



**National Crime Prevention and Privacy Compact
Compact Council Meeting
Orlando, Florida
May 18-19, 2011**

FINAL MINUTES

Ms. Liane M. Moriyama, Chairman, National Crime Prevention and Privacy Compact Council (Council), called the Council meeting to order at 9:00 a.m. on May 18, 2011, in Orlando, Florida.

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

State Compact Officers:

- Ms. Liane M. Moriyama, Hawaii Criminal Justice Data Center
- Ms. Carole Shelton, Maryland Department of Public Safety and Correctional Services
- Ms. Wendy L. Brinkley, North Carolina State Bureau of Investigation
- Ms. Julie A. LeTourneau Lackner, Minnesota Department of Public Safety
- Captain Timothy P. McGrail, Missouri State Highway Patrol
- Ms. Debbie McKinney, Oklahoma State Bureau of Investigation
- Ms. Dawn A. Peck, Idaho State Police
- Ms. Donna M. Uzzell, Florida Department of Law Enforcement
- Mr. Jeffrey R. Kellett, New Hampshire State Police

State/Local Noncriminal Justice Agency Representative:

- Mr. Robert M. Finlayson, III, Georgia Department of Community Health

State/Local Criminal Justice Agency Representative:

- Captain Thomas W. Turner, Virginia State Police

Federal Noncriminal Justice Agency Representative:

- Mr. William Marosy, Office of Personnel Management
Proxy for Ms. Kathy Dillaman

Federal Criminal Justice Agency Representative:

- Mr. Steven W. Cooper, Department of Homeland Security

Advisory Policy Board Representative:

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

Federal Bureau of Investigation:

- Mr. Daniel D. Roberts, FBI CJIS Division

Mr. Daniel D. Roberts introduced Tampa Supervisory Special Agent in Charge (SSAC) Ron Hopper and FBI Science and Technology Branch Executive Assistant Director (EAD) Louis Grever. SSAC Hopper welcomed the Council to Orlando, Florida. EAD Grever extended his appreciation to the work and service provided by the Council.

Other meeting attendees introduced themselves and the agencies they represented.

(Attachment 1)

In her opening comments, Chairman Moriyama recognized the seven new State Compact Officers (SCOs). She informed the Council of the New SCO Orientation that was held on May 17, 2011. Additionally, Chairman Moriyama acknowledged two recently appointed Council members, Mr. Michael Lesko and Ms. Carole Shelton. She welcomed and expressed her appreciation for Mr. William Marosy acting as a proxy for Ms. Kathy Dillaman, United States (U.S.) Office of Personnel Management (OPM), and for the participation of the guest speakers.

Chairman Moriyama advised the National File Fingerprint (NFF) SCOs to review the NFF statistical reports that were included in the meeting registration packets and address any questions to Ms. Paula Barron, FBI CJIS staff.

Chairman Moriyama reminded attendees that although a person may not be on the Council, he/she can still make an impact to the process by submitting a topic for discussion. The deadline for the fall committee meeting topic papers is June 2, 2011.

Next, Chairman Moriyama discussed the SCO Council elections. She noted that as of September 30, 2011, there will be five vacant SCO positions on the Council. The officers who have expiring terms are New Hampshire, Missouri, Oklahoma, Idaho, and Florida. She announced that nine nominations were received for the five vacant positions. Chairman Moriyama explained that each of the SCOs, in attendance, received election material and completed ballots are to be provided to the CJIS staff.

The ballots were counted and certified on May 19, 2011. The following SCOs were elected to serve on the Council for a two-year term and their names have been forwarded to the U.S. Attorney General for appointment:

- Ms. Terry Gibbons, Georgia Bureau of Investigation
- Mr. Jeffrey R. Kellett, New Hampshire Department of Safety
- Captain Timothy P. McGrail, Missouri State Highway Patrol
- Ms. Dawn A. Peck, Idaho State Police
- Ms. Donna M. Uzzell, Florida Department of Law Enforcement

In the event of a vacancy during the next year before the end of a term, the following individuals were elected as alternate State Compact Officers on the Council and their names were also forwarded to the U.S. Attorney General for appointment:

- First Alternate: Ms. Debbie McKinney, Oklahoma Information Services Division
- Second Alternate: Ms. Julie Butler, Nevada Department of Public Safety
- Third Alternate: Mr. Bradley Truitt, Tennessee Bureau of Investigation
- Fourth Alternate: Ms. Eleanor Cooperider, Montana Department of Justice

Topics provided as information only and not presented at the meeting included the NFF Quarterly Statistics, the Criminal History Record Information Sharing Project Update, an update on the Biometric Services Section (BSS) Newly Established Data Integrity Group (DIG), and the Integrated Automated Identification System (IAFIS) Status report.

The Council then finalized the draft minutes from the November 2010 meeting, voting no changes necessary to the draft.

Compact Council Action: Ms. Wendy L. Brinkley moved to approve the November 2010 minutes. Seconded by Ms. Donna M. Uzzell. Motion carried.

Agenda topics were then discussed.

Topic #1 Council Chairman's Report

Chairman Moriyama provided an update on the current Council initiatives. She discussed the importance of creating a national solution for background checks. Chairman Moriyama announced that Terry Gibbons, Georgia SCO, will chair the national background check system task force. This group is tasked with identifying potential short-term and long-term solutions revolving around delivering a national solution for noncriminal justice fingerprint-based background checks.

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

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

Mr. Daniel D. Roberts, FBI CJIS staff, provided an update on the CJIS Division. The presentation included updates on the National Criminal Information Center (NCIC), the National Instant Criminal Background Check System (NICS), the Law Enforcement National Data Exchange program, the Law Enforcement Online (LEO), the Uniform Crime Reporting (UCR), and the Law Enforcement Officers Killed and Assaulted programs. Mr. Roberts also provided information on the efforts and enhancements of such programs as the UCR Redevelopment Project, the Biometric Center of Excellence and its continuing efforts in the research of various biometric avenues such as rapid deoxyribonucleic acid (DNA), facial recognition/identification, and enhancing fingerprint technology, the Next Generation Identification (NGI) and its future capabilities to enhance identification services, and the Advanced Fingerprint Identification Technology (AFIT) which is the new system of record as of March 2, 2011. Additionally, Mr. Roberts discussed the proposed user fee rate change. He explained that the FBI fee study was completed and approved internally. The proposed fee changes are pending approval from the Department of Justice (DOJ) and Office of Management and Budget.

(Attachment 2)

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

Topic #3 The Standards and Policy Committee Report on NFF Implementation Plan Evaluation Actions

Ms. Paula A. Barron, FBI CJIS staff, provided a summary of the actions from the March 2011 Standards and Policy Committee meeting. She explained the information that might be included in a state's NFF implementation plan and discussed how a state would be evaluated in meeting the plan and what actions would occur if the state was not meeting its plan.

As background, she explained that during 2010, the Standards and Policy Committee began discussing the need for the non-NFF Compact states to develop NFF implementation plans. She described how the Compact legislation requires that the FBI participate in the NFF Program and also requires that each signatory state join the NFF Program, but noted that there is no timeline for states to participate in the NFF program. At the November 2010 Council meeting, the Council approved a motion related to the development of the NFF implementation plans.

Ms. Barron's presentation focused on the NFF implementation plan evaluation actions which included the following: 1) a non-NFF Compact state will create its own NFF implementation plan within one year of the effective date of Compact ratification and existing Compact states will develop a plan within one year of the November 2010

Council meeting; 2) written and/or oral annual reports will be provided to the CJIS staff for reporting to the Standards and Policy Committee on each state's progress against its own implementation plan; and, 3) when a state is not in compliance with its own plan, the Standards and Policy Committee may notify the Sanctions Committee. Ms. Barron confirmed that the intent was to forward to the Sanctions Committee for discussion when a non-NFF Compact state was non-responsive.

(Attachment 3)

Compact Council Action: CJIS Compact staff to prepare a report documenting the NFF implementation status for non-NFF Compact states required to have an action plan. This report will be presented at the September 2011 Standards and Policy Committee meeting.

Compact Council Action: The Compact Council Chair shall send a letter to all non-NFF Compact states reminding them of the November 2011 action plan deadline.

Topic #4 **The Standards and Policy Committee Report on Compact Language Review, Clarification of Article IV (c)**

Ms. Melody K. Ferrell, FBI CJIS staff, presented the Standards and Policy Committee's report on Compact Language Review, Clarification of Article IV (c). As background, the Florida Department of Law Enforcement (FDLE) initiated discussions with the FBI regarding the sharing of FBI-maintained criminal history record check results among various state agencies. Under the proposed initiative, criminal history record check results would be obtained pursuant to approved Public Law 92-544 statutes that authorize checks of persons providing care to individuals identified in the National Child Prevention Act/Volunteers for Children Act (NCPA/VCA) (children, elderly, and the disabled). The FDLE suggested that the FBI-maintained criminal history record information (CHRI) could be shared between various government agencies serving these vulnerable populations by categorizing the services being provided as a single "official purpose." Title 28, Code of Federal Regulations, Section 50.12, provides that records obtained from the FBI may only be used for "the purpose requested and cannot be disseminated outside the receiving departments, related agencies, or other authorized entities."

At the May 2011 Council Meeting, the Council provided input to the FBI on 1) Compact language relating to criminal history record checks of persons providing care for individuals, identified in the NCPA/VCA as a single "official purpose;" and 2) clarifying the term "new need" for purposes of sharing the FBI-maintained CHRI by or among multiple agencies performing background checks on these persons. The Council passed a long-term recommended solution that is to be presented to the FBI and the DOJ

for further evaluation. The recommended solution provides that the Council recognizes as one official purpose fingerprint-based record requests from agencies who screen for licensing or employment purposes, persons who provide care to children, the disabled or the elderly. The Council would not require a subsequent record check nor would the Council consider it a new need for a subsequent record check if an agency that screens persons for licensing and employment who provide care to children, the disabled, or the elderly, if certain conditions are in place (as noted in the Compact Council Action below). The FBI and the DOJ will provide the results of the legal evaluation at the next Council Meeting or the earliest meeting thereafter.

(Attachment 4 and 5)

Compact Council Action: Ms. Donna M. Uzzell moved to endorse the revised recommendation from the Standards and Policy Committee. The revised motion stated, “Consistent with the population Congress has authorized to be included under the National Child Protection Act, the Compact Council recognizes as one official purpose fingerprint-based record requests from agencies who screen for licensing or employment purposes, persons who provide care to children, the disabled or the elderly.

The Compact Council would not require a subsequent record check nor does the Council opine that it constitutes a new need for a subsequent record check if an agency who screens persons for licensing and employment who provide care to the children, the disabled, or elderly, if the following conditions are in place.

- A) The state assures that when criminal history records are shared, the identity of the individual being checked can be confirmed and verified by a biometric or a facial image that was connected to the original submission.**
- B) The agency must be participating in federal rap back and subsequent arrests and dispositions are reported back to the agency who licenses or screens for employment so appropriate actions can be taken.**
- C) The individual is provided adequate notice at the time of fingerprinting.**

The Compact Council respectfully requests that the FBI and DOJ consider these same standards for criminal history record checks submitted under Public Law 92-544 for the same population of individuals, if requested by the state.” Seconded by Ms. Carole Shelton. Motion carried.

Topic #5 Update on the Death Master File (DMF) Checks

Ms. Julia Ann Minnocci, FBI CJIS staff, discussed the Social Security Administration's (SSA's) DMF. As background, she explained that at the November 2010 Council meeting, discussion on the SSA DMF resulted in some questions about whether the file can be made available for download to the states and if the file can be used to run civil background checks.

Ms. Minnocci stated that the file can be made available for download; however, the cost is dependent upon the type of subscription and the number of queries. The DMF can be acquired through the U.S. Department of Commerce's National Technical Information Service (NTIS). She provided contact information for the NTIS.

Additionally, Ms. Minnocci informed the Council that during the June 2010 CJIS Advisory Policy Board (APB) meeting, the APB made a motion to pursue incorporating the DMF into the NCIC and generate a caveat for inquiries, entries, and modifications containing a Social Security Number that is associated with a deceased individual. The recommendation was approved by the FBI Director; therefore, the CJIS Division will research incorporating the DMF into the NCIC, and if successful, consider applying it to other CJIS systems, which would include conducting noncriminal justice background checks. She requested that the Council provide feedback or recommendations regarding noncriminal justice background checks.

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

Topic #6 Biometric Interoperability: Update on the Progress to Date

Ms. Lisa Weir, FBI CJIS staff, provided a brief summary on the recent progress achieved with biometric-based interoperability between the FBI CJIS Division, the Department of Homeland Security (DHS), and other federal and international agencies. She reported that the DHS Customs and Border Protection (CBP) are the primary processing lanes to the FBI CJIS Division. She explained that the DHS CBP is sending full search 10-prints to the Criminal Master File (CMF). As of May 8, 2011, there are 56.7 million 10-print submissions from primary processing lanes resulting in 576,000 positive identifications.

Ms. Weir also announced that on December 31, 2010, the pilot for a rapid research and response against full CMF for the primary inspection was deployed at the Detroit International Airport. In addition, the pilot was expanded to Houston and Dallas on April 4, 2011, and April 6, 2011, respectively, with expansion to Atlanta expected on May 18 or 19, 2011. She explained that the Department of State Office of Personnel Security and Suitability was deployed on September 27, 2010, and it was the first

noncriminal justice agency request approval for the Automated Biometric Identification System (IDENT) and IAFIS interoperability since the OPM.

Ms. Weir noted that the FBI CJIS Division and DHS will continue to bring on additional authorized criminal justice and noncriminal justice users through the IDENT/IAFIS Interoperability User Evaluation and Deployment Strategy, as well as continue to work with DHS/Immigration and Customs Enforcement to deploy the benefits of interoperability to additional local, state, tribal, and federal law enforcement.

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

**Topic #7 **Integrated Automated Fingerprint Identification System (IAFIS)
Purpose Code Enhancement Discussion****

Ms. Paula A. Barron, FBI CJIS staff, presented information on the pending IAFIS enhancement. She explained that the enhancement will utilize Interstate Identification Index (III) state records and the purpose codes which each III state currently supports. When this enhancement is in place, the applicant fingerprint contributing agencies will immediately have access to up to 34 states, the 14 current NFF states and 20 additional III states that all today support Purpose Code I. This is going to be an improvement to the applicant background check process because it is continually noted that the best, most complete, most accurate, most up to date record lies at the state level. Ms. Barron requested that the Council discuss the information provided and recommend next steps to the FBI Compact Officer.

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

**Topic #8 **The Standards and Policy Committee Report on The International
Justice and Public Safety Network (Nlets) and State Specific Rap Sheet
Rendering with Logical Entity Exchange Specifications (LEXS)****

Mr. Charles Schaeffer, Florida Department of Law Enforcement, provided information on a draft rap sheet using LEXS. He explained that LEXS allows for the combination of Nlets rap sheet content and state specific rap sheet content into one extensible markup language (XML) document with the ability to format/edit the final XML document. Mr. Schaeffer requested that the Council provide input as to whether it would support LEXS.

(Attachment 6)

Compact Council Action: Ms. Wendy L. Brinkley moved to endorse the Standards and Policy Committee's recommendation that the Council

not support the LEXS standard for criminal history use at this time. Seconded by Ms. Debbie McKinney. Motion carried.

Topic #9 Next Generation Identification (NGI) Program Update

Mr. John A. Traxler, FBI CJIS staff, provided an overview of the NGI Program and status updates on the CJIS Repository for Individuals of Special Concern (RISC) Pilot, incremental deployment, and trade studies.

Mr. Traxler presented a high-level depiction of the specific milestones with the NGI Program. He reiterated that the NGI Program is a \$1.2 billion dollar program which spans over ten years. That includes seven years of development and three years of operations and maintenance. He reported that increment 1 was successfully deployed in February 2011. Increments 2, 3, and 4 are in process. The trade study is underway for Increment 5.

Mr. Traxler further explained that Increment 1 contained a new fingerprint algorithm on the automated search side and that has increased the accuracy from 92 percent to 99.6 percent. In the first five days of operation, the new system, AFIT, identified about 910 candidates that the Automated Fingerprint Identification System missed. Increment 2 is preparing for deployment in October 2011. This will make the RISC available nationally. In addition, core infrastructure enhancements will be deployed to support future modalities within the program. Mr. Traxler announced that Increment 3 will include the introduction of palm prints, latent prints and rapid responses. The target deployment date is 2013. Increment 4 is in the process of early systems development and has a target baseline deliverable of mid to late summer of 2014. In addition to Rap Back, the remainder of the IAFIS processes will be found in Increment 4.

Mr. Traxler announced the next NGI User Conference will be held in August 2011 in Pittsburgh, Pennsylvania. Rap Back will be a topic for discussion.

(Attachment 7)

Compact Council Action: CJIS Division's NGI Program coordinating a future Rap Back Task Force meeting.

Topic #10 NGI Standards and Best Practices Techniques for Face Capture

Although the capabilities of the NGI IAFIS Interstate Photo System will not be available until 2014, Mr. Nicky J. Megna, FBI CJIS staff, provided an informational update regarding techniques for optimal capture of facial and scars/marks/tattoos photos to support image-based facial recognition and associated challenges. He explained that

the NGI will enhance mug shot enrollment and retrieval capabilities by providing the ability to search faces for investigative purposes.

To assist agencies with capturing quality facial images, Mr. Megna discussed the National Institute of Standards and Technology's best practices and provided a variety of available resources. Additionally, Mr. Megna offered agencies interested in purchasing image capture devices for capturing photos, the opportunity to work with the CJIS staff to ensure that the devices are meeting a Subject Acquisition Profile level that would be reasonable for capturing images.

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

Topic #11 The Standards and Policy Committee Report on Documenting Rules of Engagement

Ms. Melody K. Ferrell, FBI CJIS staff, provided the Council with discussion points and potential solutions to be considered for enhancing standardization and consistency of frequently asked questions, pertaining to issues governed by the Council. Ms. Ferrell provided as background, during the September 2010 Standards and Policy Committee meeting, the Committee discussed the need to document rules of engagement. Ms. Ferrell's presentation addressed the Committee's request for the CJIS Division staff to identify resources that would assist the states in uniformly implementing rules and procedures relating to issues governed by the Council.

Ms. Ferrell discussed the ideas generated at the Committee meeting and also a few innovative alternative suggestions. Some of the ideas included hosting Law Enforcement Online chat sessions in which topics would be presented by the states, identifying a previously addressed topic that has recently received multiple inquiries or generated significant interest and prepare a summary of the topic with a link to the appropriate CJIS Information Letter, and identifying and responding to a question of the month. The Council was requested to discuss the information and provide recommendations for consideration.

(Attachment 8)

Compact Council Action: CJIS Compact staff solicit, from Compact states, questions and answers, if known, pertaining to noncriminal justice purpose issues. The information received will be used to craft a topic paper on frequently asked questions to be vetted through the September 2011 Standards and Policy Committee meeting.

Topic #12 National Consortium for Justice Information and Statistics (SEARCH) Group Update

Mr. Ron Hawley, SEARCH, provided an update on the SEARCH activities. Mr. Hawley opened the presentation by discussing the operational piece of the work process that leads to the work that SEACH does in the area of public policy. He also discussed the recurring public policy themes relating to access to the CHRI and other databases, redundant background checks, and specific legislative activities that are currently in process.

(Attachment 9)

Compact Council Action: CJIS Compact staff will send copies of handouts to all SCOs not in attendance at the presentation.

Topic #13 National Biometric Challenge

Mr. James Loudermilk, FBI, discussed the operational needs for biometrics and the fundamental discovery and innovation necessary to support these needs. He explained the role of the Department of Justice's Biometric and Identity Management subcommittee of the National Science Technology Council and identified some of the members of the subcommittee. In addition, Mr. Loudermilk reviewed and provided the Council attendees with a copy of The National Biometrics Challenge Report.

(Attachment 10, 11, 12)

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

Topic #14 National Instant Criminal Background Check System (NICS) Pilot

This item was removed from the agenda.

Topic #15 Update on the Advisory Policy Board (APB) Disposition Task Force (DTF)

Mr. Travis L. Olson, FBI CJIS staff, provided an overview of the progress of the APB DTF and the expansion of its membership to include a Council representative. As background, Mr. Olson explained that the DTF began as a suggestion during an APB discussion regarding the disposition collection efforts of the CJIS Division's NICS Section. During the discussion, a need was identified to include the courts in relevant discussions regarding disposition improvement efforts as courts are predominately responsible for documenting and forwarding disposition information for inclusion in criminal history records. As a result, in the spring of 2009, the DTF was created to

discuss disposition improvement efforts that would include representatives from various court-related association/conferences.

Mr. Olson reported that the task force has had three meetings since its inception; the latest of which was in April 2011. The DTF is scheduled to meet again in Pittsburgh, Pennsylvania in August 2011. Additionally, he discussed the disposition rate calculation, funding opportunities for states, disposition education, and interim dispositions. Finally, Mr. Olson reviewed the goals of the DTF, which include developing strategies to improve the flow of disposition information with little or no funding, increasing/improving the electronic transfer of information from the courts to the state repositories, and educating decision makers on the importance of allocating resources for disposition improvement.

(Attachment 13 and 14)

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

Topic #16 Private Security Officer Employment Authorization Act (PSOEAA) Update

Ms. Julie A. LeTourneau Lackner, Minnesota Department of Public Safety; Captain Timothy P. McGrail, Missouri State Highway Patrol; and Mr. Karl Wilmes, Colorado Bureau of Investigation provided an update on recent developments with the PSOEAA.

As background, the PSOEAA of 2004 authorizes fingerprint-based background checks for private security officers. The Interim Final Rule to implement this federal law permitted an “alternative state” to process state and national background checks when a state does not have an established program. The Minnesota Bureau of Criminal Apprehension (BCA) was approached by the National Association of Security Companies and agreed to act as an alternate state under the authority of the PSOEAA.

In April 2009, the Minnesota BCA conducted a pilot program acting as an alternate state under the PSOEAA. Alabama, Colorado, Idaho, Kentucky, Missouri, Nebraska, and Wyoming did not have established programs and, as part of the pilot program, agreed to allow Minnesota to conduct the fingerprint-based checks for private security officer employers in their states. At the conclusion of the pilot program, Minnesota BCA elected to continue acting as an alternate state and process criminal history checks pursuant to the PSOEAA.

At the May 2011 Council Meeting, Ms. Lackner provided an update on the program. She reported that since November 2010, the Minnesota BCA processed 156 background checks. Of those backgrounded, 25 had criminal history records on file (a

16% hit rate), and one had a disqualifying offense. Since the inception of the program, Minnesota BCA has processed over 400 requests. Ms. Lackner noted that the following states are participating in the Minnesota BCA program, Mississippi, Nebraska, Kentucky, Idaho, Wyoming, and Alabama. Subsequent to Minnesota BCA's pilot program, a few states have implemented state programs, including Missouri and Colorado. Captain McGrail and Mr. Wilmes provided status updates on Missouri and Colorado's programs, respectively.

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

Topic #17 The Planning and Outreach Committee Report on the Discussion Points to be Considered When Drafting Brochures (Applicant and Agency) Documenting Information on Federal Privacy Rights of the Background Check Process

Mr. Drew M. Crislip, FBI Office of the General Counsel's Access Integrity Unit staff, presented the Planning and Outreach Committee's report on the discussion points to be considered when drafting agencies and applicants brochures which document information on federal privacy rights of the background check process. As background, at the September 2010 Planning and Outreach Committee Meeting, the CJIS staff provided an overview of the requirements of Title 28, Code of Federal Regulations, section 50.12 which outline applicant's rights in the background check process.

Mr. Crislip explained that the Council was asked to address the need for a baseline consistency in proper notice to applicants for licensing and employment purposes on how the applicant's CHRI should be corrected, when necessary. Part of that evaluation included when notice is provided, how it is provided, and how much time at a minimum should be permitted for the correction to be made. The Planning and Outreach Committee determined that the states' policies varied on how this information is provided to the applicants and the timeline for permitting corrections; therefore, the topic was referred back to the Council for further guidance.

The Council determined that the CJIS staff should prepare two "guiding principles" documents, one for the authorized hiring/licensing agency and one for the applicant. The documents may be used as a foundation for advising agencies of their obligations in the background check process and for notifying applicants of their rights. The draft documents are expected to be presented at the Fall 2011 Planning and Outreach Committee meeting for discussion.

Compact Council Action: Ms. Dawn A. Peck moved to endorse the Planning and Outreach Committee's recommendation for Ms. Roxanne Panarella to coordinate with the CJIS Compact staff to create documents for agencies and applicants that includes guiding

principles on ensuring the legal baseline language is in compliance with 28 CFR §§ 50.12 and 16.34. The documents will be vetted at the September 2011 Planning and Outreach Committee meeting. Seconded by Captain Thomas W. Turner. Motion carried.

Topic #18 Advisory Policy Board Update

Mr. Scott R. Trent, FBI CJIS staff, provided an update on the current APB initiatives. The briefing included the APB's motions on several topics of interest to the Council.

Mr. Trent reported that the APB met on December 8-9, 2010, in New Orleans, Louisiana. He announced that the June 2010 APB recommendations that were forwarded to the Director of the FBI were approved in February 2011. Included in those recommendations was the CJIS Security Policy 5.0 which would be relevant to the Council. Additionally, the 48 recommendations from the December 2010 meeting were also approved. Some of those recommendations included the biometric data extracts in which the CJIS Division would create a biometric sharing policy and evaluation board. The policy will steer each requestor toward a Shared Services solution, when viable. The APB endorsed the formation of a LEXS Governance Task Force in June 2010. In December 2010, the task force was solidified as the Joint LEXS Task Force (JLTF). The JLTF reports to the Information Sharing Subcommittee.

Next, Mr. Trent explained that the APB also endorsed the establishment of a DNA Sample Collection (DSC) Indicator, but only at the contributor(s) level. In addition, the APB approved that the National Vehicle Service which would allow the agency to compare its private License Plate Reader data against the NCIC stolen vehicle data that it receives. The APB moved to disseminate, as a mirror image, extracted the NCIC Vehicle Data to the VINLock for the purpose of alerting finance companies of stolen vehicles and locating stolen vehicles during the export process. This dissemination is approved for a 24-month pilot.

Finally, Mr. Trent discussed the changes contained in the CJIS Security Policy. He explained that the policy contains a transition plan which lists specific dates when the new and/or revised security policies will become mandatory. The dates listed within the transition plan were accepted by the APB in December 2010. Additionally, the APB approved the removal of the "FOR OFFICIAL USE ONLY" caveat from the CJIS Security Policy and to have the CJIS Division prepare draft Voice over Internet Protocol verbiage for potential inclusion in the CJIS Security Policy.

(Attachment 15)

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

Topic #19 Sanctions Committee Report

Ms. Julie A. LeTourneau Lackner, Sanctions Committee Chairman, addressed the Council with the Committee's report. The Sanctions Committee met on May 17, 2011. The Committee reviewed responses to the Sanctions' letters that were disseminated based on the review of audit findings during the spring 2011 meeting. The Committee approved the responses to the Sanctions letters, determined that six of the seven states, federally regulated agencies, and FBI-approved channelers would be sent a letter of closure. The one remaining federally regulated agency would receive a follow-up letter.

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

The Committee reviewed audit findings from five non-Compact, non-Memorandum of Understanding (MOU) states for appropriate actions. The recommendations were based on the following criteria: Non-Compact and non-MOU states are reviewed for violations of articles of the Compact to include III misuse and Compact rules. Based on these requirements, the Committee made the following recommendations: three states were recommended to receive a letter of recommendation and two states were recommended to receive a letter of concern and closure.

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

The Committee reviewed audit findings from six federally regulated agencies that were approved by the FBI Compact Officer to outsource noncriminal justice administrative functions to a third party for appropriate action. The Committee also reviewed the corrective action plans implemented by these agencies. Recommendations were based upon the requirements outlined in the Outsourcing Rule and the Security and Management Control Outsourcing Standard. Based on the criteria, the Committee made the following recommendations: one agency was recommended to receive a letter of concern and closure and five agencies were recommended to receive a letter of commendation and closure.

The Committee reviewed audit findings from two federally regulated agencies for appropriate action. The Committee also reviewed the corrective action plan implemented by the agencies. The recommendations were based on the following criteria: violations of articles of the Compact to include III misuse and Compact rules. Based on these requirements, the Committee made the following recommendation: two agencies were recommended to receive a letter of commendation and closure.

The Committee reviewed audit findings from four FBI-approved channelers for appropriate action. The Committee also reviewed the corrective action plans implemented by these agencies. Recommendations were based upon the requirements outlined in the Outsourcing Rule and the Security and Management Control Outsourcing Standard. Based on the criteria, the Committee made the following recommendations: three channelers were recommended to receive a letter of commendation and closure, and one channeler was recommended to receive a letter of concern and closure.

Compact Council Action: Ms. Julie A. Lackner moved that the Council accept the Sanctions Committee report. Seconded by Ms. Debbie McKinney. Motion carried.

Topic #20 The Planning and Outreach Committee Report on the Compact Council's Strategic Plan Update

Ms. Dawn A. Peck, Idaho State Police, discussed the Planning and Outreach Committee's recommended changes to the Council's Strategic Plan. She explained that the Committee reviewed and discussed the status of each goal, objective, and strategy. The Committee also reviewed all of the open action items associated with the second and third goals. As a result, it was determined that a majority of the goals, objectives, and strategies are still relevant and should remain unchanged. However, the committee recommended rewording Objective 2.1, removing Objective 2.2, and rewording Objective 2.3. Additionally, the Committee recommended substantial changes to the strategies associated with Objectives 2.1, 2.3, 3.1, and 3.2.

(Attachment 16)

Compact Council Action: Ms. Dawn A. Peck moved to endorse the changes to the Compact Council Strategic Plan. Seconded by Captain Thomas W. Turner. Motion carried.

Topic #21 Update on Centers for Medicare and Medicaid Services (CMS) Program

Mr. Martin Kennedy, CMS, provided an overview on the status of the CMS' National Background Check Program (NBCP), and, Mr. Mark R. Gritz, CNA Analysis and Solutions, discussed the technical assistance that the NBCP grantee states receive.

As background, Section 6201 of the Patient Protection and Affordable Care Act (PPACA), Public Law 111-148, requires the Secretary of the U.S. Department of Health and Human Services to establish a program for long-term care facilities and providers to conduct nationwide background checks on prospective direct patient access employees. The law requires long-term care facilities or providers to obtain state and national background checks on prospective employees, including a check of state abuse and neglect registries, and a state and national fingerprint-based background check. It also requires the state to describe and test methods for the development of a "rap back" capability for these employees.

Mr. Kennedy reported that the NBCP is part of the PPACA under Section 6201 and the program offers grants of up to \$3 million in federal funds to be matched by up to \$1 million in state funds for states and territories to enhance criminal background check programs. The states and territories participating in this grant program are responsible for monitoring compliance with the program and have procedures in place to conduct the criminal history background checks and designate a single state agency to oversee, among other things, the coordination of state and national fingerprint-based criminal history background checks of employees of long-term care facilities or providers, and privacy and security safeguards pertaining to the results of the background checks.

At the May 2011 Council Meeting, Mr. Kennedy announced that grants have been awarded to 10 states and the District of Columbia and applications were being processed for four additional states. The CMS released a third solicitation in April 2011. States and territories were encouraged to apply as the deadline was June 30th.

Additionally, the CMS has a technical support contract with a vendor to provide assistance to the grantee states and territories as requested and at no cost. Mr. Mark R. Gritz, of CNA Analysis and Solutions, discussed the role CNA plays in the grant process and the services that are offered to grantee states.

The CMS is tentatively scheduled to host its 2nd National Conference for grantee and interested states and territories on September 13-15, 2011, in Saint Louis, Missouri. The topics will include an update on rap back, program sustainability, and a brief presentation by a grantee state.

(Attachment 17 and 18)

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

Topic #22 Canadian Police Information Centre (CPIC) Update

In support of continued outreach efforts by the Council, Mr. Charles Walker, of the Royal Canadian Mounted Police (RCMP), presented information on the Canadian civil background screening for agencies and third party companies at the May 2011 Council meeting. As background, the CPIC is a computerized information system that provides all Canadian law enforcement agencies with information on crimes and criminals. The CPIC is operated by the RCMP under the stewardship of National Police Services, on behalf of the Canadian law enforcement community. The system is the Canadian equivalent of the FBI's NCIC file.

Mr. Walker presented an overview of the CPIC and Canada's civil background screening process. He reported that until November 2009, the background screening process was unregulated in Canada. Over the past 18 months, the RCMP has made significant progress in standardizing the process through the establishment of a Ministerial Directive and the efforts of the RCMP.

(Attachment 19)

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

Topic #23 Legislative Update

Mr. Danny R. Moyer, FBI Office of the General Counsel's Access Integrity Unit staff, provided an overview on the current legislative concerns that may significantly affect the noncriminal justice use of the III and the noncriminal justice user community. Mr. Moyer reported that two of the ten bills that were enacted by the 111th Congress dealt with the child safety pilot program. The Criminal History Background Checks Pilot Extension Act of 2010 (Public Law 111-341, formerly S3998) amends the Child Safety Pilot Program of the PROTECT Act by extending the previous extension of the pilot program an additional 12 months. In addition, he announced that the National Center for Missing and Exploited Children (NCMEC) would no longer process fingerprints for that organization as of April 1, 2011.

Mr. Moyer also discussed House Resolution (HR) 1690 which focuses on the modernization of documentation and elimination of redundant identification and security credentials. Additionally, the Federal Aviation Administration (FAA) has two parallel bills proposed for the 112th Congress. The HR 658, FAA Preauthorization and Reformation Act of 2011, now authorized the FAA to establish a process to conduct state and FBI fingerprint-based criminal history background checks of airman and in compliance with the National Crime Prevention and Privacy Compact of 1998. The FAA

Air Transportation Modernization and Safety Improvements Act, Senate 223, runs parallel with HR 658. The bill is being sponsored by Senator Rockefeller and would provide access to criminal history records, driver records, vehicle records, and other law enforcement records. It is important to note that this access would be similar to law enforcement access. The Passport Identity Verification Act is another bill before Congress. In this Act, the Department of State is requesting name-based access and would be treated like a criminal justice agency. Lastly, Mr. Moyer explained that as previously introduced in the 111th Congress as HR 1469, the Child Protection Improvements Act of 2011 requires the Attorney General to establish a criminal history review program to conduct national criminal history background checks for child-serving organizations.

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

Topic #24 Update on the Serve America Act

Mr. Allen W. Nash, FBI CJIS staff, provided a briefing on the Edward M. Kennedy Serve America Act (Act). As background, he explained that on April 21, 2009, Congress passed the Act. The Act re-authorizes and expands national service programs administered by the Corporation for National and Community Service and allows for criminal history record checks on individuals serving in such programs. In general, each entity selecting individuals to serve in a position in which individuals receive a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws, shall, subject to regulations and requirements established by the Corporation, conduct state or FBI criminal history checks for such individuals. Beginning in April 2011, national service organizations that work with vulnerable populations were required to conduct a state and fingerprint-based FBI criminal history check on covered individuals. At the time of the May 2011 Council meeting, the regulations were still under review by the Office of Management and Budget. Mr. Nash believes that the regulations should be published soon but he noted that there was no indication as to what requirements would be contained in the regulation. Additionally, Mr. Nash provided alternative protocols that can be recommended to these agencies during the interim.

The Act also requires the Attorney General to submit a final report to Congress which includes recommendations regarding conducting criminal history checks for participants under the national service laws. This report is currently being drafted by the CJIS Division staff and will include state input regarding appropriate recommendations. Mr. Nash reported that he is currently gathering information from the states to include in the report.

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

Topic #25 The Standards and Policy Committee Report on Issues Encountered by States When Migrating from Legacy State Rap Sheet Content to Extensible Markup Language (XML)

Mr. Travis L. Olson, FBI CJIS staff, presented information pertaining to state generated rap sheets displaying CHRI differently when migrating to XML rap sheets. This topic was provided as information to agencies migrating or already migrated to XML rap sheets so that agencies may review the rap sheets for any issues.

Mr. Olson explained that there are two major specifications that have been adopted and used by agencies. Those include the Global Justice XML (GJXDM) data model and the National Information Exchange Model. Currently, fourteen states and the FBI CJIS Division have implemented one of the versions of the Joint Task Force's (JTF's) XML Rap Sheet Specification. Two states implemented the XML Rap Sheet Specification in January and February 2011. At least eight other states plan to implement XML Rap Sheet Specification version 4.1 in 2011 and have planned for assessments by Nlets in 2011.

In September 2010, the JTF conducted a meeting at which personnel from the NICS Section provided information regarding CHRI missing from a state's rap sheet following the implementation of a version of the JTF's XML rap sheet specification. Mr. Olson noted that the JTF members agreed that these discrepancies were likely associated with the data mapping when converting from the legacy to the XML based rap sheet. He explained how the issues were placed in three categories and provided examples of each. The three categories included 1) the rap sheet was missing previously reported CHRI; 2) the rap sheets contained incomplete or incorrect CHRI or additional information that was not previously reported was included in the rap sheet; and 3) rap sheets were displaying caveats with no CHRI attached or the rap sheets were displaying CHRI inconsistently.

In summary, Mr. Olson explained that the CJIS Division is continuing to conduct a review and analysis of state rap sheet displays and will work with the states, the JTF, and Nlets in developing solutions for the states to display CHRI within the rap sheet in a consistent manner. Additionally, the Council was requested to endorse the CJIS Division's participation in the testing phase with the states and Nlets. Mr. Olson encouraged Council participants to provide examples they encounter to assist in the research and analysis efforts.

Compact Council Action: Ms. Wendy L. Brinkley moved that the Council endorse the CJIS Division's participation in the testing phase of converting sample rap sheets to XML format. Seconded by Captain Thomas W. Turner. Motion carried.

Topic #26 Update on the Criminal History Record Information Sharing (CHRIS) Project

Handout provided for information only.

Topic #27 Update on the Biometric Services Section (BSS) Newly Established Data Integrity Group (DIG)

Handout provided for information only.

Topic #28 IAFIS Status Report

Handout provided for information only.