



**National Crime Prevention and Privacy Compact  
Compact Council Meeting  
Knoxville, Tennessee  
May 13-14, 2015**

**MINUTES**

Ms. Dawn A. Peck, Chairman, National Crime Prevention and Privacy Compact Council (Council), called the Council meeting to order at 9:00 a.m. on May 13, 2015, in Knoxville, Tennessee.

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

**State Compact Officers:**

- Ms. Katie Bower, Michigan State Police
- Dr. Natalie A. Chrastil, Wyoming Division of Criminal Investigation
- Mr. Jeffrey R. Kellett, New Hampshire State Police
- Ms. Julie A. Lackner, Minnesota Department of Public Safety
- Ms. Leslie Moore, Kansas Bureau of Investigation
- **Proxy for Mr. Matthew R. Ruel**
- Ms. Liane M. Moriyama, Hawaii Criminal Justice Data Center
- Ms. Dawn A. Peck, Idaho State Police
- Ms. Carole Shelton, Maryland Department of Public Safety and Correctional Services
- Ms. Donna M. Uzzell, Florida Department of Law Enforcement

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

- Captain Thomas W. Turner, Virginia State Police

**Federal Noncriminal Justice Agency Representative:**

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

**Federal Criminal Justice Agency Representative:**

- Mr. Jason A. Henry, Department of Homeland Security

**Advisory Policy Board Representative:**

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

**Federal Bureau of Investigation:**

- Mr. Stephen L. Morris, FBI Criminal Justice Information Services Division

Other meeting attendees introduced themselves and the agencies they represented.

Chairman Peck invited Mr. Stephen L. Morris, FBI Criminal Justice Information Services (CJIS) Division Assistant Director (AD), to introduce Special Agent in Charge (SAC) of the Knoxville Field Office, Mr. Edward W. Reinhold. SAC Reinhold welcomed the Council to Knoxville, Tennessee, and recognized the Council for its valuable work.

In her opening comments, Chairman Peck recognized the recently Attorney General (AG) appointed State Noncriminal Justice Agency Representative on the Council. Ms. Becky Fleming-Siebenaler, Montana Department of Public Health and Human Services, will serve a term expiring on September 30, 2016.

Chairman Peck also recognized several new State Compact Officers (SCOs): Mr. Chris Andrist, Colorado Bureau of Investigation; Captain Stephen W. Enteman, Arizona Department of Public Safety; Mr. Wyatt Pettengill, North Carolina State Bureau of Investigation; Captain Larry W. Plunkett, Jr., Missouri State Highway Patrol; and Mr. Charles I. Schaeffer, Florida Department of Law Enforcement (FDLE).

She expressed her appreciation for proxies that were in attendance. The proxies included: Ms. Amy Collett, Maine State Police; Mr. Chris Schaefer, Colorado Bureau of Investigation; Ms. Lesa Winston, Arkansas Crime Information Center; Mr. Jason Bright, Montana Department of Justice; and Ms. Lisa Purinton, Alaska Department of Public Safety. She also recognized Ms. Leslie Moore, Kansas Bureau of Investigation, as the proxy for Mr. Matthew R. Ruel on the Council for the duration of the meeting.

Next, Chairman Peck recognized representatives of non-party states in attendance. The non-party state representatives included: Captain Stacey Barrett, Louisiana State Police; Ms. Margaret Cavett, Mississippi Department of Public Safety; Ms. Julie Singh, Nebraska State Patrol; and Ms. Judy Volk, North Dakota Office of the Attorney General.

Chairman Peck expressed her appreciation for the guest speakers' participation in the meeting. She acknowledged Mr. Thomas Tsoutis and Mr. Howard Snyder of the Bureau of Justice Statistics (BJS); Mr. Dennis DeBacco of The National Consortium for Justice Information and Statistics (SEARCH); Mr. Nathan Tsoi of the Transportation Security Administration (TSA); and Ms. Sonia Abeyta of the New Mexico Department of Public Safety (NMDPS).

Chairman Peck reported that two topics were provided as information only and were included in the meeting registration packets; however, they will not be presented at

the meeting. These topics include the Noncriminal Justice Online Policy Resource and the Next Generation Identification (NGI) Status Report.

Next, she discussed the SCO Council elections. She noted that as of September 30, 2015, there will be five vacant SCO positions on the Council. The officers who have expiring terms are representatives from Florida, Idaho, Maryland, Michigan, and New Hampshire. She announced that 13 nominations were received for the five vacant positions. Chairman Peck explained that each of the SCOs in attendance received election material and completed ballots are to be provided to the FBI CJIS Division staff.

The ballots were counted and certified on May 14, 2015. At the conclusion of the ballot count, there were four candidates with the highest number of votes and a tie of two candidates for the remaining SCO vacancy on the Council. In accordance with the Bylaws, Section 5.1, in the case of an election that does not conclusively identify the requisite number of candidates for the vacancies that exist, the Chairman shall conduct a run-off election as necessary to resolve a tie; as such, Chairman Peck conducted a run-off election of the two candidates on May 14, 2015. A run-off ballot was prepared and the SCOs were requested to vote for one of the two candidates for the remaining SCO vacancy on the Council. The SCOs that voted absentee were also contacted and requested to participate in the run-off election. The run-off ballots were counted and the FBI Compact Officer, Mr. Gary S. Barron, certified the election results on May 14, 2015.

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 (USAG) for appointment:

- Ms. Katie Bower, Michigan State Police
- Ms. Dawn A. Peck, Idaho State Police
- Mr. Joseph N. Morrissey, New York State Division of Criminal Justice Services
- Ms. Carole Shelton, Maryland Department of Public Safety and Correctional Services
- Mr. Bradley “Brad” Truitt, Tennessee Bureau of Investigation

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 USAG for appointment:

- First Alternate: Ms. Leslie Moore, Kansas Bureau of Investigation
- Second Alternate: Mr. Charles I. Schaeffer, FDLE
- Third Alternate: Mr. Jeffrey R. Kellett, New Hampshire Department of Safety
- Fourth Alternate: Mr. Wyatt Pettengill, North Carolina State Bureau of Investigation

- Fifth Alternate: Ms. Kathryn M. Monfreda, Alaska Department of Public Safety
- Sixth Alternate: Ms. Rickeya Franklin, Ohio Bureau of Criminal Investigation
- Seventh Alternate: Major Roger W. Owens, South Carolina Law Enforcement Division
- Eighth Alternate: Captain Larry W. Plunkett, Jr., Missouri State Highway Patrol

Next, Chairman Peck advised that anyone wishing to submit a topic to be addressed by the Council should submit a topic paper suggestion form to the FBI Compact Officer, Mr. Gary S. Barron. She noted that a copy of the topic suggestion form could be obtained on the Council's public web site, and announced that the deadline for topic paper requests for the fall Committee meetings is June 1, 2015. In addition, Chairman Peck noted that the Standards and Policy (S&P) Committee and the Planning and Outreach (P&O) Committee meetings are tentatively scheduled for September 16-17, 2015, in Columbus, Ohio.

Chairman Peck noted that the retirement of Major Timothy P. McGrail left vacant both his position on the Council as an SCO and his position as Council Vice-Chair. She announced that a run-off election had recently been conducted and Ms. Carole Shelton of the Maryland Department of Public Safety and Correctional Services was elected to fill the vacant SCO position on the Council through September 30, 2015.

A special election for the office of Council Vice-Chair with a term ending at the conclusion of the next Compact Council meeting was then conducted. Chairman Peck reviewed the applicable section of the Council bylaws, then opened the floor for nominations. Ms. Liane M. Moriyama nominated Dr. Natalie A. Chrastil for Vice Chairman and the nomination was seconded by Ms. Katie Bower. No other nominations were made for Vice Chairman.

**Compact Council Action: Ms. Donna M. Uzzell moved to accept the election of Dr. Natalie A. Chrastil to the office of Council Vice-Chair by acclamation. Seconded by Mr. Jeffrey R. Kellett. Motion carried.**

The Council then finalized the draft minutes from the November 2014 meeting, approving them with minor corrections to dates.

**Compact Council Action: Ms. Liane M. Moriyama moved to approve the November 2014 minutes. Seconded by Captain Thomas W. Turner. Motion carried.**

Agenda topics were then discussed.

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

Council Chairman Ms. Dawn A. Peck provided a Council update. She thanked the members of the S&P, P&O, and Sanctions Committees for their work prior to the Council meeting, and noted that the Committees had been reconstituted with additional members. She also emphasized her continued commitment to leadership and partnership, highlighting the proposal to establish an automatic process for the states to take control of FBI supported records, exploration of possible changes to the National Fingerprint File (NFF) Program, efforts related to the retention of below threshold quality civil fingerprint submissions for Rap Back purposes, and the Bureau of Indian Affairs (BIA) proposal for use of Purpose Code X for emergency placement of children as important opportunities for the Council to demonstrate leadership. Chairman Peck also expressed gratitude to partner organizations, including the Office of Personnel Management (OPM), the CJIS Advisory Policy Board (APB), the BJS, the TSA, and SEARCH for their continued collaboration with the Council.

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

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

Mr. Stephen L. Morris, FBI CJIS Division AD, provided an overview of the CJIS Division's current initiatives. He briefly reviewed some of the Council's recent initiatives, and congratulated Ohio on becoming the 19<sup>th</sup> NFF state.

Next, he provided updates on various projects and information sharing programs at the CJIS Division. He noted FBI CJIS Division priorities, which included the CJIS Division's relationship with tribal partners, disposition improvement efforts, and an emphasis on the Uniform Crime Reporting (UCR) and National Incident Based Reporting System (NIBRS). AD Morris announced the creation of the Partner Relations and Outreach Unit (PROU), and highlighted the role the PROU is playing in tribal outreach efforts. He provided statistics regarding current levels of tribal engagement with CJIS Division services, and noted efforts to increase provision of CJIS Division services to tribal partners. AD Morris addressed the importance of UCR, noting efforts underway to allow all states to submit information via the NIBRS for reporting purposes. He then addressed dispositions, noting that the FBI Director has selected disposition improvement efforts as a priority initiative and highlighting the progress made to date by the CJIS Division.

AD Morris provided updates on the CJIS Division's many services, highlighting achievements and initiatives within the NGI, the National Instant Criminal Background Check System (NICS), the National Crime Information Center, the Law Enforcement National Data Exchange, and the Law Enforcement Enterprise Portal. Lastly, AD Morris

provided a video from FBI Director James Comey addressing 2016 law enforcement budget requests.

**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 2015 meeting, as they relate to the Council. First, Captain Turner provided a brief update on new members in the APB process, including Ms. Liane M. Moriyama, who was appointed to the APB as the Compact Council representative. He then announced that during its December 2015 meeting, the APB made 35 recommendations, including one to accept revisions to Appendix J of the CJIS Security Policy (CSP) Version 5.4.

Captain Turner announced that the spring 2015 APB meeting will be held June 2-4, 2015, in Garden Grove, California. The Working Group meetings are scheduled for August 18-20, 2015, in Tulsa, Oklahoma. The Subcommittees will meet October 20-22, 2015. The fall 2015 APB meeting is tentatively scheduled for December 1-3, 2015. Locations for the Subcommittees and APB are yet to be determined.

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

### **Topic #4     Federal Partners Report to the Compact Council**

Mr. Merton W. Miller, OPM Office of Federal Investigative Services, presented the federal partners report to the Council. He opened his presentation by emphasizing the important work from a national security perspective that the Council members help support. He then provided information on the background investigations carried out by the OPM Office of Federal Investigative Services (FIS) and the critical role those investigations play in protecting national security. Mr. Miller highlighted recent developments and trends in national security background investigations, including emphasis on timely investigations, efforts to build capacity through deploying additional background investigators globally, and efforts to combat insider threats. Lastly, Mr. Miller spoke regarding OPM Office of FIS initiatives; topics included efforts to build capacity of background investigators, the anticipated important role of Rap Back Service, the continued importance of law enforcement records to national security background investigations, efforts to gradually transition to continuous evaluation, and quality improvement initiatives.

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

**Topic #5      Proposal to Establish an Automatic Process for States to Take Control of FBI-Supported Records**

Ms. Melody K. Ferrell, FBI CJIS Division staff, presented the proposal to establish an automatic process for states to take control of FBI-supported records. She provided background on the Interstate Identification Index (III) System and the differences between a record indexed in the III with a state active pointer versus an FBI pseudo-pointer. Ms. Ferrell noted that ultimate goal of the III is for the state to take ownership of all its records and provide the records to requesting agencies. When a state becomes a III participant, the state uses a day one forward approach to place a State Identification (SID) number in the record, thus creating state active pointers; however, states may also take ownership of records indexed with an FBI pseudo-pointer by setting a state active pointer and placing the SID number in the record when it is determined that the state has the same or more information than the FBI. Ms. Ferrell highlighted the advantages of state ownership of records, noting the benefit of possible additional information for background checks.

Ms. Ferrell noted that states may request a correlation tape, which allows the state to review the information that the FBI maintains for that particular state, and advised that many states use the correlation tapes to analyze and then take control of many of their records. However, the current process for a state to take ownership of its records is manual and labor intensive. Given this, the FDLE submitted the proposal for the FBI to expand NGI functionality to provides states with an automated method to receive and process transactions into the state repository for purposes of taking control of records without manual intervention by either the state or the FBI.

***Compact Council Action:* Ms. Donna M. Uzzell moved to endorse the S&P Committee recommendation to support Option #1, as listed below.**

***Option #1***

The FBI CJIS Division explore either expanding the NGI IRQ transaction to include the biographic and arrest data associated with a specific arrest cycle or develop a new transaction to accomplish the described functionality.

**Seconded by Ms. Carole Shelton. Motion carried.**

**Topic #6      Request for Consideration of Changes to the National Fingerprint File Program**

Ms. Paula A. Barron, FBI CJIS Division staff, presented the request for consideration of changes to the NFF Program. She noted that the topic was submitted for Council consideration by the Michigan State Police. Ms. Barron briefed the proposal to allow Compact signatory states to alternatively participate in the NFF Program by submitting all arrest fingerprints as Criminal Answer Required Types of Transaction. She then provided a background on the NFF Program and illustrated the differences between current NFF processing and the proposed alternative NFF processing.

Ms. Barron noted that during its March 2015 meeting, the S&P Committee discussed the proposal. During that discussion, the S&P Committee identified a need for a study to evaluate several issues related to criminal history record creation and identify possible solutions. She advised that the Maximizing Criminal Justice Data Access Study, which had previously been briefed to the Council, was being reconstituted and would examine many of these issues.

**Compact Council Action: Ms. Donna M. Uzzell moved to endorse the S&P Committee recommendation to accept Option 3: no change at this time, and to create a study to evaluate the creation of criminal history records, identify problems in the criminal history record creation process, and explore potential solutions. Seconded by Ms. Liane M. Moriyama. Motion carried.**

## **Topic #7      SEARCH Update**

Mr. Dennis A. DeBacco, SEARCH, provided updates pertaining to the SEARCH membership activity and initiatives. He opened his presentation with a brief background on SEARCH and its four major programs, Government Affairs, Law and Policy, Information Sharing, and High Tech Crime Training Services, then provided updates on the current initiatives of each.

First, Mr. DeBacco discussed the Government Affairs program, which aims to educate Congress and federal agencies on matters of importance to the SEARCH membership. He noted that current areas of interest included justice information sharing between states, criminal history record use and management, and criminal justice reform.

Next, Mr. DeBacco briefed the Information Sharing program, which provides outreach and technical assistance to states and others who request SEARCH assistance. He advised that current initiatives included work with states to make improvements related to firearms background checks and the NICS and working with several partner organizations to develop technical training programs and literature on National Information Exchange Model standards.

Mr. DeBacco highlighted initiatives of the Law and Policy program, including progress on the biennial Survey of State Criminal History Information Systems. He emphasized the importance of the survey, noting that it is used nationally by a number of stakeholders for a wide variety of purposes.

Lastly, Mr. DeBacco briefed the High Tech Crime Training Program, which provides training on matters associated with conducting high tech crime investigations. He noted that in addition to formal classroom training, this program also makes presentations at various conferences and seminars as a service to the law enforcement community.

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

**Topic #8 Bureau of Justice Statistics (BJS) Update**

Mr. Thomas Tsoutis, BJS, provided a brief update on the National Criminal History Improvement Program and the NICS Act Record Improvement Program. He noted that applications for both programs closed in late April and early May, and that the applications were under review, with awards expected in September 2015. Mr. Tsoutis addressed how funding was allocated through both funding programs in Fiscal Year (FY) 2015, and briefly highlighted other BJS assistance programs, noting that the President's FY 2016 budget request includes funds for an NGI assistance program, developed by BJS in collaboration with the FBI CJIS Division.

Mr. Tsoutis then gave a brief overview of the process by which BJS conducts recidivism studies. As background, he noted that the BJS uses software to map thousands of state statutes and offense descriptions to roughly 100 BJS offense codes; a similar process maps thousands of state court disposition codes to roughly 25 BJS court disposition codes. He noted that BJS would be working to identify gaps, such as state statutes that have not been mapped to the corresponding BJS offense code, as well as assessing the quality of criminal history record data, such as missing dispositions by severity of crime, and sought feedback from the states regarding this initiative.

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

**Topic #9 Bureau of Indian Affairs Purpose Code X Proposal**

Ms. Anissa C. Drabish, FBI CJIS Division staff, provided background on the Council's fingerprint submission requirements rule which allows direct access to the III System prior to the delayed submission of fingerprints in exigent circumstances, known as Purpose Code X. She briefly discussed the process for requesting and receiving approval from the Council for use of Purpose Code X.

Ms. Drabish advised that in late 2014, the FBI Office of the General Counsel (OGC) Criminal Justice Information Law Unit (CJILU), the Compact Team, and other units within the FBI CJIS Division participated in discussions with tribes, states, the BIA, and several offices within the Department of Justice (DOJ), including the Office of Tribal Justice (OTJ), regarding the emergency placement of children. She noted that these discussions revealed a need for III access with delayed submission of fingerprints for emergency child placement in Indian country. Ms. Drabish advised that following this, a proposed solution was developed through collaboration with the BIA, the DOJ OTJ, CJILU, and the FBI CJIS Division. Ms. Drabish recognized Mr. Jason O’Neal, BIA Office of Justice Services, who attended to address any questions on BIA’s proposal.

Ms. Drabish stated that, in February 2015, the BIA submitted a proposal requesting approval on behalf of federally recognized tribes requesting access to the III System on a delayed fingerprint submission basis when conducting criminal history record checks of residents with whom children are to be temporarily placed during exigent circumstances. She noted that this approval is not intended to replace existing state laws or procedures governing such checks, but rather provide an option to those tribes otherwise unable to obtain the criminal history record information (CHRI). Ms. Drabish advised that given approval of the proposal, the FBI CJIS Division would continue to work with the BIA to address system connectivity, audit requirements, and finalize the fingerprint submission process.

**Compact Council Action: Ms. Donna M. Uzzell moved to endorse the S&P Committee recommendation to approve the BIA request, on behalf of federally-recognized tribes, to access the III System on a delayed fingerprint submission basis when conducting criminal history checks of residents with whom children are to be temporarily placed during exigent circumstances. Seconded by Ms. Carole Shelton. Motion carried.**

Ms. Drabish then requested that the Council provide guidance as to the effective date of this approval.

**Compact Council Action: Ms. Donna M. Uzzell moved that the approval of the BIA request become effective as soon as necessary procedures can be established. Seconded by Dr. Natalie A. Chrastil. Motion carried.**

**Topic #10 Updates to the Outsourcing of Noncriminal Justice Administrative Functions Guides for State and Federal Agencies**

Ms. Anissa C. Drabish, FBI CJIS Division staff, presented the Outsourcing of Noncriminal Justice Administrative Functions Guides for State Agencies (State Guide)

and Federal Agencies (Federal Guide). As background, she noted that the first edition of the State Guide was published by the Council in November 2012 as a resource to assist state agencies that authorize and engage in the outsourcing of noncriminal justice administrative functions. During its November 2012 meeting, the Council also requested development of a version of the State Guide for federal agencies.

Ms. Drabish advised that several significant changes had been made to both the Security and Management Control Outsourcing Standards (Outsourcing Standards) and the CJIS Security Policy since the State Guide's publication. She presented the updated version of the State Guide, which was revised in accordance with these changes.

**Compact Council Action: Dr. Natalie A. Chrastil moved to endorse the P&O Committee recommendation to accept the amendments to the Outsourcing of Noncriminal Justice Administrative Functions Guide for State Agencies as presented in Attachment 1 and discussed. Seconded by Captain Thomas W. Turner. Motion carried.**

Ms. Drabish then presented the Federal Guide, noting that it was developed as a resource for federal and regulatory agencies engaged in outsourcing of noncriminal justice administrative functions.

**Compact Council Action: Dr. Natalie A. Chrastil moved to endorse the P&O Committee recommendation to accept the Outsourcing of Noncriminal Justice Administrative Functions Guide for Federal Agencies as presented. Seconded by Captain Thomas W. Turner. Motion carried.**

## **Topic #11 Update on the Retention of Below Threshold Quality Civil Submissions**

Ms. Wanda J. Collins, FBI CJIS Division staff, presented an update on efforts to explore options for retaining below threshold quality civil fingerprint submissions for the potential of Rap Back Service enrollment. She advised that several potential NGI system enhancements had been proposed as potential solutions, but noted that other efforts were also currently underway, and no decision had yet been made on pursuing potential system enhancements. Ms. Collins also noted the importance of having an individual re-fingerprinted if his or her first fingerprint submission is rejected for image quality.

The Council discussed the presentation and expressed concerns, emphasizing the need for a timely solution given that this issue presents an obstacle to Rap Back Service participation for several states. In addition, the Council expressed support for non-system related efforts but stressed a need for a technical solution in addition to these other efforts.

**Compact Council Action: Ms. Donna M. Uzzell moved to expedite technical options for retaining low quality civil fingerprint submissions that do not degrade the system in parallel with any other operational solutions. This is the highest priority at this time for the Council. Seconded by Ms. Katie Bower. Motion carried.**

**Topic #12 The National Crime Prevention and Privacy Compact (Compact) Ratification Checklist**

Ms. Anissa C. Drabish, FBI CJIS Division staff, presented items related to Compact ratification initiatives. As background, she explained that in September 2014, the P&O Committee discussed several ideas for assisting nonparty states with Compact ratification in accordance with Objective 3.1 of the Council's Strategic Plan. Based on this discussion, the P&O Committee recommended the creation of a mentorship program and development of the Compact Ratification Checklist; the Council endorsed this recommendation.

Ms. Drabish announced that the Compact Mentorship Program (CoMP) aims to pair nonparty and MOU state representatives with Compact state points of contact. She noted that five State Compact Officers (SCOs) had volunteered as mentors to date, and encouraged SCOs to volunteer as mentors if interested. Ms. Drabish then provided the draft Compact Ratification Checklist, noting that it had been reviewed and recommended for publication by the P&O Committee in March 2015.

**Compact Council Action: Dr. Natalie A. Chrastil moved to endorse the P&O Committee recommendation to publish the Compact Ratification Checklist and encourage further participation in the Compact Ratification Mentorship Program. Seconded by Ms. Katie Bower. Motion carried.**

**Topic #13 Revisions to the Frequently Asked Questions Brochure**

Ms. Melody K. Ferrell, FBI CJIS Division staff, presented proposed revisions to the Frequently Asked Questions (FAQ) Brochure. As background, Ms. Ferrell noted that the FAQ Brochure was reviewed and updated by the Council in November 2014. Following approval of the FAQ Brochure, additional grammatical and style revisions were suggested. Ms. Ferrell advised that the FAQ Brochure was revised accordingly and had been reviewed and approved by the P&O Committee in March 2015.

**Compact Council Action: Ms. Katie Bower moved to endorse the P&O Committee recommendation to accept the proposed revisions to the FAQ brochure and post to the Council's LEO SIG. Seconded by Dr. Natalie A. Chrastil. Motion carried.**

## **Topic #14 Biometric Interoperability Update**

Ms. Angela F. Stephenson, FBI CJIS Division staff, presented the biometric interoperability update, which provides the NGI users with information regarding the implementation of biometric-based interoperability between the FBI CJIS Division and other federal agencies. She briefly touched upon the progress made in relation to biometric interoperability, stating that all 50 states and 4 of the 5 U.S. territories participate in interoperability.

Ms. Stephenson reported that the CJIS Division had been working with INTERPOL Washington, as well as the Department of Homeland Security (DHS) Office of Biometric Identity Management, in an effort to make INTERPOL notices accessible to the DHS stakeholders via the NGI. The first phase was completed in November 2013 and provides the initial capability for the automated sharing to the Automated Biometric Identification System (IDENT) through the NGI. She noted that when the final phase of this project is complete, all INTERPOL notices will be removed from the IDENT system and IDENT customers will search against INTERPOL notices using the NGI. Ms. Stephenson noted that technical changes are in the works to send INTERPOL photos to the DHS IDENT system.

Ms. Stephenson announced that a DHS-1 memo was issued requiring all DHS agencies to send submissions through the DHS IDENT to the NGI through interoperability, and reported that the Federal Emergency Management Administration has already transitioned to this new process with additional agencies expected to follow.

Ms. Stephenson advised that the automated functionality for full latent interoperability for all users was deployed with the NGI Increment 4. The search is not automatic. She further clarified that users will need to select whether to search the latent submission in an external system by utilizing the Name of Designated Repository field. Even though the technical infrastructure will be in place for latent users to search external systems, participation is not automatic. It will require coordination with the FBI CJIS Division and the external user. Ms. Stephenson announced that a latent interoperability pilot was being tested with Texas.

Lastly, Ms. Stephenson provided a brief overview of next steps for interoperability. These included updating the MOU between DHS and Department of State (DoS), efforts to transition from shared data to shared services, and work to increase the number of authorized participants with access to the NGI, DHS IDENT, and DoS Automated Biometric Identification System.

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

## **Topic #15 Compact Council Strategic Plan Update**

Ms. Anissa C. Drabish, FBI CJIS Division staff, presented the Council's Strategic Plan Update. She reported that during the March 2015 P&O Committee meeting, the members reviewed the detailed Status Report and focused only on those items that were scheduled for review. She noted that for the Council's update, the members should refer to the Scorecard. As a reminder, the Scorecard is designed to provide a quick visual status of each of the strategic actions. She remarked that most of the strategic actions are green or blue, which means the Council is proceeding on schedule toward meeting its goals and objectives.

After quickly reviewing the setup of the Scorecard, Ms. Drabish reviewed each of the objectives, discussed the color assigned to each strategic action, provided a status update, and presented several accomplishments that supported each of the strategic actions. Some of the successes included the addition of Ohio to the NFF Program in January 2015, updates to the Compact Council Handbook and Frequently Asked Questions Brochure, and publication of the Outsourcing of Noncriminal Justice Administrative Functions Guide for Federal Agencies.

Ms. Drabish noted that during the March 2015 P&O Committee meeting, the Committee discussed modifying strategic action 1.3.1 to reflect that state fee chart information would now be maintained rather than gathered.

**Compact Council Action: Dr. Natalie A. Chrastil moved to adopt the P&O Committee recommendation to modify the language in strategic action 1.3.1 as follows (additions in bold, deletions in ~~strikeout~~):**

“**Maintain** ~~gather~~ state fee information for processing and/or retraining fingerprint-based criminal background checks for noncriminal justice purposes and post to the Council's LEO SIG on an annual basis.”

**Seconded by Ms. Katie Bower. Motion carried.**

## **Topic #16 Proposed Amendments to the Council's Bylaws**

Ms. Anissa C. Drabish, FBI CJIS Division staff, presented proposed amendments to the Council's bylaws. She briefly discussed background on the Council's bylaws and the process in place for bylaws' revisions. Ms. Drabish then discussed the proposed amendments, which were intended to address gaps related to interim fulfillment of the office of the Council Chair and Vice Chair in the event of a vacancy under specific circumstances.

The Council discussed the proposed amendments. Concerns were raised regarding the possibility of the Council Chair and/or Vice Chair positions being filled on an interim basis by an individual not appointed to the Council by the AG. The Council agreed that further research and refinement was needed to rectify these concerns.

**Compact Council Action: Captain Thomas W. Turner moved to return the proposed amendments to the Council's bylaws to the P&O Committee for consideration after further research has been completed.**

**Seconded by Mr. Jeffrey R. Kellett. Motion carried.**

**Topic #17 Update on the Transportation Security Administration (TSA) Technology Infrastructure Modernization Program**

Mr. Nathan Tsoi, TSA, provided an update on the TSA's Technology Infrastructure Modernization (TIM) Program. He prefaced his presentation by addressing concerns raised by the S&P Committee and Council regarding the TIM Program, noting that there will be no reuse of CHRI for a new purpose under the TIM Program.

Mr. Tsoi provided an overview of progress on the TIM Program. He noted that the TIM Program is a person-centric system for housing of the TSA's vetting programs (including the HAZMAT endorsement, the Transportation Worker's Identification Credential (TWIC), and the TSA Pre-check Program) intended to eliminate redundancies and enhance efficiency. He noted the data of applicants who have undergone the TWIC vetting process have already been migrated to the TIM, with the TSA Pre-check and HAZMAT populations to follow.

Mr. Tsoi stated that a new requirement for the TIM Program is ingestion of fingerprints for searching against the DHS IDENT. He noted that nine states do not use TSA's contracted vendor for submission of biometrics for the HAZMAT program, and expressed a desire for the TSA to establish working groups with the FBI CJIS Division and the nine states to explore possible solutions. Mr. Tsoi also noted that the TSA was making efforts to explore possible solutions for providing fingerprints to the states for purposes of a state background check when the fingerprints are captured by a vendor, per the S&P Committee's request.

Lastly, Mr. Tsoi addressed concerns raised regarding the TIM Program and Rap Back Service. He again emphasized that no CHRI will be reused.

The Council requested that the TSA provide another update on the TIM Program when additional progress is made.

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

## **Topic #18 ISO Program Update**

### **(A) Security Incident Response Report**

Mr. George A. White, FBI CJIS Division staff, presented a proposed modification to the CJIS Security Policy (CSP) Appendix F.1, IT Security Incident Response Form, that would address both technical and physical security incident handling procedures. This modification would allow for reporting of both computer-based and physical information security incidents. He noted that both the S&P Committee and the APB Security and Access (S&A) Subcommittee had approved this recommendation.

**Compact Council Action: Ms. Katie Bower moved to forward to the APB a motion of support for the proposed modifications to the CSP as presented in the topic paper and attachments. Seconded by Ms. Carole Shelton. Motion carried.**

### **(B) Clarifying Personnel Background Check Requirements for Third Party Contractors Used by Noncriminal Justice Agencies**

Mr. White presented a proposed change to the CSP intended to correct a perceived conflict between Appendix J of the CSP with the Outsourcing Standards for Channeling and Non-Channeling regarding personnel background check requirements for third party contractors used by noncriminal justice agencies. Mr. White noted that both the S&P Committee and the APB S&A Subcommittee reviewed the proposed change, and determined it unnecessary.

**Compact Council Action: Ms. Carole Shelton moved to forward to the APB a non-endorsement of the proposed modifications to the CSP as presented in the topic paper. Seconded by Mr. Jason A. Henry. Motion carried.**

### **(C) CJIS Systems Agency Audit of Contractor Facilities**

Lastly, Mr. White presented a proposed change to the CSP to explicitly allow a CJIS Systems Agency (CSA) to conduct a CSP compliance audit of shared contractor facilities on behalf of another CSA. He noted that the proposed change had been approved by the APB S&A Subcommittee.

The Council expressed concerns that the proposed change made clear that the CSA may conduct an audit of contractor facilities on behalf of another CSA, but did not explicitly allow the CSA to request the use of another CSA's CSP compliance audit findings of a shared contractor facility.

**Compact Council Action: Ms. Julie A. Lackner moved to endorse the concept presented in the topic paper, and request that the APB S&A Subcommittee review the language at its discretion to clarify the ability for a CSA to request the use of another CSA's CSP compliance audit findings/results of a shared contractor facility.**

**Topic #19 CMS National Background Check Program – A State's Perspective and Experience**

Ms. Sonia Abeyta, New Mexico Department of Public Safety (NMDPS), provided an overview of New Mexico's experiences after receiving grant funding through the Centers for Medicare and Medicaid (CMS) National Background Check Program. Ms. Abeyta stated that in 2012, capturing civil fingerprints in New Mexico was a largely manual process, with applicants being ink and roll fingerprinted by agencies or NMDPS, and noted that this caused significant delays in processing and high rejection rates for image quality. In an effort to eliminate these problems, NMDPS constructed its New Mexico Applicant Process Service (NMAPS), the goals of which were to improve fingerprint quality and response time by eliminating ink and roll fingerprinting, instituting electronic live scan locations through the state, and decreasing times for the submission of fingerprints and return of CHRI to the requesting agency. Ms. Abeyta noted that the NMAPS was also intended to reduce or eliminate manual processing and implement a state Rap Back functionality. She noted that the NMDPS was provided with a subgrant from the New Mexico Department of Health as part of the CMS National Background Check Program to this end, and the NMAPS was deployed in November 2013.

Ms. Abeyta discussed challenges experienced during the implementation of the NMAPS, including an inability to conduct hands-on testing prior to full NMAPS deployment, initial resistance from the customer base, and processing backlogs of hard copy prints captured prior to the NMAPS implementation. She noted that additional lessons learned included the importance of ensuring communication of statewide changes from agencies to applicants, maintaining healthy communication between vendors, and the continued importance of customer support.

Ms. Abeyta announced that the NMDPS had seen an increase in the number of applicants and noted that New Mexico's civil fingerprint image quality reject rate dropped dramatically following implementation of the NMAPS. Ms. Abeyta also reported that agencies in New Mexico reported high satisfaction with the NMAPS fingerprinting process as well as the availability of state Rap Back service. In sum, Ms. Abeyta stated that the NMAPS project was a major success for New Mexico.

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

## **Topic #20 The Challenge of Missing Dispositions**

Ms. Paula J. Zirkle, FBI CJIS Division staff, provided an overview on efforts to obtain missing dispositions. She noted that disposition dashboards had been provided to all states to display the number of missing dispositions, and that federal and tribal disposition dashboards would be forthcoming. Ms. Zirkle also noted that the FBI CJIS Division had obtained 60,000 missing FBI dispositions since the start of FY 2015, and continued work to reduce the number of missing FBI dispositions. She stated that additional efforts were ongoing with federal partners to obtain dispositions, highlighting a quick win with the U.S. Courts, which are now providing dispositions on all federally convicted subjects placed under federal supervision. Ms. Zirkle briefly discussed several other disposition improvement efforts underway at the FBI CJIS Division, including exploration of a web-based disposition portal to help eliminate paper processing, analysis of the NGI state outreach, and possible efforts to create disposition standards as part of the Maximizing Criminal Justice Data Access Study. Ms. Zirkle also announced that an agreement had recently been reached for OPM to transfer dispositions identified in the course of investigations to the FBI via a secure portal.

Ms. Zirkle provided a brief overview of the Automated Disposition and Processing Technology concept, which would build upon the NGI State Outreach to identify, automatically capture, and post missing dispositions from state records to the NGI. She noted that the concept, with an opt-in/opt-out capability, was approved for study by the APB Identification Services (IS) Subcommittee.

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

## **Topic #21 Departmental Order (DO) Update**

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

In a continued effort to address the concern raised by the Council, Ms. Paula J. Zirkle, FBI CJIS Division staff, provided a brief update on the ongoing efforts to modify the DO fingerprint processing procedures. She discussed the monthly outreach efforts to states regarding entities that may be misusing the DO and possibly bypassing the states' Public Law (Pub. L.) 92-544 statutes. As a result of these information-sharing efforts, Ms. Zirkle announced that April 2015 had the lowest incoming volume of DO requests of any April in history. In addition, Ms. Zirkle noted that the *Federal Register* notice regarding a possible process change to limit the third-party dissemination of a DO request

is being reviewed by the FBI's legal counsel. Lastly, Ms. Zirkle advised that she will continue to reach out to states to provide educational outreach.

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

**Topic #22 Federal Bureau of Prisons Limited Access to Criminal History Records Through the International Justice and Public Safety Network**

Mr. Thomas G. Aldridge, of the FBI OGC CJILU, presented on an initiative to share FBI criminal history records with the Federal Bureau of Prisons (BOP) through the International Justice and Public Safety Network (Nlets). He noted that in March 2008, the FBI entered into an MOU with the BJS and Nlets that authorized BJS to have limited access to FBI CHRI through Nlets for data collection and analysis in support of the BJS Criminal History Record Information Sharing Project. Mr. Aldridge also noted that the FBI, BJS, and Nlets executed an Information Transfer Agreement (ITA) documenting the approval of each study prior to Nlets providing the criminal history records.

Mr. Aldridge stated that the BOP sought to enter into a similar agreement for purposes of conducting annual recidivism studies under the Second Chance Act of 2007. He noted that an ITA regarding the study had been executed between the FBI, BOP, and Nlets, and that the FBI intends to enter into an MOU with the BOP and Nlets to document the limited exchange of FBI CHRI for this purpose.

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

**Topic #23 Legislative Update**

Mr. Thomas G. Aldridge, of the FBI OGC CJILU, provided an overview of recently enacted laws as well as legislation introduced in the 114<sup>th</sup> Congress that may significantly affect the noncriminal justice use of the III and the noncriminal justice user community. First, he discussed the Child Care and Development Block Grant Act of 2014, enacted as Public Law 113-186 in November 2014. This law amended 42 United States Code (U.S.C.) Section 9858(f) by requiring a state that receives funds under the Child Care and Development Block Grant Act of 1990 to have in place requirements, policies, and procedures to require a background check for an individual that is a prospective or childcare staff member. The background check includes a search of the state criminal and sex offender registry or repository and the state abuse and neglect registries where the individual resides or previously resided for the preceding 5 years, an NCIC search, an FBI fingerprint-based check, and a search of the National Sex Offender Registry (NSOR). The law provides that not more than one request for a state and national background check may be conducted in a 5-year period. The child care provider must submit the request for the background check to the designated state agency, and the state will provide the results of the background check in a statement to the provider. If

the child care staff member or prospective member is ineligible, the state will provide the information containing the disqualifier to the individual subject of the criminal history background check, as well as a process for the individual to appeal the results of the check. Mr. Aldridge noted that the FBI had received inquiries from states regarding implementation of this law, and provided reference information for a web site maintained by the U.S. Department of Health and Human Services (DHHS) with information on the law.

**Compact Council Action: Ms. Julie A. Lackner moved that the Compact Team, in collaboration with the CJILU, draft a letter on behalf of the Council Chair to the DHHS describing the role and authority of the Council and expressing the Council's concern with the Child Care and Development Block Grant Act of 2014. The letter should also note that many states have existing processes to address the requirements of the Act and request that in such instances, states need not establish new procedures.**

**Seconded by Ms. Deborah S. McKinney. Motion carried.**

Mr. Aldridge then discussed the Terrorism Risk Insurance Program Reauthorization Act of 2015, enacted as Public Law 114-1 in January 2015. This law amends 15 U.S.C. § 6751 by establishing the National Association of Registered Agents and Brokers (Association), a non-profit organization, that will provide a mechanism for licensing, continuing education, and other nonresident insurance producer qualification requirements that may be adopted and applied on a multi-state basis. The law requires the Association to submit fingerprints or other identification information obtained from a state-licensed insurance producer to the FBI for a criminal history record check. The FBI is required to return all CHRI to the Association. Information provided to the Association may only be used for determining compliance with the membership criteria established by the Association and may be disclosed to state insurance regulators, federal or state law enforcement agencies, or to the insurance producer. A state insurance regulator is not required to perform the CHRI checks under this section and does not limit any other authority that allows access to the FBI CHRI. The criminal history record check does not include a state check.

Next, Mr. Aldridge briefed House Resolution (H.R.) 5, Student Success Act. This bill provides that local or state educational agency shall be ineligible for funds under this Act if an agency employs an individual who refuses to consent to a criminal background check that includes a search of the state criminal registry where the individual resides or previously resided; a search of the NCIC; an FBI fingerprint check; and a search of the NSOR as established under the Adam Walsh Child Protection and Safety Act of 2006.

Mr. Aldridge discussed Senate Bill (S.) 63, Safety for Our Schoolchildren Act. The bill amends 20 U.S.C. § 7101 by adding a new section which requires that state or

local educational agencies that receive federal funds obtain an FBI background check, as defined under 42 U.S.C. § 13041, on school employees prior to employment. The background check would be fingerprint-based and require a check of state records where the individual resides or has resided and an FBI check. The agency must also report to a local law enforcement agency if an individual that has applied for employment is a sexual predator.

Next, Mr. Aldridge discussed S. 474, Protecting Students from Sexual and Violent Predators Act. The bill requires state educational agencies that receive funds under this Act to have policies and procedures that require a criminal background check for each school employee. The background check will include a search of the state criminal registry or repository in which the school employee resides or previously resided; a search of the state-based child abuse and neglect registries and databases in the state in which the employee resides; an FBI fingerprint check and a search of the FBI's NSOR. The bill requires that criminal background checks be periodically updated.

Mr. Aldridge briefed S. 184 and H.R. 768, the Senate and House versions, respectively, of the Native American Children's Safety Act. These bills amend the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. § 3207) by requiring that before a foster care placement is approved that a background check be conducted on each covered individual who resides in the household or is employed at the institution in which the foster care placement is made. Each tribal social services agency is required to conduct a fingerprint-based check of the national crime information database, as defined in 28 U.S.C. § 534(f)(3); a check of any abuse registries maintained by the Indian tribe; a check of any child abuse and neglect registry maintained by the state in which the individual resides or resided in the previous 5 years; as well as any other additional requirement that the tribe deems necessary. Each tribe is required to establish procedures to recertify homes or institutions every 2 years.

Next, Mr. Aldridge discussed S. 675, Record Expungement Designed to Enhance Employment Act of 2015. The bill authorizes eligible individuals convicted of a covered federal nonviolent offense that is not a crime of violence or sex offense to file a petition for sealing when certain requirements have been met. The S. 675 would also amend 18 U.S.C. § 503 by requiring the sealing of nonviolent juvenile records when certain conditions have been met, and amend 28 U.S.C. § 534 by requiring the AG to establish and enforce procedures to ensure the prompt release of accurate records exchanged for employment related purposes. If the AG determines a record is inaccurate or incomplete, the AG is required to correct the record by making deletions or obtaining the disposition (if any) within 10 days, and notify the appropriate reporting jurisdiction. Further, the record may not be exchanged for an arrest that: is more than 2 years old that does not include a disposition; pertains to an adult or juvenile non-serious offense; or is not clearly an arrest or disposition.

Mr. Aldridge addressed H.R. 490, Security Clearance Reform Act of 2015. This bill requires the President to submit a plan to the appropriate congressional committees to develop and establish a continuous evaluation or monitoring system that will, on a continual basis, access federal, state, local government and commercially available information; ensure that the background of each cleared individual is monitored on a continual basis and a covered individual who is not cleared is not subject to continuous evaluation; improve information sharing between agencies concerning derogatory information that may impact a security clearance; increase the use of digitally processed fingerprints; reduce or eliminate manual processes for security clearance background investigations; develop federal government-wide performance measures for the quality of background investigations; and develop procedures to ensure that information collected shall be verified for authenticity. The bill also amends the definition of CHRI to include descriptions of the incidents or events leading to or on which the arrest, indictments, information, or other formal charges are based, as well as arrests that do not result in the arrestee being charged with or convicted of a criminal offense.

Lastly, Mr. Aldridge noted that any comments on DOJ regulations or FBI public interactions should be forwarded to the Chief of the FBI OGC CJILU.

#### **Topic #24 Sanctions Committee Report**

Ms. Julie A. Lackner, Sanctions Committee Chairman, addressed the Council with the Sanctions Committee's report. The Sanctions Committee met on May 12, 2015, and reviewed responses to the Sanctions' letters that were disseminated based on the review of audit findings during the November 2014 meeting. The Sanctions Committee reviewed the responses to the Sanctions letters and determined that four states would be sent letters of closure, one state would be sent a letter of closure contingent upon completion of open corrective actions by specified dates, and two states would be sent a follow-up letter.

The Sanctions Committee reviewed audit findings from two Compact states. 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 recommended that two states receive a letter of recommendation.

The Sanctions Committee reviewed audit findings from two non-Compact, non-MOU states for appropriate action. 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 recommended that two states receive letters of recommendation.

The Sanctions Committee reviewed audit findings from nine federally-regulated agencies for appropriate action. 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 one agency receive a letter of commendation and closure, two agencies receive letters of concern and closure, and six agencies receive letters of recommendation.

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

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

**Topic #25 (A) Transition of the Next Generation Identification Research and Development Activities to the Operational Business Lines**

Mr. Brian Fortney, FBI CJIS Division staff, introduced the Biometrics Services Section Latent and Forensic Sciences Unit as the operational business line for NGI Research and Developmental activities.

**(B) Transition of the Next Generation Identification Rap Back Service to the Operational Business Lines**

Mr. James Z. Mills, FBI CJIS Division staff, introduced the Biometrics Services Section Rap Back Team as the operational business line for the Rap Back Service.

**(C) Proposed Changes to the Rap Back Policy and Implementation Guide**

Mr. James Z. Mills, FBI CJIS Division staff, presented the proposed changes to the Non-criminal Justice Rap Back Service Policy and Implementation Guide. He noted that the proposed changes had been vetted through the Rap Back Focus Group and the S&P Committee, then presented each of the following proposed changes for Council action. The Council discussed the proposed changes and took the following actions on each as follows:

**Proposed Change #1:**  
**Definiton of Timeframes in Rap Back Processing**

**Proposed Change #1 / Question #1**

(Mr. Mills stated this a proposed change to the amount of time a subscribing agency has to notify a submissint agency to remove a subscription from Rap Back.)

**Compact Council Action:** Ms. Carole Shelton moved to endorse the S&P Committee’s motion to accept Option 1 in regards to Proposed Change #1, Question #1, as presented in the topic paper and listed below, and to return the language to the S&P Committee for any further clarification needed.

**Option #1**

If the answer is yes, NGI’s Non-Criminal Justice Rap Back Service should require a “five business days from the final determination of the subscriber’s ineligibility to subscribe to the record in question” timeframe regarding deletion of subscriptions. Make the identified changes to the *Guide*, including any modifications from discussions.

**Seconded by Ms. Katie Bower. Motion carried.**

**Proposed Change #1 / Question #2**

(Mr. Mills stated this is a proposed change to review the timeframes for Privacy Risk Migitation Strategy #5.)

**Compact Council Action:** Captain Thomas W. Turner moved to endorse the S&P Committee’s motion to accept Option 2 in regards to Proposed Change #1, Question #2, as presented in the topic paper and listed below.

**Option #2**

The answer is no, it is not necessary to review the timeframes for Privacy Risk Mitigation Strategy #5. Make no changes.

**Seconded by Ms. Carole Shelton. Motion carried.**

**Proposed Change #2:**  
**Validation Requirement for Privacy Risk Mitigation Strategy #1**

(Mr. Mills stated this is a proposed change to the time period for Privacy Risk Mitigation Strategy #1 is for consistency.)

**Compact Council Action:** Ms. Carole Shelton moved to endorse the S&P Committee's motion to accept Option 1 in regards to Proposed Change #1, as presented in the topic paper and listed below.

**Option #1**

Make the following change in all places where the *Guide* names *Privacy Risk Mitigation Strategy #1*:

From: Privacy Risk Mitigation Strategy #1: Pre-Notification with Mandatory Validation/Expiration within Three Years

To: Privacy Risk Mitigation Strategy #1: Pre-Notification with Mandatory Validation/Expiration within Five Years

In addition, change "Three" to "Five" in all places where the *Guide* discusses implementation of *Privacy Risk Mitigation Strategy #1*.

**Seconded by Mr. Jeffrey R. Kellett. Motion carried.**

**Proposed Change #3:**

**Applying a Single Privacy Risk Mitigation Strategy to an Entire Population of Subscribers**

(Mr. Mills stated this is a proposed change to note that each Submitter must implement a reliable means of identifying all the subscriptions that belong to each population subscribed in NGI and manage each population under one Privacy Risk Mitigation Strategy.)

**Compact Council Action:** Ms. Carole Shelton moved to endorse the S&P Committee's motion to accept Option 1 in regards to Proposed Change #3, as presented in the topic paper and listed below.

**Option #1**

Make the following change to the relevant language in the *Guide* (page 13):

Each Submitter must implement a reliable means of identifying all subscriptions that belong to each population subscribed in NGI. Examples include CJIS-assigned ORI; state-assigned ORI subordinate to a CJIS-assigned ORI; state-assigned account number; or other reliable means. All subscriptions for one population, as

determined by their CJIS-assigned ORI, or by a state-defined identified with the subscription, must be managed under one Privacy Risk Mitigation Strategy.

**Seconded by Ms. Katie Bower. Motion carried.**

**Proposed Change #4:**

**Clarification Regarding Rap Back Opt Out In-State Indicator Field (2.2063 RBOO)**

(Mr. Mills stated this proposed change will better explain the Rap Back Opt Out indicator field.)

**Compact Council Action: Ms. Julie A. Lackner moved to reject the S&P Committee's motion in regards to Proposed Change #4, as presented in the topic paper.**

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

**Compact Council Action: Ms. Julie A. Lackner moved to accept Option #1 in regards to Proposed Change #4 as presented in the topic paper with minor modifications as noted below.**

**Option #1**

Change the main paragraph discussing this topic on page 25 as follows, including any modifications made during discussions, regarding the functions of RBOO. Also add notes regarding the limitation to Criminal Retain Submissions as appropriate to all other references to RBOO.

Many states currently have Rap Back programs in place, and will likely choose to continue their current business processes when the NGI Rap Back Service becomes available. The default NGI functionality is that Rap Back Activity Notifications will be sent on all identified triggering events, regardless of state of origin of the event. States will have the capability, however, to indicate in each subscription request transaction whether or not that subscription should be opted out of receiving the notifications of in-state Criminal Retain Submission events. Note that this feature applies only to Criminal Retain Submissions, not to any of the other possible Rap Back Triggering Events. This capability will allow those states who do not want to receive notifications on in-state Criminal Retain Submission events to prevent that from happening. It will also allow states to receive notifications of in-state Criminal Retain Submission events on some populations, but not receive them on

others, if that is the desired configuration. Federal arrests submitted through federal Submitters and matching NGI Rap Back subscriptions will always cause notifications to the Submitters. Federal arrests submitted through state SIBs will be subject to the RBOO settings within the subscriptions of any matched NGI Identities. Thus, SIB's who submit subscriptions with RBOO = "Y" will have to handle Rap Back notifications for federal arrest submitted through them in the same manner as they handle state arrests. Their State Rap Back Service will have to provide notice of the future state and federal arrests submitted through them to any Subscribers with RBOO = "Y" in their NGI subscriptions.

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

**Proposed Change #5:  
Clarification Regarding Rap Back Activity Notification Format Field (2.2062 RBNF)**

(Mr. Mills stated this proposed change is to clarify what will be returned when "Triggering Event" is chosen as the Rap Back Activity Notification format.)

**Compact Council Action: Ms. Carole Shelton moved to endorse the S&P Committee's motion to accept Option 1 in regards to Proposed Change #5, as presented in the topic paper and listed below.**

**Option #1**

On page 40 of the *Guide*, add the following text as a "Note" at the end of the "*Operational flow for receiving and processing the Rap Back Activity Notification – Triggering Event or Triggering Event and Identity History Summary*":

Note:

Rap Back Activity Notifications for subscriptions using the "Triggering Event Information" option in the Rap Back Activity Notification Format filed will include the following information for Criminal Retain Submissions:

- Date of Event
- Trigger (Criminal Retain Submission)
- Criminal arrest Received from (CRI)
- Date of Arrest

The offense for which the person was arrested will **not** be included. For RBNs with Rap Back Activity Notification Format "Triggering

Event,” the event information is provided in two places within the RBN transaction:

1. As plain text at the bottom of the cover sheet that is included in the Electronic Rap Sheet (2.075 ERS) field of the RBN transaction.
2. In the Rap Back Triggering Event Details (2.2069 RBTED) field of the RBN transaction. The different information that will be included for each of the different Rap Back triggers can be found in EBTS Appendix M in the description of transaction message codes RB018-RB027.

**Seconded by Ms. Katie Bower. Motion carried.**

**Proposed Change #6:**

**Changing the Name of Category Based Subscription Management**

(Mr. Mills stated this proposed change is to replace the term “Category Based Subscription Management” with “Person Based Subscription Management” for increased clarity.)

**Compact Council Action: Ms. Carole Shelton moved to endorse the S&P Committee’s motion to accept Option 1 in regards to Proposed Change #6, as presented in the topic paper and listed below.**

**Option #1**

On page 10 of the *Guide*, where the Subscription Management Plans are introduced, insert a text box explaining the Category restrictions on the “Person Based” Subscription Management Plan—see text box and related text changes in **bold and underlined and ~~strikeout text~~**, below. The same text box should also be placed:

- On page 4 of *Appendix 5: NGI Rap Back Subscription Management Plans*, where Category Based Subscription Management is discussed in detail; and,
- On page 4 of *Appendix 2: Submitting Entity Start-Up Checklist*, where the checklist of requirements for Category Based Subscription Management are itemized.

Then, further changes throughout the *Guide* and *Appendices* largely will be “Find and Replace” of “*Category*” with “*Person*”. Sample page 10 text:

**B. CATEGORY PERSON BASED SUBSCRIPTION MANAGEMENT**

The Submitter establishes a single subscription for an NGI Identity (for each identified Rap Back Category) and tracks all subscriptions at the Submitter level, without any Subscriber information residing in NGI.

The Submitting Entity creates just one subscription for each identified Rap Back Category on an NGI Identity—regardless of how many in-state or federal agency subscriptions they have for that person in that Category—and does not add any Subscriber information to the NGI record. The Submitter manages all adds, deletes, modifications, etc. for each NGI subscription Rap Back Category they maintain. The subscription is based upon the Submitter managing the subscription information at the state level (or federal agency level for Federal Submitting Agencies).

**Note: The underlying concept of the Person Based Subscription Management Approach is that a Submitter need only create a single NGI subscription per person, regardless of the number of Submitter-level subscriptions they have for that person. However, since NGI can include different content within the Identity History Summaries generated for the different Rap Back Categories, Submitters must create separate NGI subscriptions for the same person for each Rap Back Category of the Submitter-level subscriptions. Thus this Approach is appropriately named “Person-Based”, but it does have Category-based restrictions, as described throughout the Guide and Appendices.**

The **Category Person** Based Subscription Management Plan is designed for those states or Federal Submitting Agencies that already have robust Rap Back services and want to integrate the new NGI Rap Back Service into their existing functions. The **Category Person** Based Subscription Management Plan places significant responsibility on the Submitter to apply the NGI policies to their in-state or Federal Submitting Agency Rap Back services.

The implementation of NGI **Category Person** Based Subscription Management requires that the subscriptions maintained within the Submitter’s Rap Back Service referenced by NGI Subscriptions entered under this approach are held to the same level of oversight and control as though they had they been entered into NGI under Event Based Subscription Management. The following requirements pertain to participation in **Category Person** Based Subscription Management:

Submitters choosing the **Category Person** Based Approach are required to have documented processes and controls in place to follow the requirements and Best Practices or Alternate Practices identified throughout this Guide. CJIS and the Submitter will use the required Submitter’s Checklist process to

discuss, document, and validate the Submitter's plan for fulfilling the requirements of Category Based Subscription Management, with the following considerations:

1. CJIS can enable use of **Category Person** Based Subscription Management contingent upon necessary improvements being verified as in place prior to the Submitter using **Category Person** Based Subscription Management for their participation in NGI's Rap Back Service.
2. Submitter must discuss with CJIS any changes in the enabled processes. CJIS must document those changes to the Submitter's existing Rap Back plan.
3. Approximately one-year after a Submitter begins participating in **Category Person** Based Subscription Management, CJIS will validate that the Submitter's documented processes are still in place and are resulting in the Submitter's compliance with the requirements for **Category Person** Based Subscription Management. The CJIS Audit Unit may conduct this one-year review on site or remotely. The CJIS Audit Unit may schedule this approximate one-year review in a manner that fits into the Unit's existing audit activities.
4. In order to ensure Privacy Risk Mitigation Strategies and other system processes are being followed, the regular CJIS audits will have a special emphasis on validating the processes described to CJIS at start-up remain in place, or have been modified only after discussions with CJIS, and that they remain effective.
5. Upon request, the Submitter must be able to provide CJIS with appropriate reports including, but not necessarily limited to:
  - a. All Submitter-maintained subscriptions for the **Category Person** Based Subscriptions in NGI, along with the associated Privacy Risk Mitigation Strategies being employed for those subscriptions;
  - b. All Submitter-maintained subscriptions for named Subscribers and the associated Privacy Risk Mitigation Strategies being employed for those Subscribers;
  - c. Other available information that will assist CJIS in validating the processes being employed by the Submitter.

Detailed discussions of the two approaches and considerations for choosing between them are in Appendix 5: NGI Rap Back Subscription Management Plans.

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

**Proposed Change #7:  
Regarding Rap Back Subscription Term Labels**

(Mr. Mills stated this is a proposed change to include both sets of terms in use for the Rap Back Subscription Terms.)

**Compact Council Action: Ms. Carole Shelton moved to endorse the S&P Committee’s motion to accept Option 1 in regards to Proposed Change #7, as presented in the topic paper and listed below, with the understanding that the FBI CJIS Division will explore a better term for “lifetime” subscription as outlined above.**

**Option #1**

Change page 17 of the *Guide*, where Subscription Term is first discussed, as follows:

The Subscriber must pay a fee for each NGI Subscription. The amount of the fee determines the Rap Back Subscription Term, which is the length of time during which the subscription can be repeatedly “extended” without incurring an additional fee. The available Subscription Terms are as follows:

**2-Year Subscription Term (Tier I)**

**5-Year Subscription Term (Tier II)**

**Lifetime Subscription Term (Tier III)**

The same changes should be inserted in the other places within the text of the *Guide* and *Appendices* that refer to Subscription Term.

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

**Proposed Change #8:**  
**Regarding Correction to the Description of Category Based Subscription Management Processing**

(Mr. Mills stated this proposed change is to clarify the process laid out in Appendix 5 for removing one set of fingerprints from a Rap Back Subscription without deleting the entire subscription.)

**Compact Council Action: Ms. Katie Bower moved to endorse the S&P Committee’s motion to accept Option 1 in regards to Proposed Change #8, as presented in the topic paper and listed below, with noted changes to reflect “person-based” versus “category-based.”**

**Option #1**

Change the language in the *Guide* to indicate that Tenprint Fingerprint Identification Submissions entered under ~~Category~~ Person Based Subscription Management should be entered with the applicant entity’s ORI in the CRI field. Make the same correction to the accompanying graphic flow diagrams.

**Seconded by Ms. Carole Shelton. Motion carried**

The Council discussed questions related to legacy submissions for Rap Back Service. Council Chair Peck recommended the reconstitution and engagement of the Rap Back Focus Group to examine questions related to implementation of Rap Back Service.

**Topic #26    **The Interstate Identification Index Program/Next Generation Identification Relationship****

Ms. Paula A. Barron, FBI CJIS Division staff, presented on the relationship between the III System and the NGI.

Ms. Barron noted changes that occurred with the implementation of NGI Increment 4 in September 2014. She noted that civil ten-print image submissions may be stored and consolidated with criminal records, and that the term Identity History Summary replaces “rap sheet” as the official term for a record, which may contain both criminal and civil information. Ms. Barron also stated that a record’s master biographics may now be established by a civil retained record, if the civil retained submission is the first submission for that individual, and briefly discussed the impacts of this change on the III Synchronization.

Ms. Barron discussed State Outreach to III participating states. Ms. Barron noted that prior to NGI Increment 4, the FBI provided the record information in its files when a

fingerprint submission was identified with a non-NFF state's record. With implementation of NGI Increment 4, the NGI began using III messaging to send a criminal history request message to a III participating state, when fingerprints are identified with a record that is maintained by the III state and contains a state pointer in the record, provided that the state supports the III purpose code associated with the fingerprint submission. Ms. Barron stated that if the NGI does not receive a response from the III state after two 10-minute periods, the FBI will provide the record information in its files.

Ms. Barron noted that with NGI Increment 4, expungement processing no longer requires follow-up paperwork for records that contain a state pointer.

Lastly, Ms. Barron noted that the impacts to the III Synchronization realized as a result of NGI Increment 4 changes were being documented, and FBI CJIS Division research on these impacts was ongoing, with an APB staff paper addressing those impacts expected in fall 2015.

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

#### **Topic #27 Noncriminal Justice Rap Back Service Outsourcing Task Force**

Mr. James Z. Mills, FBI CJIS Division staff, presented the update on the Noncriminal Justice Rap Back Service Outsourcing Task Force (Task Force). He advised that work was ongoing to develop policy documents in support of the Task Force's efforts and expressed hope that those would be available during the fall 2015 Committee meetings.

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

#### **Topic #28 Facial Recognition Update**

Ms. Margery E. Broadwater, FBI CJIS Division staff, presented the Facial Recognition Update. She prefaced her presentation with a brief background on the Interstate Photo System (IPS), noting that the IPS now houses 37 million photos, 24 million of which are front-facing.

Ms. Broadwater announced that on April 18, 2015, Michigan successfully transitioned from the IPS Pilot to the IPS operational environment via Michigan's existing in-state facial recognition system, experiencing a success story on its first day in operation. Ms. Broadwater also noted that the FBI Face Services Unit fully transitioned to the IPS operational environment on April 24, 2015. She noted that next steps included gradual transition of the remaining IPS Pilot participating states to the IPS operational environment, followed by transition of the 13 states and one federal agency that signed

MOUs regarding the IPS but were not selected for IPS Pilot participation. She also noted that the newest version of the Universal Facial Workstation software, Version 2.3.0, was issued in April 2015.

Ms. Broadwater announced that an NGI enhancement provided the capability to submit photos in bulk to the IPS when certain requirements are met, and encouraged states to reach out to the Face Services Unit if interested in performing a bulk photo submission. Lastly, Ms. Broadwater noted that the latest version, 1.3, of the IPS Policy and Implementation Guide was approved by the APB IS Subcommittee on April 23, 2015, and would be made available on the Face Services Unit's LEO SIG.

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

### **Topic #29 Civil Fingerprint Image Quality Pilot Program Update**

Ms. Paula A. Barron, FBI CJIS Division staff, presented the update on the Civil Fingerprint Image Quality Pilot Program. As background, she explained that in March 2013, the CJIS Division hosted a civil fingerprint image quality discussion in which 22 individuals from the fingerprint community participated, along with members of the S&P Committee, and several CJIS Division subject matter experts. The discussion focused on different issues that might be affecting civil fingerprint image quality, as well as possible solutions on how to lower the reject rates for civil fingerprint image quality. As a result of the discussion, the Council voted at its May 2013 meeting to approve a pilot program.

Ms. Barron presented the newly updated Civil Fingerprint Image Quality Pilot Program Report. This document provided details regarding the pilot program results to date for two states, the pilot status of two states, and results of interviews with states performing well in civil fingerprint image quality. Ms. Barron noted that in one pilot state, Arkansas, the Department of Education placed 18 live scan devices for electronic fingerprint capture at co-op locations throughout the state for optional use by Department of Education applicants and employees in May 2014. She presented charts demonstrating that the Arkansas Department of Education's civil image quality reject rate had dropped significantly since placement of the live scan devices. She also noted that plans were in the works to propose state legislation which would require all Arkansas Department of Education employees and applicants to be fingerprinted electronically, with a further decrease in civil image quality rejects expected if that effort proves successful. In addition, Ms. Barron noted that efforts to provide training to the Arkansas Office of Long-Term Care via webinar were ongoing.

Ms. Barron also gave a brief update on the status of New Mexico, whose pilot results were initially presented during the November 2014 Council meeting. She noted that the pilot strategy employed in New Mexico, which required all civil fingerprints in

the state to be captured electronically by a vendor, had proven successful, demonstrating a significant drop in the state's civil image quality reject rate since implementation.

Next, Ms. Barron provided background and current status for the two remaining pilot states, noting that some actions already taken in those states included training efforts and exploration of live scan sharing among state agencies. Ms. Barron also shared results of interviews conducted with high performing states and state agencies. She noted that best practices derived from these interviews included monitoring reject rate statistics at the State Identification Bureau (SIB) or agency level and providing targeted training based on those statistics, focusing on increased electronic fingerprint capture, and maintaining a robust SIB-level image quality reject program.

Ms. Barron noted that next steps for the Pilot Program include continuing efforts with the remaining pilot states as well as the drafting of the Civil Fingerprint Image Quality Best Practices Guide. Lastly, she noted that the CJIS Training and Advisory Process Unit had developed a computer-based training module to address capture of friction ridges for both fingerprint and palmprint applications, and that training would be made available to the public.

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

- Topic #30 Noncriminal Justice Online Policy Resource**  
(A) Public Law 92-544  
(B) Dissemination of FBI Criminal History Record Information

Staff paper provided for information only, not presented.

- Topic #31 Next Generation Identification Status Report**

Staff paper provided for information only, not presented.

The meeting adjourned at 3:45 p.m.