Sacramento

Present: Chair: Sam Spiegel (California Peace Officers' Association)

Members: Marc Shaw (California Peace Officers' Association)
Scott Marshall (California State Sheriffs' Association)
Evert Palmer (League of California Cities)
Cuong Nguyen (Department of Justice)
Scott Howland (California Highway Patrol)
Frank Alvarez (Department of Motor Vehicles)
Karen Wong (California Office of Emergency Services)

Absent: Larry Spikes (California Association of Counties)
Cynthia Renaud (California Police Chiefs' Association)

CALL TO ORDER

Chair Spiegel called the meeting to order at 1 p.m.

ROLL CALL

CLETS Executive Secretary Keith Dann called roll; a quorum was present.

APPROVAL OF MINUTES

A motion was made to approve the minutes from the meeting of April 30, 2014.

Motion: Scott Marshall
Second: Cuong Nguyen
Discussion: None
Vote: Approved unanimously

CHAIR'S REPORT

Chair Spiegel welcomed new CAC members Frank Alvarez, representing the Department of Motor Vehicles (DMV), and Scott Howland, representing the California Highway Patrol (CHP), to the Committee and read biographies on both.

EXECUTIVE SECRETARY'S REPORT (CLETS Executive Secretary Keith Dann)

a. Action Item

1. Communication will be made with the California District Attorneys Association regarding the benefit of reporting dispositions.

Result: A letter from the CAC was sent on August 7, 2014.

b. CLETS System Misuse Statistics

Possible cases of CLETS misuse processed by the Department of Justice (DOJ) from April 2014 through July 2014:

- Journal search requests 54
- Total searches conducted 231
- Searches for possible misuse within own agency 103
- Searches for possible misuse within another agency 23
- Searches for other purposes 105

c. CLETS Traffic Statistics (April 2014 through July 2014)

	<u>Inbound</u>	<u>Outbound</u>
• Total messages	246,049,895	247,044,219
• Monthly average	82,016,632	82,348,073
• Peak day	3,212,208	3,225,576
• Peak hour	210,073	210,483
• Average day	2,703,845	2,714,772

LEGISLATIVE REPORT (Division of California Justice Information Services)

Division of California Justice Information Services Operations Support Program's Jaimie Tackett provided an update of two current CLETS related bills.

1. Assembly Bill (AB) 1960 – AB 1960 would require the director or clinician of a state hospital to obtain state criminal offender record information (CORI) for any patient committed to the Department of State Hospitals (DSH). The bill also would stipulate how the CORI would be used, how and when it shall be destroyed and would also allow CORI to be obtained through CLETS from the DSH's law enforcement personnel and other law enforcement personnel. Law enforcement would be mandated to cooperate with requests resulting from this bill and would be required to provide CORI in a timely manner.
2. AB 1511 – As written, AB 1511 would authorize the DOJ and local agencies, upon showing a compelling need, to provide state and local CORI to an animal control officer as defined in the bill.

CLETS Executive Secretary Keith Dann added that the authors of both bills and their offices contacted the DOJ so that all parties could work on language consistent with what currently exists for social workers operating in emergency relative child placement situations. The language for both AB 1960 and AB 1511 has been reviewed and poses no problems.

STANDING STRATEGIC PLANNING SUBCOMMITTEE (SSPS) UPDATE (Wendy Welenofsky)

The SSPS met before the CAC meeting to review the 2009 CLETS Strategic Plan goals and formulated the following recommendations to the CAC:

- Remove Goals 1, 2 and 5, which primarily are court and repository issues rather than CLETS issues.
- Reword Goal 3 in any future CLETS Strategic Plan to incorporate fingerprints into the traffic citation process.
- Reword Goal 4 to state further exploration by subcommittee members to address the 2009 CLETS Strategic Plan’s Goal 4 (failure to appear bench warrants) with SmartJustice and a fusion between Criminal Justice Information System databases and the Automated Criminal History System. Additionally, explore adding a global positioning system (GPS) data field to SmartJustice in an effort to capture and share GPS data on offenders statewide.
- Reword Goal 8 to state that representatives from the California Police Chiefs’ Association (CPCA), the California State Sheriffs’ Association (CSSA), the California Peace Officers’ Association (CPOA), the DOJ and the CAC or SSPS representatives will meet with the DMV Director to discuss:
 - a. Electronic, interstate exchange of drivers license and identification photos for law enforcement purposes; and
 - b. Facial recognition technology.

A motion was made to accept the SSPS recommendations.

Moved: Cuong Nguyen
Second: Evert Palmer
Discussion: None
Vote: Approved unanimously

UPGRADE APPLICATIONS APPROVED BY THE DOJ

The following six applications were not voted on and were presented as information only because they were previously approved by the DOJ:

- a. Clovis Police Department (Fresno County)
- b. Folsom Police Department (Sacramento County)
- c. Fort Bragg Police Department (Mendocino County)
- d. San Diego County Sheriff's Department (San Diego County)
- e. San Francisco County Sheriff's Department (San Francisco County)
- f. Santa Clara County Sheriff's Department (Santa Clara County)

NEW SERVICE APPLICATIONS CALENDAR (Chair Spiegel)

- a. **CN-01 – U.S. Department of Interior, Bureau of Indian Affairs (BIA), Office of Justice Services**

Chair Spiegel gave some background on the BIA CLETS application, which seeks CLETS access for the BIA's Special Law Enforcement Commissioned (SLEC) officers located at Sycuan and are responsible for the enforcement of applicable federal laws within the exterior boundaries of the Sycuan Indian Reservation and Sycuan property held in trust by the United States.

Chair Spiegel related the BIA CLETS application would authorize the Sycuan Tribal police, as BIA's SLEC officers, the ability when they stop a vehicle, for whatever reason and under whatever authority, access to information the same as any other peace officer in California. Chair Spiegel noted that whether CLETS access should be granted is subject to interpretation, as the CAC has received contrasting legal interpretations from the DOJ and the CSSA/CPCA/CPOA.

Chair Spiegel stated the CAC's role is ensuring the adherence to current law and safeguarding the CLETS and any of its derived information. He noted that at an August 8, 2014 meeting, attended by legal counsel from the DOJ, CSSA and CPOA, discussion ensued about finding guidance to ensure any police officer, that is not a Federal Officer or employed by a public agency, that is granted CLETS access would be held to the same standards as any other peace officer in California with similar access. From the August 8, 2014 meeting, the recommendation was made to amend the CLETS Policies, Practices and Procedures (PPP) so that the concerns surrounding California Peace Officers Standards and Training equivalency are met. Participants at the August 8, 2014 meeting agreed that the CAC, according to DOJ legal counsel, has the legal authority to amend the PPP to address these concerns. The ability to amend the PPP was further corroborated with a DOJ legal opinion provided to CAC members on August 11, 2014.

Chair Spiegel stated if a motion were made to advance such action, the amended PPP would be brought back to a September 16, 2014 CAC meeting, along with the BIA CLETS application. Chair Spiegel further stated, should the amended PPP be approved by the CAC at the September 16, 2014 CAC meeting, he's not aware of any lawful or

interpretive reason why CLETS access should not be granted to the BIA SLEC officers located at Sycuan.

BIA's Office of Justice Services' Director Darren Cruzan noted the agency's greatest concern is giving officers the tools they need to safely do their job, an issue that goes not only to the officers, but to the community, whether or not someone might live on the reservation or is passing through. The BIA's goal is to acquire CLETS access as quickly as possible for the officers who have the ability to secure the information.

Sycuan Tribal Police Department (PD) Chief Bill Denke stated in 2006, Sycuan Tribal PD was authorized to apply for SLEC authority, which provides its officers federal law authority while on the reservation. Chief Denke stated it is understood that sensitive law enforcement information needs to be protected and said that the integrity of the system is primary. At the same time, Chief Denke stated there are benefits when information can be shared, which goes beyond officer safety, further noting that informational sharing is also critical.

Additionally, Chair Spiegel suggested the following to be framed in a motion; that CSSA, CPOA and CPCA work with the DOJ's Government Law Section staff on PPP language, which would address the criteria for non-public agency and non-federal law enforcement police employees who would qualify for CLETS access. Secondly, that the amended PPP proposal and the BIA CLETS application be presented for approval at the September 16, 2014.

A motion was made to move the BIA CLETS application from the agenda to a CAC meeting to be held September 16, 2014.

Motion: Scott Marshall
Second: Mark Shaw
Discussion: None
Vote: Approved unanimously

A motion was made to amend the PPP to address categories not previously covered, those being non-public agency and non-federal agency law enforcement officers, to outline the criteria for these types of agencies requesting access to the CLETS and that the amended PPP be presented at the September 16, 2014 CAC meeting.

Motion: Cuong Nguyen
Second: Scott Marshall
Discussion: Note
Vote: Approved unanimously

San Diego Sheriff's Department's Captain Charles Cinnamo, attending on behalf of Sheriff William Gore, stated the BIA CLETS application wasn't just about seeking CLETS access for the SLEC officers located at the Sycuan, but about collaborative public safety as a whole.

Chair Spiegel said discussions have indicated the BIA SLEC officers located at the Sycuan are the gold standard in nationwide tribal policing and further noted, the CAC's desire is to ensure the proposal to amend the PPP is correct from its inception, that the integrity of the system be maintained and that the BIA SLEC officers located at Sycuan are granted access as soon as possible.

CLIENT REPORTS

The initial four agencies are compliant and will be removed from future agendas.

- a. Coronado Police Department
- b. CA Administrative Office of the Courts
- c. Solano County Sheriff's Department
- d. South Bay Regional Public Communications Authority

- e. Orange County Sheriff's Department
CLETS Administration Section (CAS) analyst Michelle Mitchell reported that a review of a 2013 CLETS New Service Application determined the agency was not compliant with password requirements for its downstream agencies. At the last CAC meeting, the client reported it had implemented its solution and has been compliant since January 2014. However, 11 of the 51 downstream agencies have not deployed the new version of the software, which would bring the agencies into compliance. Although the Orange County Sheriff's Department will be removed from future agendas, the 11 remaining agencies will be added to future CAC agendas until they meet password requirements.

- f. California Highway Patrol
CAS analyst Wendy Welenofsky reported that a review of the client's 2011 application determined the agency did not meet the personal firewall and auditing of successful/unsuccessful log-in attempts requirements. Additionally, a 2013 DOJ mail audit found the agency was not compliant with password requirements. CHP is requesting an extension until October 2014 to resolve the firewall requirement. A motion was made to grant the extension.

Motion:	Evert Palmer
Second:	Cuong Nguyen
Discussion:	None
Vote:	Approved unanimously

- g. Humboldt County Sheriff's Department
CAS analyst Wendy Welenofsky reported that a 2012 DOJ mail audit revealed the agency was noncompliant with password requirements. The issue will be resolved with the implementation of its new computer aided dispatch system. Compliance was expected by March 31, 2014; however, the Committee approved an extension until September 1, 2014 at the last CAC meeting and the agency is on track to meet this deadline.

MEMBER REPORTS

Karen Wong noted the California Office of Emergency Services' (OES) public town hall meetings, dedicated to the Nationwide Public Safety Broadband Network, continue in Bakersfield on August 13, Vacaville on September 24 and Santa Ana on September 30, 2014. The meetings can be viewed on OES' website.

Cuong Nguyen noted that the DOJ's SmartJustice integration is growing rapidly and invites all interested agencies to contact the DOJ. The CHP is presently working with the DOJ and Scott Howland shared his enthusiasm for working with the DOJ on SmartJustice.

CAC DISCUSSION/OPEN FORUM/PUBLIC COMMENT

No discussion or public comment.

NEXT CAC MEETING/ADJOURN

The next meeting will be held at 1 p.m. September 16, 2014, at the DOJ. The meeting was adjourned at 2 p.m.