



**National Crime Prevention and Privacy Compact  
Compact Council Meeting  
Louisville, Kentucky  
May 15-16, 2013**

**FINAL MINUTES**

Ms. Liane M. Moriyama, Chairman, National Crime Prevention and Privacy Compact (Compact) Council (Council), called the Council meeting to order at 9:00 a.m. on May 15, 2013, in Louisville, Kentucky.

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

**State Compact Officers:**

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

**State/Local Noncriminal Justice Agency Representative:**

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

**State/Local Criminal Justice Agency Representative:**

- Captain Thomas W. Turner, Virginia State Police

**Federal Noncriminal Justice Agency Representative:**

- Mr. William Marosy, Office of Personnel Management  
**Proxy for Mr. Merton W. Miller**

**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 Representative:**

- Mr. David Cuthbertson, FBI CJIS Division

Mr. David Cuthbertson introduced Special Agent in Charge (SAC) of the Louisville Field Office, Perrye K. Turner. SAC Turner welcomed the Council to Louisville, Kentucky.

Other meeting attendees introduced themselves and the agencies they represented.

**(Attachment 1)**

In her opening comments, Chairman Moriyama recognized Mr. David LeNoir, Georgia Department of Behavioral Health and Developmental Disabilities, as the Council's recently appointed State Noncriminal Justice Agency representative. In addition, she expressed her appreciation to the non-party state representatives attending the Council meeting. She acknowledged Lieutenant Colonel John W. Clawson, Indiana State Police; Captain John R. Carrico, Jr. and Lieutenant Todd Kidd, Kentucky State Police; and Ms. Jennifer Kirkpatrick, Nebraska State Patrol.

Next, Chairman Moriyama expressed her gratitude for the participation of the guest speakers. She recognized Mr. Larry Coffee, Florida Department of Law Enforcement (FDLE), as the guest speaker for the Standards and Policy (S&P) Committee Report on the Criminal Justice Information Services (CJIS) Security Policy's Impact on Noncriminal Justice Agencies; Ms. Kate Silhol as the guest speaker for the International Justice and Public Safety Network (Nlets) Update; Mr. Scott Came as the presenter for The National Consortium for Justice Information and Statistics (SEARCH) Update; and, Ms. Devon Adams as the speaker for the Bureau of Justice Statistics (BJS) Update.

Topics provided as information only were included in the meeting registration packets; however, they were not presented at the meeting. These topics included the National Fingerprint File (NFF) Quarterly Statistics, the Non-NFF Implementation Plans Status Update, the Biometric Interoperability Update, and the Integrated Automated Fingerprint Identification System (IAFIS) Status Report. Chairman Moriyama advised that questions relating to those topics should be addressed to the author of the staff paper.

Chairman Moriyama reported that the deadline for topic paper requests for the fall Committee meetings is June 5, 2013. Next, she discussed the State Compact Officer (SCO) Council elections. She noted that as of September 30, 2013, there will be five vacant SCO positions on the Council. The officers who have expiring terms are representatives from Florida, Georgia, Idaho, Missouri and New Hampshire. She announced that eight 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 15, 2013. The following SCOs were elected to serve on the Council for a two-year term and their names have been forwarded to the United States Attorney General (AG) for appointment:

- Ms. Terry Gibbons, Georgia Bureau of Investigation
- Mr. Jeffrey R. Kellett, New Hampshire State Police
- Major 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, the following individuals were elected as an alternate SCO on the Council and their names were also forwarded to the United States AG for appointment:

- First Alternate: Ms. Katie Bower, Michigan State Police
- Second Alternate: Ms. Julie Butler, Nevada Department of Public Safety
- Third Alternate: Ms. Patricia Whitfield, Oregon State Police

Lastly, Chairman Moriyama announced that the S&P Committee and the Planning and Outreach (P&O) Committee meetings are tentatively scheduled for September 18-19, 2013, in Raleigh, North Carolina. The Council meeting is tentatively scheduled for November 6-7, 2013, and the meeting location has yet to be determined.

The Council then finalized the draft minutes from the November 2012 meeting, approving them with no changes to the draft minutes.

**Compact Council Action: Captain Thomas Turner moved to approve the November 2012 minutes. Seconded by Ms. Dawn A. Peck. Motion carried.**

Agenda topics were then discussed.

## **Topic #1 Council Chairman's Report**

Chairman Moriyama provided an update on the current Council initiatives. She began with reporting the NFF and Compact party state progress. Chairman Moriyama announced that Missouri became the 17<sup>th</sup> NFF participating state on February 10, 2013, with Iowa scheduled to begin participation on June 2, 2013. She also reported that New York ratified the Compact on March 28, 2013, becoming the 30<sup>th</sup> Compact state. She congratulated Ms. Cindy Giammattei and Ms. Ann Roest of the New York State Division of Criminal Justice Services for all of their hard work and perseverance.

Next, Chairman Moriyama provided a few highlights on topics that will be further discussed during the meeting. She quickly recapped the Departmental Order (DO) noting that following the Council's direction at its November 2012 meeting, an interim work group was formed to discuss options to limit third-party dissemination of the DO results, specifically for licensing and employment and advised that an update will be provided in Topic #16 regarding the progress made to date. In addition, Chairman Moriyama briefly mentioned that Topic #15 relating to the discussion on methods to reduce the civil fingerprint submission reject rate will provide a more in-depth look at the results of the March 2013 discussion. She also touched upon Topic #7, the CJIS Security Policy (CSP) impact of Appendix J to the noncriminal justice community; Topic #12, the Rap Back Focus Group (Focus Group) Update; and, Topic #6, the Council's Strategic Plan.

During her report, Chairman Moriyama discussed the draft Next Generation Identification (NGI) Noncriminal Justice Rap Back Policy and Implementation Guide. She announced that the FDLE hosted a webinar on April 30, 2013, which provided a forum for Council members, the Focus Group, representatives from Compact states, Memorandum of Understanding (MOU) states, and federal agencies to comment and ask questions about the guide. Over 29 state and federal agency representatives, SEARCH, and FBI subject matter experts participated in the webinar. She thanked Mr. Charlie Schaeffer, FDLE, for leading the webinar discussion.

Chairman Moriyama also reported that the FDLE hosted a NFF Lessons Learned webinar on April 5, 2013. Presentations were provided by Ms. Julie Lackner of Minnesota and Mr. J.D. Reece and Mr. Howard Carter of Missouri. Each discussed lessons learned from their NFF implementation experiences. Chairman Moriyama emphasized that it was a great opportunity for non-NFF Compact states to hear firsthand about the practical benefits and changes required for NFF participation.

In closing, Chairman Moriyama acknowledged the power of partnership. She explained that no matter what our differences of opinions are on topics and issues, we are all committed to the same mission of protecting our vulnerable populations through the use of criminal justice information and all of the services that are available. With the growing number of NFF states and the records that are provided and maintained by the states, she emphasized the importance of the various partners in the process.

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

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

Mr. David Cuthbertson, FBI CJIS Division Assistant Director, provided an update of the CJIS Division's current initiatives. The presentation focused on activities, challenges, and successes at the CJIS Division. He discussed the various information sharing programs at the CJIS Division, such as 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) program, and the new Law Enforcement Enterprise Portal. In addition, Mr. Cuthbertson announced the successful deployment of the NGI Increment 3, the opening of the FBI Public Access Line as the central intake point through which the public may provide tip information about potential or ongoing crimes, and the success of the interoperability initiative with 50 states now fully interoperable with the FBI and the Department of Homeland Security (DHS) fingerprint identification systems.

**(Attachment 2)**

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

**Topic #3     Advisory Policy Board (APB) Update**

Captain Thomas W. Turner presented the APB update and provided an overview of items supported by the APB at its December 2012 meeting, as they relate to the Council. Included in these recommendations were motions relating to Rap Back. The APB moved that criminal justice agencies may only place criminal justice Rap Back subscriptions on persons under statutory or court ordered supervision or under authorized criminal justice investigations, under the direction of the submitting agency's policy. Specific to the use of Rap Back for authorized criminal justice investigations, criminal justice agencies can place criminal justice Rap Back subscriptions on an NGI Identity if they would be authorized under current policy to run a Query History/Query Record inquiry on the person at present and for the anticipated term of the subscription. In addition, the APB recommended that the criminal justice Rap Back subscriptions include an expiration date; one-year maximum expiration date for criminal justice investigative subscriptions and a five-year maximum expiration date for criminal justice supervision subscriptions. The recommendation included specific instructions if the subscription was not populated by the submitter.

Next, Captain Turner discussed recommendations relating to Security and Access (SA). He explained that version 4.5 and earlier versions of the CJIS Security Policy were concerned with the protection of criminal history record information (CHRI) whereas version 5.0, approved in February 2011, introduced a new term called Criminal Justice Information (CJI). The term CJI was defined and approved by the APB in December 2010 as part of version 5.0 of the CSP. Since that time the APB has identified the need to alter the definition of CJI. As such, the APB recommended the following type of data be exempted from the protection levels required for CJI: transaction control type numbers when not accompanied by information that reveals CJI or Personally Identifiable Information.

In closing, Captain Turner provided a list of upcoming topics that will be presented during the June meeting. Topics include the possible addition of new religion and ethnicity categories to the Uniform Crime Reporting Hate Crime; a proposal to expand the NCIC Protection Order File criteria for entry to include Military Protective Orders; the CSP Advanced Authentication (AA) exemption for police vehicles; use of compensating controls for AA compliance when using agency issued and controlled smartphones; and expanded use of the NICS to allow law enforcement agencies to conduct NICS checks prior to hiring officers who will carry a firearm. Captain Turner also announced that the spring APB meeting will be held from June 5-6, 2013, in Portsmouth, Virginia, the fall 2013 Working Group meetings (to include an NGI plenary session) are tentatively scheduled for August 12-14, 2013, with the location to be determined, the Subcommittees will tentatively meet on October 8-10, 2013, with the location to be determined, and the fall APB meeting is tentatively scheduled for December 4-5, 2013.

**(Attachment 3)**

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

**Topic #4     **The Planning and Outreach Committee Report on the Online Policy Resource for the Noncriminal Justice Use of FBI CHRI****

Ms. Anissa C. Drabish, FBI CJIS staff, presented the proposal for an online policy resource for the noncriminal justice use of CHRI. She explained the evolution of the concept, stating that the National Criminal History Record Information Audit Guide (Audit Guide) was published by the Compact Council for use as a resource for establishing an audit program for noncriminal justice agencies. She further explained that while the Audit Guide provided a good resource for creating an audit program, states and federal agencies expressed that more of the questions they receive are policy-based. In response, the CJIS Audit Unit (CAU) and the Compact Team developed the concept for the online policy resource.

Ms. Drabish explained that the resource would centralize significant policies and supporting resources into one location on the Council's LEO Special Interest Group and the information could easily be updated as it develops or changes. Examples of policies that may be found in the online library include applicant notification and record challenge, Purpose Code X, and the Adam Walsh Child Protection and Safety Act.

Next, Ms. Drabish provided a high-level visual presentation of the proposed online policy resource. She guided the audience through an example using Purpose Code X and described each of the sections (e.g., the policy requirement section, the discussion section, and references.) The Council discussed the information and provided input regarding the proposed direction and content of the online policy resource.

**(Attachment 4)**

**Compact Council Action: Ms. Dawn A. Peck moved to endorse the development of the Online Policy Resource with the plan that as future topics are developed by staff and approved by the CJIS Division, each will be presented to the P&O Committee for approval. Seconded by Ms. Donna Uzzell. Motion carried.**

**Topic #5      The Planning and Outreach Committee Report on the Compact Ratification Strategies**

Ms. Paula A. Barron, FBI CJIS staff, provided the Council with the results of the P&O Committee's March 2013 discussion on Compact ratification strategies. As background, she reported that the Council, during its November 2012 meeting, directed the Compact Team staff to assess specific strategies that could be used in assisting states that are working toward Compact ratification. Ms. Barron presented the strategies to the Council for discussion.

The strategies included, but were not limited to, directing the Compact Team to develop a presentation and assemble reference materials focusing on Compact ratification as well as an overview of the Council into a package to be used by the SCOs when speaking with non-party and MOU state representatives; include non-party and MOU state representatives in the external invitation list provided to the CJIS Training and Advisory Process Unit when Council and Committee meetings are located in or near that state; and, to provide copies of the MOUs to the Council Chair for distribution at the July 2013 SEARCH Meeting in Sacramento, California.

Based on the discussion, the Council endorsed the P&O Committee's suggestions and recommendations regarding the ratification strategies.

**(Attachment 5)**

**Compact Council Action: Ms. Wendy Brinkley moved to endorse the suggestions and recommendations from the P&O Committee regarding the ratification strategies. Seconded by Captain Thomas Turner. Motion carried.**

**Topic #6      Compact Council Strategic Plan Update**

Ms. Anissa C. Drabish, FBI CJIS staff, presented the P&O Committee's proposed revisions to the Council's Strategic Plan. She advised that at its March 2013 meeting, the P&O Committee reviewed and discussed the goals, objectives, and strategic actions. In addition, the P&O Committee assigned performance measurements for each of the

objectives, review periods, responsible parties, and taskings. The P&O Committee also discussed the status of each of the strategic actions and assigned color codes for the scorecard.

Based on the P&O Committee's review, Ms. Drabish presented to the Council proposed revisions to the goals, objectives, and strategic actions. In addition, she provided a sneak peak of the scorecard. The Council discussed the information and made a motion to accept the Strategic Plan as presented.

**(Attachment 6, 7, 8, and 9)**

**Compact Council Action: Ms. Dawn A. Peck moved to accept the revisions to the Strategic Plan as presented in Handout #1. Seconded by Ms. Terry Gibbons. Motion carried.**

**Topic #7     **The Standards and Policy Committee Report on the Criminal Justice Information Services (CJIS) Security Policy****

**(A) CJIS Security Policy Impact on Noncriminal Justice Agencies**

Chairman Moriyama prefaced the presentation by acknowledging the partnership between the FDLE and the Council and expressed her appreciation for the opportunity to have Mr. Charlie Schaeffer added to the APB's SA Subcommittee as the Council's representative. She also thanked Mr. Larry Coffee, CJIS Information Security Officer (ISO) for the FDLE, for his leadership and willingness to work with the Council on the SA Subcommittee.

Next, Mr. Coffee presented the current requirements in the CSP as it pertains to noncriminal justice entities. He discussed the requirements of Appendix J such as, but not limited to, the designation of a Local Agency Security Officer to serve as the agency's point of contact, the development and implementation of user agreements with the State Identification Bureau (SIB), security awareness training for all users, a security incident response program, and a formal audit program.

Mr. Coffee also noted areas of concern with the requirements. Some of the areas include the secondary dissemination log, audit logs, encryption of files and/or folders containing CJI/CHRI, and AA. In the area of AA, Mr. Coffee discussed controlled area versus physically secure location. He concluded his presentation by asking a series of questions to determine how the policy should be implemented for noncriminal justice entities.

As Mr. Schaeffer is the Council's representative on the APB's SA Subcommittee, he provided an update of the Subcommittee's recent activity. Regarding the delay of the

audits of Appendix J requirements, the SA Subcommittee passed a motion to indefinitely delay the audits for the new requirements of the CSP Appendix J with regards to noncriminal justice agencies until the issues with the new requirements are addressed by the Council and the APB. Further the motion is for the APB's SA Subcommittee and the Council's S&P Committee to meet and determine recommendations to the Council and the APB prior to the winter APB & Council meetings. He also presented the SA Subcommittee recommendation on a tiered approach to the CSP requirements and two ad hoc motions relating to modifying language in sections 5.10.1.2 (3) and 5.6.2.2.1. The Council discussed and endorsed the SA Subcommittee motions.

Lastly, Mr. George White, FBI CJIS ISO, provided the ISO Program Update. He announced that the CSP version 5.1 is available and version 5.2 will be released in July. He advised that over the past year the ISO Office trained approximately 800 individuals; welcomed 14 new ISOs; performed several Law Enforcement Information Exchange and COPLINK evaluations; conducted an independent analysis of the CSP versus Cloud Computing; began a concerted effort in mobile device security and its relationship to compensating controls; and posted the CSP on the fbi.gov website.

**(Attachment 10)**

**Compact Council Action: Ms. Wendy Brinkley moved to endorse the Advisory Policy Board's (APB) Security and Access (SA) Subcommittee action (based on the March 2013 Standards and Policy (S&P) Committee motion) to "Indefinitely delay the audits for the new requirements of the CJIS Security Policy Appendix J with regards to non-criminal justice agencies until the issues with the new requirements are addressed by the Compact Council and the APB. Further the motion is for the SA Subcommittee and CC Standards and Policy Committee to meet and determine recommendations to the CC and [the] APB prior to the winter APB & CC meetings." Seconded by Ms. Dawn A. Peck. Motion carried.**

**Compact Council Action: Ms. Donna Uzzell moved to direct the Council's representative on the APB SA Subcommittee to support Motion #1 from the April 2013 SA Subcommittee meeting endorsing the risk-based assessment to protecting data and apply it to all CJIS systems, including the noncriminal justice arena. In addition, the use of the risk-based assessment approach in Motion #1 is at the discretion of the CSO and/or (in cases of bifurcated states) the SIB Chief. Seconded by Ms. Wendy Brinkley. Motion carried.**

**Compact Council Action: Ms. Donna Uzzell moved to support the SA Subcommittee action to "Modify section 5.10.1.2 (3): At the conclusion**

of the 1<sup>st</sup> sentence add the following language: Passwords used for file encryption shall (a) be at least 10 characters (b) not be a dictionary word or proper name (c) include at least 1 upper alpha, 1 lower alpha, 1 number and 1 special character (d) multiple documents maintained in the same unencrypted folder shall have a separate and distinct password (e) a single password may be used to encrypt an entire folder, audit logging applies (see section 5.4.1).” Seconded by Captain Thomas Turner. Motion carried.

**Compact Council Action:** Ms. Debbie McKinney moved to support the SA Subcommittee motion to move the following action to the Joint SA Subcommittee & CC S&P Committee Working Group:

“Modify 5.6.2.2.1. Insert a new paragraph immediately following paragraph 1. New paragraph reads as follows: Advanced Authentication is not required for access to CJI stored on a system without direct access to the CSA, SIB, or national repositories. All other applicable protections articulated in the CSP are applied.”

Seconded by Mr. David LeNoir. Motion carried.

## **(B) Outsourcing Standard Alignment with CJIS Security Policy**

In order to align the Council’s Outsourcing Standards with the CSP, Ms. Riley J. Davis, FBI CJIS staff, presented the proposed changes to the Council for consideration. The recommendations are listed below.

### **Recommendation #1**

The reference in Article I(2)(B) is inaccurate as it only relates to party states of the Compact. The additional language is to coordinate the terms and definitions in both documents [Outsourcing Standard for Channelers and the CJIS Security Policy] where the function(s) being performed is the same.

**Compact Council Action:** Mr. Steven Cooper moved to endorse recommendation #1. The suggested language for Section 1.04 of the Outsourcing Standard for Channelers is noted below (additions are in *bold italics*):

“~~Chief Administrator, as referred to in Article I(2)(B) of the Compact,~~ means the primary administrator of a Nonparty State’s criminal history record repository or a designee of such administrator who is a regular full-time employee of the repository, *which is also referred to as the State Identification Bureau (SIB) Chief.*”

Seconded by Mr. William Marosy. Motion carried.

**Recommendation #2**

The reason for the suggested changes is to ensure consistency between the Outsourcing Standard for Channelers and the CJIS Security Policy.

**Compact Council Action:** Mr. David LeNoir moved to endorse recommendation #2. The suggested language for Section 1.15 of the Outsourcing Standard for Channelers is noted below (additions are in *bold italics*):

***“Outsourcing Standard means a document approved by the Compact Council after consultation with the United States Attorney General which is to be incorporated by reference into a contract between an Authorized Recipient and a Contractor. ~~The~~This Outsourcing Standard authorizes access to CHRI for noncriminal justice purposes, limits the use of the information to the purposes for which it is provided, prohibits retention and/or dissemination except as specifically authorized, ensures the security and confidentiality of the information, provides for audits and sanctions, provides conditions for termination of the contract, and contains such other provisions as the Compact Council may require.”***

Seconded by Mr. William Marosy. Motion carried.

**Recommendation #3**

The reason for the suggested changes to the Outsourcing Standard for Channelers is to provide the same specifics as provided in the CJIS Security Policy.

**Compact Council Action:** Mr. Steven Cooper moved to endorse recommendation #3. The suggested language for Section 1.16 of the Outsourcing Standard for Channelers is noted below (additions are in *bold italics*):

***“Physically Secure Location means a ~~location where access to CHRI can be obtained, and adequate protection is provided to prevent any unauthorized access to CHRI.~~ facility or an area, a room, or a group of rooms, within a facility with both the physical and personnel security controls sufficient to protect CHRI and associated information systems.”***

Seconded by Mr. William Marosy. Motion carried.

#### **Recommendation #4**

No motion needed as no changes were made.

#### **Recommendation #5**

Although this requirement is also stated in Section 5.05 of the Outsourcing Standard for Channelers, this change would reiterate the requirements outlined in the CJIS Security Policy.

**Compact Council Action: Mr. Steven Cooper moved to endorse recommendation #5. The suggested language for Section 3.09 of the Outsourcing Standard for Channelers is noted below (additions are in *bold italics*):**

***“The Contractor shall maintain a log of any dissemination of CHRI, for a minimum of 365 days.”***

**Seconded by Mr. William Marosy. Motion carried.**

#### **Recommendation #6**

The recommendation is to add Section 4.03 to the Outsourcing Standard for Channelers to reflect the Contractor’s responsibility to reiterate the requirement regarding penetration testing. This recommendation aligns with the CJIS Security Policy.

**Compact Council Action: Captain Thomas Turner moved to endorse recommendation #6. The suggested language for the addition of Section 4.03 of the Outsourcing Standard for Channelers is noted below (additions are in *bold italics*):**

***“4.03 Any Contractor with direct access to CHRI shall allow the FBI to conduct periodic penetration testing.”***

**Seconded by Ms. Dawn A. Peck. Motion carried.**

#### **Recommendation #7**

The reference in Article I(2)(B) is inaccurate as it only relates to party states of the Compact. The additional language is to coordinate the terms and definitions in both documents [Outsourcing Standard for Non-Channelers and the CJIS Security Policy] where the function(s) being performed is the same.

**Compact Council Action: Ms. Terry Gibbons moved to endorse recommendation #7. The suggested language for Section 1.03 of the Outsourcing Standard for Non-Channelers is noted below (additions are in *bold italics*):**

~~“Chief Administrator, as referred to in Article I(2)(B) of the Compact,~~ means the primary administrator of a Nonparty State’s criminal history record repository or a designee of such administrator who is a regular full-time employee of the repository, *which is also referred to as the State Identification Bureau (SIB) Chief.*”

Seconded by Ms. Debbie McKinney. Motion carried.

### **Recommendation #8**

The reason for the suggested changes is to ensure consistency between the Outsourcing Standard for Non-Channelers and the CJIS Security Policy.

**Compact Council Action:** Ms. Wendy Brinkley moved to endorse recommendation #8. The suggested language for Section 1.11 of the Outsourcing Standard for Non-Channelers is noted below (additions are in *bold italics*):

*“Outsourcing Standard* means a document approved by the Compact Council after consultation with the United States Attorney General which is to be incorporated by reference into a contract between an Authorized Recipient and a Contractor. ~~The~~*This* Outsourcing Standard authorizes access to CHRI *for noncriminal justice purposes*, limits the use of the information to the purposes for which it is provided, prohibits retention and/or dissemination except as specifically authorized, ensures the security and confidentiality of the information, provides for audits and sanctions, provides conditions for termination of the contract, and contains such other provisions as the Compact Council may require.”

Seconded by Ms. Dawn A. Peck. Motion carried.

### **Recommendation #9**

No motion needed as no changes were made.

### **Recommendation #10**

Although this requirement is also stated in Section 5.02 of the Outsourcing Standard for Non-Channelers, this change would reiterate the requirements outlined in the CJIS Security Policy.

**Compact Council Action:** Mr. William Marosy moved to endorse recommendation #10. The suggested language for Section 3.08 of the Outsourcing Standard for Non-Channelers is noted below (additions are in *bold italics*):

**“The Contractor shall maintain a log of any dissemination of CHRI, for a minimum of 365 days.”**

Seconded by Mr. Mike Lesko. Motion carried.

### **Recommendation #11**

The reason for the suggested changes is to provide the same specifics as provided in the CJIS Security Policy.

**Compact Council Action: Ms. Dawn A. Peck moved to endorse recommendation #11. The suggested language for Section 1.12 of the Outsourcing Standard for Non-Channelers is noted below (additions are in *bold italics*):**

***“Physically Secure Location means a ~~location where access to CHRI can be obtained, and adequate protection is provided to prevent any unauthorized access to CHRI.~~ facility or an area, a room, or a group of rooms, within a facility with both the physical and personnel security controls sufficient to protect CHRI and associated information systems.”***

Seconded by Ms. Wendy Brinkley. Motion carried.

(Attachment 11)

### **Topic #8    The International Justice and Public Safety Network (Nlets) Update**

Ms. Kate Silhol, Nlets staff, provided an overview of current initiatives and an update on the Criminal History Information Exchange Format (CHIEF) and Criminal History Record Information Sharing (CHRIS) projects. She opened the presentation with an update on the CHIEF project. As background, the CHIEF project began in the mid-1990's with the focus of developing a method to tag information in a standard way for court dispositions. As a result, the Joint Task Force on Rapsheet Standardization was created and developed this tagged specification. Over the years, the CHIEF project migrated from the Interstate Criminal History Transmission Specification (rapsheet) to a Version 4.1 which is based on the National Information Exchange Model and the eXtensible Markup Language (XML). She advised that 23 states, the District of Columbia, and the FBI are all sending some version of the rap sheets. She also noted that there are a number of states that are in progress to implement version 4.1. Ms. Silhol specifically pointed out that as states are moving toward XML, the CHIEF project staff has been communicating with NICS and NICS is now a participant in the User Acceptance Testing prior to a state cutting over.

In addition, Ms. Silhol provided a brief update on the CHRIS project. As background, the project was designed to improve the BJS' ability to conduct national recidivism studies and other criminal history record research by utilizing XML to parse out specific data elements. Lastly, she discussed the role Nlets plays in providing funding assistance to states and federal members and discussed the Brodie Assistance Fund and the Nlets grant process.

**(Attachment 12)**

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

**Topic #9 Compact Article IV Update**

Mr. Thomas G. Aldridge, FBI Office of the General Counsel (OGC) Access Integrity Unit (AIU), provided an update regarding Compact Article IV. As background, he explained that the Council made a motion at its May 2011 meeting that "consistent with the population included under the National Child Protection Act, the Council requested that the FBI and the Department of Justice (DOJ) consider as one official purpose fingerprint-based record requests from agencies that 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 specific conditions are in place." He further explained that those conditions include identity verification by a biometric/facial image connected to the original submission, the agency's participation in the federal Rap Back program, and the agency must provide an adequate privacy notice to the applicant at the time of initial fingerprinting. Mr. Aldridge advised that the FBI's OGC's AIU and the DOJ had no legal objection to the proposal providing the above conditions were met.

During the presentation, Mr. Aldridge briefed the Council regarding the March 2013 S&P Committee meeting discussion. He also presented the final prerequisites and procedural requirements for implementation of the Council's May 2011 motion relating to Article IV of the Compact. The Council discussed the requirements and recommended that the language in Action Item #5 of the Staff Paper be amended to read (additions noted in ***bold italics***), "The SIB or ~~SIB's designee(s)~~ ***agency authorized by the SIB*** must disseminate CHRI to the local entity for a subsequent use. The SIB must ensure that the most current information is made available to the entity." In addition, the Council recommended that the language in Attachment #1 of the Staff Paper, specifically under the Procedural Requirements, item 2 (a) be amended to read (additions are noted in ***bold italics***), "The use must be supported by an Access Integrity Unit (AIU) approved Pub. L. 92-544 state statute(***s***) protecting the vulnerable population." The AIU agreed to the recommendations and the Council endorsed the

prerequisites and procedural requirements including those minor changes that were noted above.

**(Attachment 13 and 14)**

**Compact Council Action: Ms. Donna Uzzell moved to endorse, with the few minor changes that were made during the topic discussion, the Prerequisites and Procedural Requirements as presented in Attachment #1 of the Staff Paper. Seconded by Captain Thomas Turner. Motion carried.**

**Topic #10 Revised Privacy Act Statement for Applicants/Licensees and Other Civil Submitters of Fingerprints**

Due to the planned implementation of the NGI Rap Back, a revised Privacy Act statement is recommended to provide clear and complete notice to the applicants/licensees and other civil submitters of fingerprints. Ms. Roxane Panarella, FBI OGC Privacy and Civil Liberties Unit (PCLU), presented the draft statement.

While the current Privacy Act Statement is legally sufficient for the changes that have occurred under the NGI, Ms. Panarella advised that the revised statement will ensure that an individual knows how his/her information will be retained and searched. She further explained that the Privacy Act requires that persons be informed of the authority, purposes, and uses related to their information. In addition, Ms. Panarella reminded the Council that it approved “notice and consent” as a Rap Back privacy strategy.

The Council discussed the draft language and provided recommendations for consideration. If the recommendations are incorporated, the Council requested that Ms. Panarella present the draft revised statement at the next Council meeting for additional discussion. Due to the timing of the next Council meeting, it was suggested that the Compact Team coordinate a teleconference call between the Council and the PCLU to further discuss the recommendations.

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

**Topic #11 (A) NGI Program Status Update  
(B) Update on Electronic Biometric Transmission Specification (EBTS) Comment Period**

Mr. Brian L. Edgell, FBI CJIS staff, provided an overview of the NGI Program and status updates on the incremental deployment, Rap Back pilot, and changes to the system. He presented a high-level depiction of the specific milestones with the NGI

Program. Mr. Edgell reported that Increment 3 was deployed in May 2013. This increment included the national palm print system implementation, latent enhancements, and rapid response. Increments 4 and 5 are in progress.

In relation to Increment 4, Mr. Edgell announced that deployment is targeted for the summer 2014. This increment will contain Rap Back, facial recognition, and text based scars, marks, and tattoo searches. Regarding the noncriminal justice Rap Back Pilot, there is an MOU under legal review.

In closing, Mr. Edgell reminded the Council that Increment 4 EBTS 10.0 is available for review and comment. He provided a summary of changes found in EBTS 10.0. Specifically, he discussed the type of transactions for face, rap back, disposition reporting enhancements, civil maintenance, an audit trail, and interoperability.

**(Attachment 15)**

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

**Topic #12 Rap Back Focus Group Update**

Mr. Jeffrey Kellett, the Focus Group Chair, laid the foundation for the rap back discussion by explaining the progress that has been made to date. He noted that the Focus Group and the NGI Program Office had a series of teleconference calls and email exchanges since the last update. Shortly after the beginning of 2013, the NGI Program Office forwarded the draft NGI Noncriminal Justice Rap Back Policy and Implementation Guide and requested feedback from the Focus Group. The feedback was incorporated where appropriate and the guide was discussed at the March 2013 S&P Committee meeting. As a result of the S&P Committee discussion, on March 25, 2013, the NGI Program Office distributed the guide along with the EBTS 10.0 to the SIBs, the S&P Committee, and the Council for final review. To provide an opportunity for states to comment on the guide, the FDLE graciously hosted a webinar on April 30, 2013. Mr. Charlie Schaeffer led the discussion in which 29 states participated and provided feedback. Mr. Kellett thanked the Focus Group members for their hard work and continued dedication and turned the presentation over to Mr. David Gavin.

Mr. Gavin presented items that the Focus Group would concentrate on next. He discussed the NGI's Rap Back Key Start Up Requirements stating that these are requirements for the Submitters, the SIBs, the federal agencies, etcetera. Next, he explained that the Submitters must choose a Subscription Management Plan, either the Event Based or the Category Based. He noted that this area is a significant decision point for the SIBs or the federal agencies regarding how subscriptions will be managed. The next point focused on the privacy strategies. After wrapping up the key start up

requirements discussion, Mr. Gavin turned to the status of the NGI Noncriminal Justice Rap Back Policy and Implementation Guide.

In an effort to accelerate the approval of the guide to coincide with the release of the EBTS 10.0 in July, the NGI Program Office proposed a path forward to include conducting a teleconference call in late May 2013 with members of the Focus Group and the S&P Committee to discuss a Recommendation that would finalize the guide and be presented to the Council for consideration; to provide the Recommendation and revised guide to the Council for review; and to conduct a teleconference call with the Council to obtain approval of the Recommendation resulting in a finalized implementation document being available to Submitters with EBTS 10.0 in July 2013. The Council discussed the proposed plan and agreed that it was acceptable to move forward.

In conclusion, Mr. Gavin provided a brief update regarding the Focus Group's current activities and next steps. He explained that the subscription synchronization through automated or formalized procedures will be presented at the next S&P Committee meeting for discussion. He also mentioned the process of the monthly expiration and validation list and processing implementation issues. Lastly, he commented on the details of the subscription management approaches, specifically understanding the responsibilities associated with the use of Category Based Subscription Management, which will also be presented at the next S&P Committee meeting.

**(Attachment 16)**

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

**Topic #13 SEARCH Update**

Mr. Scott Came updated the Council on the proposed amendments to Public Law (Pub. L.) 92-544 and recent SEARCH initiatives. Relating to Pub. L. 92-544, he explained that since the last meeting, SEACH has improved the proposed changes, finalized the draft legislation, and the SEARCH membership passed a motion to seek Congressional sponsorship and eventual enactment. In addition, he described some of the high points of the changes which include a more detailed list of valid purposes that a state law can specify for conducting a background check under Pub. L. 92-544; a list of criteria that the United States AG uses in approving state statutes; and, applies the Compact Council's rules when results are returned to the end user (versus to a government agency). He clarified that it would not be mandatory for the requesting end user to receive the rap sheet, but a state statute could do that if the state so desired.

Next, Mr. Came discussed SEARCH's new initiative, the Open Justice Broker Consortium. He explained that the idea was to formalize an organizational mechanism and a governance structure around developing a common technology platform for sharing

the implementation of the information exchanges. Initially, the consortium began with Hawaii and Maine as members, but Vermont has since joined. Mr. Came highlighted some of the core capabilities implemented which included the Federated Query Engine in which the user submits query parameters to a central location, the query is disseminated to a number of different data sources, and the results are returned to the central location. The Federated Identity Management is another core capability that was implemented. Mr. Came explained that the Federated Identity Management allows users to log in using their home agency log-in and obtain access to that federated query.

**(Attachment 17)**

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

**Topic #14 The Standards and Policy Committee Report on the Proposal to Reduce Substitution Fraud of FD-258 Cards**

Ms. Melody K. Ferrell, FBI CJIS staff, presented the S&P Committee's report on the proposal to reduce substitution fraud of FD-258 cards. Ms. Ferrell opened her presentation by noting that the request for the topic was submitted by Mr. David Allburn, National Fingerprint, Inc., regarding the concern for potential fraud in the chain-of-custody for applicant fingerprint submissions.

As background, Ms. Ferrell explained that in 2001 the Council and the S&P Committee began addressing the concept of establishing a guide to verify a fingerprint applicant's purported identity. At that time, the American Association of Motor Vehicle Administrators (AAMVA) was developing standards for a uniform driver's license (UDL), and the Council decided to monitor the AAMVA's efforts before it took any further action. Ms. Ferrell reported that in 2004, the Council requested the FBI to research the current methods for fingerprinting and verifying the applicant's identity; to provide examples of current verification practices; the minimum standards for verifying applicant's identity; and, the establishment of a chain-of-custody.

Ms. Ferrell advised that the FBI's research was quite extensive, and it reviewed the outcome of the AAMVA's efforts for the UDL, the Department of Defense's Common Access Card, and the federal government's use of a government-wide biometric card for both federal and contract employees. She noted that the FBI also examined state and federal models which required verifying the validity of identity documents. The information obtained from the research was documented in the Identity Verification Guide which was approved by the Council in 2006 for publication.

Ms. Ferrell presented a few highlights from the guide which included examples of primary and secondary identification and creating a chain-of-custody. At the time of approval, Ms. Ferrell noted that the Council indicated that the guide was to be a living

document and was to be voluntarily used in the development of policy, procedures, and practices for applicant identity verification.

Next, Ms. Ferrell discussed the topic request received from Mr. Allburn which was to reduce substitution fraud by preventing card scanning services from accepting applicant fingerprints that lacked an unbroken chain-of-custody. She described a few scenarios that were provided by Mr. Allburn in which card scanning services may have unknowingly accepted an altered card and presented Mr. Allburn's proposed solution.

The information was discussed and the Council decided that it should not be mandating to the states how to implement their state programs. As such, the Council made a motion to continue to encourage the voluntary use of the Identity Verification Program Guide rather than make any procedures mandatory.

**(Attachment 18)**

**Compact Council Action: Ms. Wendy Brinkley moved to continue the encouraged voluntary use of the Identity Verification Program Guide rather than make any procedures mandatory. Seconded by Mr. Jeffrey Kellett. Motion carried.**

**Topic #15 The Standards and Policy Committee Report on the Results of Discussion on Methods to Reduce the Civil Fingerprint Submission Reject Rate**

Ms. Riley J. Davis, FBI CJIS staff, and Mr. Owen Greenspan, SEARCH, presented the results of the discussion on methods to reduce the civil fingerprint submission reject rate.

Ms. Davis opened her presentation by explaining that with Rap Back on the horizon, the Council and Committees have been concerned with the quality of civil fingerprint submissions. At its November 2012 meeting, the Council discussed planning a collaborative effort with the fingerprinting vendor community and the S&P Committee to aid in identifying issues relating to poor image quality. Ms. Davis reported that on March 19, 2013, in Clarksburg, West Virginia, in conjunction with the S&P Committee meeting, the CJIS Division hosted the civil fingerprint image quality discussion. Participants included members of the S&P Committee, 22 fingerprinting vendors, and several subject matter experts from the FBI CJIS Division. Ms. Davis further explained the format of the event and thanked the Facilitators – Mr. Greenspan and Mr. Dennis DeBacco from the SEARCH, and Mr. Charlie Schaeffer of the FDLE.

Ms. Davis advised that the results of the discussion were presented to the S&P Committee at its meeting on March 20, 2013, for further discussion and direction. Next,

Ms. Davis reviewed the results. Areas of discussion included live scan maintenance, increasing electronic submissions, tracking reject rates, training, and state level reject programs. Regarding live scan maintenance, Ms. Davis reported that the group was very interested in understanding what factors make a difference in terms of quality. The increasing electronic submissions discussion focused on identifying barriers such as lack of state financial resources, remote population, and system upgrades needed. One possible solution that was discussed was increasing the use of portable live scan devices. As far as tracking reject rates, Ms. Davis explained that there is a wealth of information available ranging from the ability to trace rejects to the device and operator to statistical reports provided by the FBI. In addition, the group discussed the benefit of states including a not-to-exceed reject rate clause in their vendor contracts. The final two areas focused on training and state's having a reject program.

The presentation was turned over to Mr. Greenspan to discuss his experience with the event. He provided a very high-level overview and recapped the results.

Ms. Davis concluded the presentation with highlighting some of the recommendations that were presented to the S&P Committee as a result of the collaborative effort. She discussed the value of collaboration between the S&P Committee and the APB's Identification Services (IS) Subcommittee in establishing required use of the National Institute of Standards and Technology Fingerprint Image Quality (NFIQ) 2.0; establishing a civil submission reject rate maximum as a "best practice"; requiring Type 4 prints be taken at an angle no greater than 45 degrees; requiring the use of the Image Capture Equipment (IMA) field so that rejects can be tied to the make and model of the live scan device; the value/feasibility of a standardize fingerprint certification program; and, develop a "best practices guide" which would be appropriate for use by states, contributing agencies, and vendors or any combination thereof. The S&P Committee discussed the recommendations and landed on developing a pilot program with two to three states participating to further examine strategies for reducing civil submission reject rates.

The Council discussed the various recommendations and moved to endorse the S&P Committee's recommendation to develop a pilot program.

**(Attachment 19 and 20)**

***Compact Council Action:* Ms. Donna Uzzell moved to endorse the recommendation from the S&P Committee directing the Compact Team staff to develop a pilot program aimed at reducing the civil fingerprint submission reject rate. Seconded by Ms. Wendy Brinkley. Motion carried.**

## **Topic #16 Departmental Order (DO) Update**

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

In a continued effort to address the concern raised by the Council, Ms. Paula J. Zirkle, FBI CJIS staff, provided an update on the ongoing efforts to modify the DO fingerprint processing procedures. She highlighted several successes over the past year to include the Council's establishment of an informal DO Working Group. She advised that changes had been made to the DO website hosted at fbi.gov based on the recommendations from the Working Group. She reviewed the website changes and noted that a caveat has been added to the Non-Ident and Ident response letters indicating that the information is not provided for the purposes of licensing or employment or any other purpose enumerated in Title 28, Code of Federal Regulation, section 20.33. In addition, Ms. Zirkle advised that she was conducting an outreach effort to each state regarding entities that may be misusing the DO and possibly bypassing the state's Pub. L. 92-544 statutes. She also discussed the possibility of modifying the regulation.

Based on the information presented and the discussion, the Council requested that the FBI and the DOJ pursue publishing a notice of intent to cease third party dissemination for DOs within a specified time period (i.e., 2 years or 3 years). This time period would provide states with an opportunity to enact the necessary legislation for national fingerprint-based background checks for licensing and employment.

**Compact Council Action: Ms. Donna Uzzell moved to request the FBI and the DOJ pursue publishing a notice of intent to cease third party dissemination for DOs within a specified time period (i.e., 2 years or 3 years). This time period would provide states with an opportunity to enact the necessary legislation for national fingerprint-based background checks for licensing and employment. Seconded by Ms. Dawn A. Peck. Motion carried.**

**Note: In an effort to avoid a potential conflict of interest, Assistant Director Cuthbertson abstained from voting.**

## **Topic #17 Legislative Update**

Mr. Thomas G. Aldridge, FBI OGC AIU, provided an overview of legislation introduced in the 113<sup>th</sup> Congress that may significantly affect the noncriminal justice use of the Interstate Identification Index (III) and the noncriminal justice user community.

He opened his presentation by highlighting the enactment of the Violence Against Women Reauthorization Act of 2013. He noted that the law amends the International Marriage Broker Regulation Act of 2005 by requiring the DHS Secretary to conduct a check of the NCIC's Protection Order database on each petitioner for a "K" nonimmigrant visa and share the appropriate information with the beneficiary of the petition.

Next, he discussed House Resolution (H.R.) 1064, the National Association of Registered Agents and Brokers Reform Act of 2013. This bill requires the National Association of Registered Agents and Brokers (Association), when requested by an insurance producer, to submit identification information obtained from a state-licensed insurance producer to the FBI for a national background check. The FBI would return the CHRI to the Association, a nonprofit organization. He noted, this bill does not specifically indicate if this will include a fingerprint check.

Mr. Aldridge also discussed H.R. 1441, the Electronic Life Safety and Security Systems Federal Background Check Act of 2013. This requires the AG to establish a method to permit employers in the safety and security systems installation industry to request a fitness determination by a governmental entity based on state and federal fingerprint-based criminal history background checks. This bill is unique in that it requires the AG to make the fitness determination and provide a copy of the CHRI to the employer of the prospective employee, along with the detailed notification of their rights. The AG is authorized to collect a fee from the employer and the employee can challenge the accuracy or completeness of the record.

Lastly, Mr. Aldridge briefed the Council on H.R. 894 which requires the Secretary of Veterans Affairs to conduct a background check of a proposed fiduciary to determine whether the individual has been convicted of a crime. He noted that this bill does not reflect how the background check will be conducted.

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

## **Topic #18 Sanctions Committee Report**

Ms. Julie A. LeTourneau Lackner, Sanctions Committee Chairman, addressed the Council with the Sanctions Committee's report. The Sanctions Committee met on May 14, 2013, and reviewed responses to the Sanctions' letters that were disseminated based on the review of audit findings during the November 2012 meeting. The Sanctions Committee reviewed the responses to the Sanctions letters and determined that seven states and a federal agency would be sent letters of closure. In addition, the Sanctions Committee requested that the CAU contact one state to determine the status of a pending issue. If completed, the CAU was directed to send a letter of closure. However, if the issue was not completed, then a follow-up letter would be sent to the state.

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

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

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

The Sanctions Committee reviewed audit findings from two federally regulated agencies for appropriate action. The Sanctions Committee also reviewed the corrective action plans implemented by the agencies. 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 Sanctions Committee recommended that each agency receive a letter of commendation and closure.

The Sanctions Committee reviewed audit findings from one FBI-approved channeler for appropriate action. The Sanctions Committee also reviewed the corrective action plans implemented by this agency. Recommendations were based upon the requirements outlined in the Outsourcing Rule and the Outsourcing Standard. Based on the criteria, the Sanctions Committee recommended that the agency 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 Major Timothy McGrail. Motion carried.**

**Topic #19 Centers for Medicare and Medicaid Services' (CMS) Long Term Care (LTC) Criminal Conviction Work Group Report**

Ms. Rebecca Ward, CMS, and Mr. Mark R. Gritz, CNA Analysis and Solutions, joined the Council via telephone and provided a brief presentation regarding the CMS' LTC Criminal Conviction Work Group Report (Report). Mr. Gritz discussed the definition of a direct-access employee and the identification of conviction types that would disqualify individuals from direct-access employment with long-term care facilities and providers. He also highlighted the Report and explained the options that were presented.

Ms. Riley J. Davis, FBI CJIS staff, provided an overview comparing the Report with the recommendations that were made by the Council at its May 2012 meeting. The Council discussed each of the recommendations and the options listed in the Report. At the conclusion of the presentation, the Council decided to take the comments and craft them into a letter that will be sent to the CMS.

**(Attachment 21 and 22)**

**Compact Council Action: Ms. Wendy Brinkley moved that the Council send a letter to the CMS outlining the serious concerns with the criteria [relating to the disqualifying convictions and rehabilitation factors published in the Long Term Care Criminal Convictions Work Group Report]. Seconded by Ms. Donna Uzzell. Motion carried.**

**Topic #20 Bureau of Justice Statistics (BJS) Update**

Ms. Devon Adams, BJS, provided an overview and the current status of the National Criminal History Improvement Program (NCHIP) and the NICS Act Record Improvement Program (NARIP). She provided a brief history of the NCHIP and NARIP programs and discussed the funding levels for FY 2012 and FY 2013. She also provided data on the number of NCHIP and NARIP awards from 2000-2012. Ms. Adams concluded her presentation with a list of online resources available to the states relating to the NCHIP and NARIP programs.

**(Attachment 23)**

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

**Topic #21 Update on Advisory Policy Board (APB) Disposition Task Force (DTF)**

On behalf of Ms. Julia Mickey Wilson, FBI CJIS staff, Ms. Paula A. Barron briefed the Council on recent activities of the APB DTF. She began her presentation by

providing background information relating to the DTF. She advised that the DTF has been in effect since it was created in the spring 2009 by the APB and reports to the IS Subcommittee. She also provided the mission and the goals of the task force.

Regarding recent activities, Ms. Barron reported that the CJIS Division hosted a DTF teleconference on February 29, 2013. She explained that the meeting agenda included an overview of the FBI disposition processing and policies, a discussion of key findings of the Federal Disposition Improvement Workshop, an update on the Warrant and Disposition Improvement Project, and disposition issues. During the teleconference, the task force modified the definition that was used for “disposition”.

In conclusion, Ms. Barron provided the Council with a list of next steps for the APB DTF and directed the Council to contact Ms. Wilson with any questions.

**(Attachment 24)**

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

**Topic #22 National Fingerprint File Quarterly Statistics**

Handout provided for information only; not presented.

**Topic #23 Non-NFF Implementation Plans Status Update**

Staff paper provided for information only; not presented.

**Topic #24 Biometric Interoperability Update**

Staff paper provided for information only, not presented.

**Topic #25 IAFIS Status Report**

Staff paper provided for information only, not presented.