MINUTES OF
THE MEMBERSHIP GROUP
OF
SEARCH, THE NATIONAL CONSORTIUM
FOR JUSTICE INFORMATION AND STATISTICS

July 25-27, 2003
Sacramento, California


Friday, July 25

Chair Gerald E. Wethington called the meeting to order at 9:00 a.m. on Friday, July 25, 2003.

ROLL CALL

Present at the meeting were the following Members:

- Robert Armstrong
- Francis X. Aumand III
- Curtis Bass
- Kenneth A. Bouche
- Hugh M. Collins
- Steven R. Conlon
- Jimmie Durnil
- Rusty Featherstone
- Daniel M. Foro
- Charles M. Friel
- Jeffrey Harmon
- Gary Holmberg
- Barry J. LaCroix
- Michael Lesko
- Roberto Martinez
- John E. Monce
- Georgene Ramming
- Wilbur Rehmann

- Phillip J. Renninger
- Daryl Riersgard
- Diane Schenker
- Theron A. Schnure
- Charles W. Sexson
- Diane Sherman
- David Steingraber
- Robert Taylor
- Richard Thomas
- Delton Tipton
- Thomas W. Turner
- Gordon Wasserman
- Robert Wessels
- Alecia Webb-Edgington
- Gerald E. Wethington
- James Wilson
- Curtis Wolfe
Alternates in attendance and voting as Members were:

- Thomas Barrick — West Virginia
- Paul Beckley — Washington
- Gary K. Cooper — California
- Terry Gibbons — Georgia
- Brian Glancy — Rhode Island
- Jean Itzin — Florida
- Robert Johnson — Minnesota
- Patrick Manning — Alabama
- Jose Ramirez — New Mexico

Member Emeritus in attendance was Prof. George B. Trubow.

Guests included Lt. Brad Bates, Kentucky State Police; Kenneth E. Bischoff, Western Identification Network, Inc.; Joseph P. Bonino, JPB Consulting Group; Ron Carroll, Oracle Corporation; Deputy William M. Casey, Boston Police Department; Gerry Coleman, Wisconsin Department of Justice; Todd C. Commodore, Federal Bureau of Investigation; Steve Cousins, NEC Solutions; Stephen L. Davis, MTG Management Consultants, LLC; Douglas J. Domin, SAIC; Patrick J. Doyle, CJIS GROUP; Larry Greenfeld, Bureau of Justice Statistics; Ronald L. Hatfield, Optimum Technology, Inc.; Dan Hawkins, Consultant to SEARCH; Robert W. Hollaran, National Background Data, LLC; Lt. John Jesernik, Illinois State Police; Janet Jessup, Northrop Grumman Mission Systems; Carol G. Kaplan, Bureau of Justice Statistics; Mike Kirkpatrick, Federal Bureau of Investigation; Ron Laney, Office of Juvenile Justice and Delinquency Prevention; Nancy Leach, Office of Community Oriented Policing Services; Greg Loos, Oracle Corporation; Anthony Lowe, Federal Emergency Management Agency; William Lueckenhoff, Federal Bureau of Investigation; Paul Luyendyk, CJIS GROUP; Jim V. Martin, Datamaxx Applied Technologies, Inc.; John McCarthy, Northrop Grumman Mission Systems; J. Patrick McCreary, Office of Justice Programs; Chris Palombi, Blackstone Technology Group; Michael M. Powers, Biometric Information Management; Thomas Rhoton, Appriss, Inc.; Joe Riggione, Unisys Corporation; David J. Roberts, Unisys Corporation; Claude Rumsey, Advanced Technology Systems; Brad Russ, University of New Hampshire; Robert Slaski, Advanced Technology Systems; Louis T. Smith, Appriss, Inc.; James L. Threatte, SAIC; Matthew Trail, National Association of State Chief Information Officers; Jeff Uyeda, Oracle Corporation; Barry Van Sant, National Systems & Research Co.

Staff in attendance were Sheila J. Barton, Susan Buntjer, Jan Burnaugh, Gary R. Cooper, Laura DeOrio, Rose Marie Florita, Owen M. Greenspan, Kelly J. Harris, Ronald P. Hawley, Eric C. Johnson, Jon A. Johnson, Molly Lake, Lynn McPherson, Terri E. Nyberg, Catherine Plummer, Linda Townsdin, Lawrence P. Webster, and Paul L. Woodard.

SEARCH General Counsel, Mr. Robert R. Belair, Oldaker, Biden & Belair, was also in attendance.
APPROVAL OF MINUTES

Members reviewed the Corporate minutes of the January 31-February 2, 2003, Membership Group meeting held in Denver, Colorado. It was moved by Lt. Thomas W. Turner, seconded (Mr. James Wilson), and unanimously carried,

“To approve the January 31-February 2, 2003, Membership Group meeting minutes, as presented under Tab 1 of the Meeting Packet.”

FBI CJIS DIVISION REPORT

Mr. Mike Kirkpatrick, Assistant Director in Charge, Criminal Justice Information Services (CJIS) Division, Federal Bureau of Investigation (FBI), discussed the activities of the Division. He stated that overall, 2003 has been a banner year for the CJIS Division and the criminal justice systems that the FBI manages. The FBI is continuing efforts to stabilize major information technology systems in order to enhance their availability to the customers and has been very successful in increasing the availability of the systems and experiencing fewer scheduled and unscheduled outages.

Mr. Kirkpatrick reported on a few problem area remediation and refreshment activities, which are in progress or that have been completed this year. The FBI continues to look at new ways to access information that is held at the national level, including the use of the National Instant Criminal Background Check System (NICS) E-Check. Division staff has been working with many police departments and crime laboratories across the country to propagate the remote access approach to latent fingerprint services. Law Enforcement On-line (LEO) has rolled out its virtual private network that allows access to the system over the Internet and is also interfaced with the Regional Information Sharing System Network (RISSNET).

The Division is working with the Ohio Bureau of Criminal Identification and Investigation on the Web-Check pilot project, which explores the use of flat, rather than rolled, fingerprints. The pilot will conclude in fall 2003 and the Division will publish the results of the pilot soon thereafter. Mr. Kirkpatrick expressed the importance of reporting dispositions. Over the past 9 months, the Division has received over 13 million dispositions, which is a 162 percent increase over FY 2002. There are still some National Fingerprint File (NFF) states that do not submit any dispositions and that hampers the Division’s ability to return a complete criminal history for criminal, civil, and national security checks and to make NICS decisions.

Mr. Kirkpatrick reported the Division has experienced tremendous gains in the electronic submissions of civil and criminal fingerprints. He also noted that the latent capabilities of the Integrated Automated Fingerprint Identification System (IAFIS) is being vastly underutilized at this point. Mr. Kirkpatrick stated that the U.S. Attorney General issued a directive to the FBI to increase the immediate determination rate on a NICS check to 90 percent and the Division has been successful in getting that rate above 91 percent.
Mr. Kirkpatrick reported that the U.S. Department of Justice (DOJ) issued a Notice of Proposed Rulemaking, which would have decreased the retention period for NICS records from 90 days to the next business day. There was an amendment by Congress, which requires the immediate destruction of NICS background check records related to firearms purchase transactions that are carried forward. If this rule passes, it will have a significant impact on the FBI and on the states that act as Point of Contacts for the NICS program. He also stated that the Division has established a new team to look at Uniform Crime Reporting (UCR) and expand the utility of incident-based data into some type of a national information sharing system. Although the National Incident-based Reporting System (NIBRS) Program continues to have increased acceptance around the country, there is still much work to be done.

Mr. Kirkpatrick reported on activities related to the National Sexual Offender Registry and the Protection Order File of the National Crime Information Center (NCIC). He stated that issues regarding homeland security have changed the demands that are being placed upon the FBI’s systems. The Division is continually rethinking how IAFIS, NCIC, and NICS have been historically used and how the systems can be used better to protect the country. Mr. Kirkpatrick stated that the Division is in good shape regarding the requirements contained in the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act* (USA PATRIOT Act), although the early November 2003 start date scheduled for fingerprinting and conducting background checks of new and renewal hazardous materials (HazMat) licenses for commercial drivers proves to be problematic. Mandates in the *Bioterrorism Act* require the Division to run civil and criminal history records checks. The FBI is using the Violent Gang and Terrorist Organization File of NCIC to enter terrorism suspects and subjects of investigations. In May 2003, a letter was sent from the Division to the state identification bureaus and the Western Identification Network offering to provide copies of terrorist fingerprints for the states to search and include in the state central repositories.

Mr. Kirkpatrick stated that the timeliness of electronic criminal fingerprint submissions to the national repository is critical and reported on the varying state response times. He stated that the CJIS Division is working with the FBI Laboratory Division to put together a Concept of Operations for adding palm print capability to IAFIS.

Mr. Kirkpatrick reported on a mandate in the *Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act* (PROTECT Act) that requires two 18-month pilots, which would involve three national volunteer agencies submitting 100,000 fingerprints to the FBI to be checked. The FBI would provide the results and the National Center for Missing and Exploited Children (NCMEC) would make a final fitness determination on those checks. In addition, three state pilots involving Virginia, Tennessee, and Montana, will be conducted to look at different ways of handling volunteer checks. Mr. Kirkpatrick stated that at the end of the pilots, the FBI will conduct a feasibility study. Certainly the FBI and DOJ will be working with the stakeholders, including SEARCH, to communicate the results, including lessons learned and best practices.
Mr. Kirkpatrick presented retiring SEARCH Executive Director Gary R. Cooper with a framed certificate expressing the CJIS Division’s thanks and appreciation for his tireless efforts over the years.

BUREAU OF JUSTICE STATISTICS REPORT

Mr. Lawrence A. Greenfeld, Director, Bureau of Justice Statistics (BJS), U.S. DOJ, discussed the current activities that are underway at BJS. Mr. Greenfeld discussed a flow diagram distributed to the Membership Group that outlined the various statistical series that BJS operates.

Mr. Greenfeld noted that 2003 marks the 34th year since BJS’s predecessor agency, the National Criminal Justice Information Statistics Service, initiated Project SEARCH. He said the changes that have occurred in the last 8 years are truly monumental. The new attention directed to the nation’s criminal records infrastructure hastened by the Brady Act mark a departure point in the evolution of criminal records and the information systems that build, store, and access these records. New expectations and demands exist to secure more up-to-date, accurate, shareable, extensive background check data on individuals than was ever envisioned more than three decades ago when Project SEARCH began. The recently passed PROTECT Act will create challenges to conduct noncriminal justice checks with speed and accuracy, adding millions of new checks to the current burden that exists at the states.

In March 2003, BJS released the program announcement for the National Criminal History Improvement Program (NCHIP) for FY 2003. BJS is making funds available to support the traditional records improvement activities, such as improvement in disposition coverage, NICS, and Interstate Identification Index (III) participation, IAFIS, and the inclusion of relevant mental health records and misdemeanor domestic violence case records. BJS encourages all of the states to use NCHIP funds to better coordinate with homeland defense and emergency management agencies within the states, and especially the courts and prosecutors, to ensure that the problem of open arrests can someday disappear from the listing of problem areas associated with background checks. BJS encourages the states to consider the development and transmittal of a file containing records of rejected firearms purchasers and denied applicants from the FBI’s “denied persons” file. This file can be an important resource for improving both the timeliness of NICS checks and ensures that repeated record research is not needed. If a state’s confidentiality rule permits, Mr. Greenfeld strongly urged the states to submit records of involuntarily committed individuals to the denied persons file. BJS has consistently found that when research is required to deal with open arrest problems, it most often involves older records. Mr. Greenfeld encouraged the states to use NCHIP funds to address this issue.

BJS statisticians have been working with criminal history records by tracking a sample of prisoners released in 1994 in 15 states. This sample represents about 270,000 people who were released from prison and is the largest recidivism and criminal mobility study ever undertaken. One significant observation from the study is the difficulty of recoding
Mr. Greenfeld discussed issues relative to NIBRS and stated that BJS provided funding to many of the states to build NIBRS-compatible crime reporting programs. Currently, BJS has had no money available for NIBRS due to the earmarking of all appropriated funds under the *Crime Identification Technology Act* (CITA). Mr. Greenfeld stated that NIBRS needs to continue to move forward because the system provides for the next generation of crime measurement and provides the only vehicle for unraveling the real content of what people are asking the police to address.

Mr. Greenfeld brought Members up to date on major accomplishments since the passage of the *Brady Act*. BJS has administered approximately $400 million since 1995 and over that time the number of participants in III and the number of III-accessible records have doubled. Approximately 46 million pre-sale firearms checks have been conducted and close to 1 million individuals have been prevented from purchasing a firearm. Every state is participating in the National Sex Offender Registry, which contains approximately 300,000 records, and the Protection Order File contains nearly 800,000 records. Before NCHIP, a background check consisted of a check of about 20 million records. Today’s checks spin through about 53 million records. Mr. Greenfeld noted that these accomplishments indicate that there is a strong consensus for improving our long-neglected criminal justice infrastructure. These accomplishments have not gone unnoticed by the Congress and it appears that NCHIP may be getting an additional $20 million, particularly to focus on the court/repository interface and to develop better communication between prosecutors’ offices and moving non-prosecutorial decisions to the purview of the state repositories.

Mr. Greenfeld concluded his remarks by wishing Mr. Cooper the best in his retirement. He also announced that Ms. Carol G. Kaplan, Chief of BJS’s Criminal History Improvement Programs, will be retiring and he commended her on her efforts on making NCHIP a viable and extremely successful program.

**TRANSPORTATION SECURITY ADMINISTRATION**

Mr. Justin Oberman, Acting Director, Credentialing Program Office, Transportation Security Administration (TSA), participated in the meeting via teleconference. Mr. Oberman stated that TSA is subject to very tight deadlines in a range of areas in the implementation of Section 1012 of the USA PATRIOT Act, which requires a background check for any individual seeking a commercial driver’s license with a HazMat endorsement. TSA is becoming better organized to try to deal with this requirement and has hired a program manager who begins employment at TSA effective August 11, 2003.

Mr. Oberman noted that two worrisome issues for TSA involve the November 3, 2003, deadline for the states to begin implementing this law and the monies necessary to implement the requirement. SEARCH and the American Association of Motor Vehicle Administrators (AAMVA) have expressed strong concern regarding these same issues. Mr. Oberman noted that amending this regulation will require numerous levels of review.
by the Administration, and TSA is working diligently on moving the deadline date for states to begin implementing this law to a later date.

Mr. Oberman reported that TSA is working through the Administration and Capitol Hill to try to obtain some kind of statutory authority to levy fees that would recover the costs of conducting a background check for HazMat licensees.

TSA has the authority to conduct name-based checks through the FBI on the first go around and then follow-up with fingerprint-based criminal history record information over time. Regarding the name-based checks, TSA has received a current manifest of drivers from AAMVA, which is able to aggregate all the HazMat endorsements nationwide. TSA is working with its contractors to find ways to responsibly and efficiently go to the FBI and run these checks through the NCIC and III.

Mr. Oberman noted that the statute is very clear in stating that TSA is to communicate with the drivers directly and not communicate through the states or their employers. The statute also mandates that the states cannot issue a HazMat endorsement unless it is confirmed that the driver is not a security risk. TSA continues to work on reciprocity issues so that if a driver is rejected for a HazMat endorsement in one state because he or she failed a background check, that driver will not be able to obtain an endorsement in another state.

Mr. Oberman reported that existing fingerprint capacity varies from state to state. TSA’s role is to work closely with all interested state parties and the trucking industry to ensure that the total number of drivers that need to be fingerprinted in each state each month are completed by the end of each month. To do this, TSA does not want to put any undue or unfunded mandates on the states. TSA plans to tap into the resources at existing state and local law enforcement agencies, existing transportation industry capacity, military induction centers, and immigration processing centers. TSA also plans to work with the private sector to create ways to capture drivers’ fingerprints at trucking companies, truck stops, and drug-testing facilities.

Mr. Oberman requested SEARCH’s assistance in helping to educate TSA on the role of the state central repositories in this effort. TSA may try to implement biweekly teleconferences of the states, similar to calls being conducted in the aviation field, to communicate issues of interest to all the stakeholders involved.

During the question-and-answer period, the Membership Group expressed concern with the November 3, 2003, deadline and urged TSA to convene a working group to include representatives from the National Crime Prevention and Privacy Compact Council, state central repositories, state departments of motor vehicles, members of the FBI CJIS Division and its Advisory Policy Board, SEARCH, AAMVA, and the International Association of Chiefs of Police (IACP). This group can work together to help define the process for gathering submission of fingerprints, as well as processing of results. Also, Mr. Wilbur Rehmann, Compact Council Chair, urged TSA to forward a clean copy of the final agreement between TSA and the Council that was signed on March 13, 2003, so that the Council can publish the Interim Final Rule and work toward a permanent solution for the HazMat background checks situation.
Mr. Kirkpatrick raised two concerns of the FBI CJIS Division: 1) the potential backlog of the noncriminal history record HazMat checks on the III system, which will impact and cause possible backlogs to the criminal justice use of that system; and 2) conducting only a federal criminal history check and not including a state check. Mr. Kirkpatrick agreed that the FBI could handle up to 50,000 HazMat queries a day without overtaxing the III system. Mr. Oberman noted that the statute requires a federal criminal history check, but does not require a state criminal history check. Mr. Oberman stated he would be seeking SEARCH’s advice and guidance on receiving the best information possible, without overburdening the state repositories.

Mr. Oberman concluded his remarks by assuring the Membership Group that the working group to define the process for conducting HAZMAT checks will be formed very soon.

**FBI’S INFORMATION SHARING INITIATIVES**

Mr. William Lueckenhoff, Chief, Information Sharing Team, CJIS Division, FBI, discussed the FBI’s plan for information sharing and its relationship with the UCR program. The FBI concept builds upon current information sharing opportunities, creating a “one-stop shopping” approach to a CJIS “System of Services.” Using UCR data, with certain data elements added, pointers between existing state and federal agency data could ultimately provide information to a terrorist threat integration center. The process being utilized to realize this potential is intended to be a “partnership” between local, state, and federal agencies. He stated that this project is currently in a strategic planning phase, with the quality phase to begin in the near future.

Mr. Lueckenhoff identified the CJIS Division Information Sharing Strategic Planning participants, which include SEARCH, and described the strategic planning issues and challenges involving technology development and application, risk mitigation, and pilot project oversight.

**OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION**

Mr. Ron Laney, Director, Child Protection Division, Office of Juvenile Justice and Delinquency Prevention (OJJDP), U.S. DOJ, discussed the activities of the Internet Crimes Against Children (ICAC) Task Force program that OJJDP has been involved in with SEARCH over the past few years. OJJDP has provided funding to NCMEC to contract with the University of New Haven to conduct a survey to discover the magnitude of the problem of child exploitation over the Internet. It was discovered that only 18 percent of the incidents were reported to local law enforcement officials because many families do not know the appropriate action to take when inappropriate messages are received online.

The ICAC Task Force Program was created as a result of language contained in the *Missing Children’s Assistance Act*, which provided appropriations to state and local law enforcement to investigate child exploitation cases. The ICAC Task Force Program develops forensic investigative capability with state and local law enforcement, provides
training and technical assistance, and creates support, prevention, and community education activities. There are currently 36 Task Forces in existence throughout the United States. Mr. Laney stated that the current Administration and Congress is extremely supportive of the ICAC program to help combat Internet crimes against children.

Mr. Laney described Operation Avalanche and outlined eight major recommendations that ICAC practitioners have made to drive the ICAC program. The Task Forces continue to work with law enforcement agencies to ensure that individuals are properly trained to investigate child sexual exploitation cases. Forty-one regional Task Forces will cover the entire country and U.S. territories and will be responsible for providing technical assistance and training to agencies within their region.

OFFICE OF COMMUNITY ORIENTED POLICING SERVICES

Ms. Nancy Leach, Social Science Analyst, Program/Policy Support and Evaluation Division, Office of Community Oriented Policing Services (COPS), discussed several initiatives currently underway at COPS. She reported on current technology funding and stated that COPS received $66.5 million for the Interoperable Communications Grant Program. COPS is participating in a coordinated program with the Office of Emergency Preparedness & Response (EP&R) and the Department of Homeland Security in this initiative.

Ms. Leach reported that 74 agencies were invited to apply to the COPS Metropolitan Statistical Area Data program. A joint application was distributed by COPS and EP&R on June 30, 2003, and the deadline for applications was August 1, 2003. She stated that applications will be peer reviewed by panels of technologists and practitioners and decisions will be made in a coordinated effort by COPS and EP&R. There is a $6 million cap on the amount of money that can be requested.

Ms. Leach reported on technology earmarks, stating that $189 million in earmarks are available this year. In previous years, COPS provided over $5 million in funding to 10 jurisdictions for 3-1-1 systems. In the Enhancement of Community Policing Solicitation, $900,000 was available for 3-1-1 systems, and COPS plans to make three awards for $300,000 each.

Ms. Leach noted that Congress is still working on the COPS FY 2004 appropriation and it is too soon to know whether COPS will receive any additional technology funding.

Ms. Leach reported on technical assistance and training initiatives that COPS is conducting. Since 1999, COPS has funded SEARCH to hold conferences and on-site technical assistance to agencies receiving COPS Making Officer Redeployment Effective (MORE) grants. COPS is also funding SEARCH to provide the same type of conferences to COPS technology earmark grantees in fall 2003. In addition, COPS is planning to provide conferences and technical assistance to the COPS interoperability grantees.
Ms. Leach stated that COPS has released several publications, including the SEARCH-authored *Law Enforcement Tech Guide*; a SEARCH-produced technology video, “Mission Critical: Fighting Crime with Information Technology”; and a *Call Management Guidebook*, written by the Institute for Law and Justice.

Ms. Leach concluded her remarks by stating that COPS continues to encourage partnerships and state coordination in interoperability activities and encourages local agencies to communicate with state and federal agencies in order to prevent the development of stovepipe systems.

**FEDERAL LEGISLATION**

Mr. Robert R. Belair, SEARCH General Counsel, Oldaker, Biden & Belair, discussed criminal justice issues of interest to SEARCH that were considered during the first half of the first session of the 108th Congress. Background information on Mr. Belair’s report was contained in the *Washington Scene* located under Tab 2 of the meeting packet. Mr. Belair stated that the House and Senate have been occupied with judicial nominations, tax cuts, the budget, and the war in Iraq. Little legislation has been accomplished in the past seven months and the FY 2004 appropriations process has barely begun.

Mr. Belair noted that criminal justice issues of interest to SEARCH that have been introduced or considered during the 108th Congress fall into the following categories: 1) criminal justice funding issues; 2) background check legislation; 3) the *PROTECT Act*; 4) *Brady Act*/NICS legislation; 5) biometrics legislation; and 6) cyber-security legislation.

**Criminal Justice Funding Issues**

Mr. Belair reported that the House Appropriations Committee approved the FY 2004 CJS Appropriations Bill on July 16, 2003. The Senate has yet to consider the bill. Mr. Belair outlined the funding included in the bill, noting that SEARCH received a “soft” earmark in the House bill.

**Background Check Legislation**

Mr. Belair reported that the *Keeping Children and Families Safe Act* has recently been enacted. The Act provides grants to states for child abuse prevention and treatment programs and includes background checks on prospective foster or adoptive parents. The Act does not address fingerprints or fees.

Mr. Belair referenced pending background check legislation, including H.R. 6, *Nuclear Material Act*; S. 165, *Air Cargo Security Improvement Act*; and S. 1, *Prescription Drug and Medicare Improvement Act*. Mr. Belair stated that additional numerous bills have been introduced that require background checks, including S. 22, *Justice Enhancement and Domestic Security Act*, which includes Sen. Joseph Biden’s (D-DE) *National Child Protection Act* (NCPA) bill. Mr. Belair reported that there is little chance S. 22 will pass.
The PROTECT Act

Mr. Belair noted that on April 30, 2003, the PROTECT Act was signed into law. As enacted, the bill includes three provisions that relate to the NCPA. The bill includes: 1) a DOJ background check feasibility study that was added as an amendment on the House floor; 2) a “state” NCPA pilot program; and 3) a federal NCPA pilot program. Mr. Belair reported that on July 16, 2003, Senate Judiciary Chairman Orrin Hatch (R-UT) sent a letter to the DOJ urging them to work closely with the National Crime Prevention and Privacy Compact Council, SEARCH, and the state repositories on the various pilots and the feasibility study. Sen. Hatch also introduced legislation that would immunize NCMEC from liability arising from fitness determinations. There is a strong consensus that NCPA checks must include fingerprints and be completed in a quick, reliable, and inexpensive manner. Mr. Belair stated that controversy exists over privacy issues.

Mr. Belair reported that by the end of October 2003, the U.S. Attorney General must complete a feasibility study regarding noncriminal justice, volunteer background checks. Mr. Belair detailed the many subjects to be examined, which include: 1) the current state of fingerprint capture in the states, including capabilities, infrastructure, and time for processing; 2) the state’s intentions in participating in a nationwide system; 3) the number of volunteers and others who would require checks; 4) the impact on IAFIS and the FBI in terms of capacity, work practices, and staffing; 5) the current fees charged by states, the FBI, and local agencies; 6) the existence of best practices that could be duplicated; and 7) the extent to which private companies are currently performing background checks and the possibility of using private companies in the future to perform any of the background check process, including the capture and transmission of fingerprints.

Brady Act/NICS Legislation

Mr. Belair reported that, to date, no legislation has been enacted by the 108th Congress that affects NICS or the Brady Act. Even the Our Lady of Peace Act, which would improve NICS by requiring states to make mental health information available, seems to be unable to get any traction in the current Congress.

Biometrics Legislation

Mr. Belair reported that although a fair amount of biometrics bills have been introduced, no legislation requiring or affecting the use of biometrics has been enacted during the 108th Congress. Mr. Belair stated that this is due in part to the passage of time from September 11, 2001, and the privacy push at the federal level.

Cyber-Security Legislation

Mr. Belair reported that S. 187, the National Cyber-Security Leadership Act, has been introduced, which requires the Chief Information Officer of each federal agency to: 1) identify the vulnerability of the agency’s information technology; 2) establish performance goals for the agency to identify, train personnel, and develop tools for protecting technology; 3) report annually to the Office of Management and Budget on the
agency’s information security; and 4) undergo a review by the National Institute of Science and Technology. This bill was introduced on January 16, 2003, and was referred to the Senate Committee on Governmental Affairs. No further action has been taken.

Mr. Belair noted that identity theft as become a serious concern at the national level. Legislation is moving through the Congress that would reauthorize the *Fair Credit Reporting Act* to provide remedies for identification allowing victims of identification theft to issue a security alert on credit reports and providing counseling services to these victims.

**SPECIAL PRESENTATIONS**

Several presentations were made during the Membership Group meeting, including:

1. SEARCH congratulated Ms. Kaplan on her retirement from BJS and presented her with an award as a token of SEARCH’s appreciation and gratitude for her contributions, leadership, and service to the Nation’s criminal justice efforts.

2. SEARCH congratulated SEARCH Member Mr. Phillip J. Renninger, Director, Bureau of Information and Analytical Services, Pennsylvania Commission on Crime and Delinquency, on his retirement. He was given a plaque expressing the Membership Group and staff’s appreciation for his years of tireless dedication, extraordinary contributions, and outstanding service as a Member of the SEARCH Board of Directors and Planning Committee, and as Chair of the Research and Statistics Program Advisory Committee (PAC).

3. SEARCH Member Mr. Daniel Foro (New York) congratulated Executive Director Cooper on his retirement. On behalf of the state of New York, Mr. Foro presented Mr. Cooper with a plaque, thanking him for his support and the work he has done for the criminal justice community in New York.

4. SEARCH Alternate Member Mr. Paul Beckley (Washington) also congratulated Mr. Cooper on his retirement. On behalf of Washington Member Mr. Maurice King and the Washington State Patrol, Mr. Beckley presented Mr. Cooper with a plaque recognizing him for his years of outstanding service and dedication to the Washington State Patrol and the citizens of the State of Washington as the Executive Director of SEARCH.

**BOARD OF DIRECTORS REPORT**

*Ad Hoc Committee Reports*

Chair Wethington stated that the Board received an update from the three Ad Hoc Committees that were formed as a result of the Board Retreat that met November 13-14, 2002. The Chairs of the Ad Hoc Committees provided the Membership Group with a summary of the recommendations that have developed from each Ad Hoc Committee.
Strategic Planning Ad Hoc Committee

Dr. Charles M. Friel (At Large), Chair of the Strategic Planning Ad Hoc Committee, referenced the “Final Report Submitted by the Strategic Planning Committee.” Dr. Friel outlined a series of recommendations contained in the report, the core of which is to move strategic planning to one of the main functions of the SEARCH Board of Directors. In addition to Chair Friel, the Ad Hoc Committee members include Col. Kenneth A. Bouche (Illinois), Maj. Mark W. Huguley (South Carolina), Mr. Theron A. Schnure (Connecticut), Mr. Bob Wessels (At Large), and Ms. Judi Wood (Maryland).

Finance and Administration Ad Hoc Committee

Mr. Charles W. Sexson (Kansas), Chair of the Finance and Administration Ad Hoc Committee, stated that one of the outcomes from the Board Retreat was that as a fiduciary, the Board of Directors has the responsibility for the legality, efficacy, and appropriateness of the corporate finance and accounting practices. The Finance and Administration Ad Hoc Committee presented a multipage summary to the Board at its January 2003 meeting. As a result, the Board agreed that the Ad Hoc Committee should proceed with its work. In addition to Chair Sexson, the Ad Hoc Committee members are Dr. Hugh M. Collins (At Large) and Maj. Mark W. Huguley (South Carolina).

Mr. Sexson reported that the Committee met at SEARCH offices on May 15, 2003, and was briefed on workflows and controls for SEARCH finances, financial audits, personnel policies and procedures, and the transition in leadership for SEARCH’s financial operation due to the June 2003 retirement of Executive Deputy Director George A. Buck. The committee also met with a representative of SEARCH’s auditing firm and had the opportunity to ask about best practices and the audit procedures followed when auditing SEARCH. The Committee was reassured that the corporation is well managed and the books are sound.

Mr. Sexson noted that future activities of the Finance and Administration Ad Hoc Committee include working with staff to establish a process in which the committee receives quarterly and annual reports concerning the fiduciary activities within SEARCH. The committee plans to redefine the presentation of some of the financial reports and report back to the Board and Membership at the January 2004 meeting.

CEO/Board Ad Hoc Committee

Mr. Gerald E. Wethington (Missouri), Chair of the CEO/Board Ad Hoc Committee, reported on the activities of the committee. In addition to Chair Wethington, Ad Hoc Committee members include Mr. Francis X. Aumand III (Vermont), Lt. Col. Jeffrey Harmon (Maine), Prof. Kent Markus (At Large), and Ms. Donna M. Uzzell (Florida).

Chair Wethington referenced and outlined five policies recommended by the CEO/Board Ad Hoc Committee that were distributed to the Board of Directors. The Board reviewed and formally adopted the following policies: 1) Annual Evaluation of SEARCH Executive Director; 2) Selection for SEARCH Executive Director; 3) Guidelines for
Executive Director Succession in the Event of Catastrophic Event; and 4) Communication Between SEARCH Staff and Members.

Chair Wethington noted that the Board did not approve the “Fair and Equitable Procedures for Granting Increases in Compensation” policy as presented. The Board directed the Executive Director to maintain the policies and procedures for compensation that are currently in place for the upcoming fiscal year. The Board requested that the Executive Director provide the Board with recommendations as to whether SEARCH should transition into a more structured salary compensation environment.

Chair Wethington stated that the Board is continuing work on developing a Board Policy book that will include all active motions and policies that have been approved by current and past Board of Directors. The Board also will be developing a Conflict of Interest Policy for the organization.

Review of SEARCH Bylaws

Chair Wethington stated that staff has presented the Board with recommended changes to the Bylaws based on current practice and policies and procedures that have recently been adopted by the Board. The Board has provided direction to staff on the Bylaw changes. A written notice will be sent to the Membership alerting them of the recommended Bylaw amendments that will be presented for review and approval.

Members and Staff Anniversary Recognition

Chair Wethington stated that the Board recognized Ms. Irma Jauregui, Administrative Assistant to Training Services, and Ms. Diane Chin, Administrative Assistant, for their years of service to SEARCH. Ms. Jauregui has been employed 15 years and Ms. Chin has been employed 10 years.

Chair Wethington noted that the Board recognized current Members Mr. Mark C. Thompson (New Hampshire) for 20 years of continuous service, and Mr. Paul C. Heppner (Georgia) for 10 years of continuous service to SEARCH.

Board Executive Session

Chair Wethington reported that the Board held an Executive Session to discuss issues regarding the organizational structure. According to the requirements of the Bylaws, the Board of Directors approved the appointments of Ms. Kelly Harris, Deputy Executive Director of Programs, and Ms. Sheila J. Barton, Deputy Executive Director of Program Support. The Board also appointed Ms. Barton as Secretary/Treasurer of SEARCH.

Sole Source Contracts

Chair Wethington reported that the Board discussed SEARCH’s policy regarding sole source contracts and agreed to increase the cap requiring justification statements for all sole source contracts from $25,000 to $100,000 per contractor per 12-month period.
**SEARCH Symposium**

Chair Wethington stated that an Information Technology Forum will not be held in the fall 2003. SEARCH will, however, be holding a 2004 Symposium on Integrated Justice Information Systems, which will be held March 22-24, 2004, at the Hyatt Regency Crystal City, in Washington, D.C.

**Membership Group Meetings**

Chair Wethington stated that the Board voted to change the policy on where SEARCH can hold Membership Group meetings. In the past, meetings could not be held in non-dues paying states. That policy was set when SEARCH was trying to build incentive for states to pay dues. Now that the majority of states pay dues, the Board felt that this policy was no longer appropriate. SEARCH, in fact, may receive benefits by holding meetings anywhere in the country for not only economic reasons, but it also allows non-dues paying state members an opportunity to attend the meetings and to experience firsthand the value of participating in SEARCH.

The Board agreed that it would be beneficial to set the dates for the next several meetings and agreed to the following dates and possible locations:

- **January 22-25, 2004**: Washington, DC  
  San Diego, CA  
  San Francisco, CA  
  Las Vegas, NV

- **July 22-25, 2004**: Portland, ME  
  Chicago, IL  
  Seattle, WA  
  Denver, CO

- **January 27-30, 2005**: New Orleans, LA  
  Tampa, FL

- **July 21-24, 2005**: pending

Chair Wethington noted that staff researched the costs associated with holding the meetings mid-week and not involving weekend dates. Staff found that there are still significant cost-savings associated with holding the meetings over the weekend, involving a Saturday night stay.

He stated that since the terrorist attacks of September 11, 2001, air travel has become more costly and the airlines have changed their policies regarding refundable and nonrefundable tickets. Some Members have found it necessary to make last-minute changes or cancel their flights altogether. When this occurs, substantial costs arise. Some Members choose to send an alternate, so SEARCH not only absorbs the cost of the original ticket that has been canceled, but also absorbs the cost of the Alternate
Member’s higher-priced ticket. Staff researched the impact of purchasing refundable tickets so that money would not be lost due to cancellations. Staff found that refundable tickets are substantially higher priced than nonrefundable tickets; thus, it continues to be more cost-effective to purchase nonrefundable tickets.

Mr. Wethington stated that by setting future dates for upcoming Membership Group meetings, those Members who need to cancel a ticket for an upcoming meeting can salvage the ticket by immediately using it to rebook a flight for a future meeting, instead of canceling it entirely.

**Board Review of Financial Report**

Mr. Wethington stated that the Board conducted a detailed review of the Financial Report for the period July 1, 2002, through May 31, 2003. SEARCH’s indirect cost rate is rising and currently is 33.32 percent due to the Executive Director’s selection process and holding the Board of Directors Retreat. Mr. Wethington noted that the SEARCH has experienced a deficit, which was due to a decline in participation (due to state budget concerns) in various SEARCH programs that generate revenues in the unrestricted funds categories. Reserve funds have been used to pay this deficit and the Board will be researching ways in which the organization can establish a larger unrestricted fund balance for the future.

**FINANCIAL REPORT**

Executive Director Cooper referenced Tab 9 of the Membership Group Meeting Packet, which contained a Financial Report Summary. The material showed the growth and the revenues of the organization over the past several years. Mr. Cooper noted that revenues are expected to be flat for the next year. SEARCH is exploring other sources of revenue, including opportunities in the homeland security area.

Mr. Cooper reported that 46 states paid dues for fiscal year 2002-03. So far, 17 states have paid the 2003-04 dues. Mr. Cooper referenced the highlights of the 2003 Mid-year Overview of SEARCH Activities included under Tab 3 of the meeting packet.

The meeting adjourned for the day at 4:51 p.m.

**Saturday, July 26, 2003**

Chair Wethington reconvened the meeting at 9:00 a.m. on Saturday, July 26, 2003.

**FBI’S CJIS ADVISORY POLICY BOARD/COMPACT COUNCIL REPORT**

Deputy William M. Casey, Chair of the FBI’s CJIS Advisory Policy Board (APB), reported on the activities from the June 4 and 5, 2003, APB meeting in Cleveland, Ohio. Deputy Casey discussed the Bureau of Immigration and Customs Enforcement’s (BICE, formerly the Immigration and Naturalization Service) National Security Entry-Exit Registration System (N-SEERS) and issues that have developed. He stated that violators who are entered
into the system are being entered into the NCIC warrant file, but legal experts across the country advise that there is no right of arrest for these violators unless the arrestor is a BICE agent. This causes problems, because if these individuals are contained in the NCIC warrant file, local law enforcement officials may feel they have the right to make an arrest. Deputy Casey also noted that the issue centering on HazMat record checks is of vital concern to the APB.

Mr. Wilbur Rehmann, Chair, National Crime Prevention and Privacy Compact Council, discussed current Compact Council activities. He identified State Compact Council Members and State Compact Officers and reported that 19 states have passed the Compact. Mr. Rehmann highlighted the Compact’s definition of “non-criminal justice purposes” and outlined Article II of the Compact.

Mr. Rehmann detailed the Exigent Circumstances Rule adopted by the Compact Council and published in the Federal Register on May 21, 2001. He stated that under the USA PATRIOT Act, the U.S. Department of Transportation was charged with conducting background checks of every HazMat-endorsed commercial drivers licensee in the nation. In January 2003, TSA approached the Compact Council about utilizing the “exigent circumstances” rule for the delayed submission of fingerprint for HazMat drivers. The Council met in March 2003 and adopted a general proposal from the TSA. Mr. Rehmann outlined the principles that the Compact Council insisted be contained in the TSA proposal. The Council required TSA to report back to the Council during the planning and execution of the background checks in order to review and critique their progress. In June 2003, the Council passed a resolution calling on the Secretary of the U.S. Department of Homeland Security to recognize that TSA has not fulfilled its obligations under the agreement. Secretary Tom Ridge was asked to intervene and compel TSA to meet its Compact obligations.

**ROUNDTABLE DISCUSSION**

**Capturing and Forwarding Fingerprint for HazMat Background Checks**

Mr. Justin Oberman, Acting Director, Credentialing Program Office, Transportation Security Administration, participated in the roundtable discussion via teleconference to further discuss how TSA plans to conduct background checks for HazMat drivers. TSA and various other agencies have expressed concern about the November 3, 2003, deadline requiring that all individuals who apply for new, renewed, or transferred HazMat endorsements must be fingerprinted. The Membership also expressed concern about the lack of a defined process for implementing the Interim Final Rule. Mr. Oberman stated that a meeting will be held on August 20, 2003, to discuss the process for implementing the Rule.

Mr. Oberman asked if a 6-month extension to the November 3 deadline would be adequate. The Membership agreed that in order to have state participation and to ensure processes are in place, an extension would be beneficial. Depending on each individual state’s situation and the extent of participation, it may be more realistic for TSA to consider a 12-month extension.
Mr. Oberman stated that TSA should be able to publicly announce an extension to the November 3 deadline immediately prior, or during the August 20, 2003, meeting. He noted that any change in the date would have to be announced in the *Congressional Record*. Before the end of the conference call, Members stated that staff would be contacting Mr. Oberman to assist in the logistics and defining the issues for the August 20 meeting. Members stated they look forward to working with TSA on the amendment to the Rule and assisting with the implementation plan for the HazMat fingerprinting and background check process.

The Membership further discussed this issue and agreed that it is important for SEARCH or the states to not be blamed for the extension of the November 3 date. The Membership also agreed that staff needs to work with TSA to help develop the focus for the August 20 meeting. The meeting should include a smaller group consisting of representatives from the Compact Council, state central repositories, state departments of motor vehicles, members of the FBI CJIS Division and its APB, SEARCH, AAMVA, and the IACP. The meeting should focus on the development of the process by which TSA plans to implement the plan and not on the development of the system. It was also noted that this meeting should be the first of a series of meetings to begin the dialogue for working out the issues involved. The Members also suggested that SEARCH may want to recommend to TSA that a third-party facilitator be asked to chair the meeting.

**“Background Checks” versus “Criminal History Checks”**

SEARCH Member Mr. Robert Armstrong (Colorado) raised concern about the use of the terminology “background checks” versus “criminal history checks.” He noted that background checks include financial and other checks, and criminal history checks do not.

It order to prevent any future issue in the misuse of the terminology, Members agreed that SEARCH should be very precise and clear in the language used. The Membership directed staff to develop a definition and distinction between the term “background check” and “criminal history” check and use those definitions as a part of SEARCH’s corporate message.

**PROTECT Act**

The Membership discussed issues pertaining to the *PROTECT Act*, and the role of the states in resolving deficiencies in records. SEARCH Member Mr. Wilbur Rehmann (Montana) discussed Montana’s involvement in the pilot project, stating that Montana volunteered for the pilot because the state wanted to ensure that the numbers reflecting the time it takes state repositories to respond to applicant checks are valid. Mr. Rehmann reported that the state will gather the prints and forward them to NCMEC with the rap sheet. NCMEC will then make the fitness determination and will send notification to the volunteer organizations.

SEARCH Member Lt. Thomas Turner (Virginia) stated that Virginia is also participating in the pilot project. He stated that, unlike Montana, the state will make the fitness
determinations. He also noted that Virginia has reduced the cost for volunteer checks to encourage the submission of fingerprints.

Executive Director Cooper noted that SEARCH has advocated sending the criminal history record information back to the qualified entity for fitness determinations. Mr. Cooper questioned if the qualified entity would make the same determination that the channeling agency would make. Mr. Cooper stated that this data is necessary in order to determine the validity of using a channeling agency.

SEARCH Alternate Member Ms. Jean Itzin (Florida) stated that an entity requesting the background check would know firsthand what kind of interaction an individual will have and is in the best position to make a fitness determination. She expressed concern that the pilot program does not evaluate the issues regarding the impact on volunteerism, missed hits on records that are contained at the state versus the federal level, and exception handling and appeals.

**Future NIBRS Earmarks**

The Membership Group discussed the status of future NIBRS earmarks and agreed that the forecast is very negative for NIBRS. It was noted that Arkansas, Oklahoma, Wisconsin, and Missouri are continuing efforts to move forward with NIBRS implementation although there may not be adequate funds to do so.

SEARCH Member Maj. Garry Holmberg (New Jersey) reported that his state is taking the position that UCR and NIBRS is probably not a good fit and is taking a different direction. The state has begun to focus on records management systems (RMS) based on XML and common data exchange.

SEARCH Member Col. Kenneth Bouche (Illinois) stated that the “concept” of NIBRS is still sound but that focus must be on integrated justice systems. By using these systems, the federal government will still be able to study crime trends. Mr. Bouche stated that SEARCH’s real focus should be to stop trying to fit “a square peg in the new round technology hole,” but to look at the concept of NIBRS in today’s technology and to determine what activities are still appropriate. Members agreed that the NIBRS concept still applies, but it has experienced resistance and needs to be packaged in a different way. It was noted that NIBRS has been defined in many ways, but it is nothing more than a standard for crime reporting analysis that takes a subset of data out of an incident-based system.

**State Criminal History Audits**

SEARCH Member Mr. Richard Thomas (Arkansas) asked for input from those Members whose state has recently conducted a full audit of their criminal history records. Col. Bouche reported that Illinois is legislatively mandated to conduct an audit every five years. The audit is conducted by the Illinois Criminal Justice Information Authority, which is an independent agency from the central repository.
SEARCH Alternate Member Mr. Paul Beckley (Washington) stated that his state just completed its third audit, which was conducted by Washington State University.

The Membership Group adjourned at 12:00 noon and reconvened at 3:45 p.m.

**NATIONAL INITIATIVES ON INFORMATION SHARING PANEL**

Mr. J. Patrick McCreary, Senior Policy Advisor, Bureau of Justice Assistance (BJA), U.S. DOJ, moderated a panel on national justice information-sharing initiatives. Panelists included Mr. Gerald E. Wethington, CIO, Missouri Office of Information Technology; Mr. Phillip J. Renninger, Director, Office of Criminal Justice System Improvements, Bureau of Information and Analytical Services, Pennsylvania Commission on Crime and Delinquency; Mr. Matt Trail, Associate Executive Director, National Association of State Chief Information Officers (NASCIO); and Mr. Anthony Lowe, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency (FEMA).

Chair Wethington, Vice Chair of the Global Justice Information Sharing Initiative, reported on current Global activities. Mr. Wethington stated that Global has created an Intelligence Working Group whose work is focused on determining the information needs in the area of intelligence. Global continues to see extensive activity in the Privacy Working Group. Mr. Wethington encouraged SEARCH to remain involved in Global’s work dealing with privacy so that SEARCH can support the recommendations that come out of the Working Group. Mr. Wethington stated that the Security Committee has developed a guide and best practices document to define a number of issues that drive the security field within the Global environment in the area of cybersecurity.

Mr. Wethington reported that Global’s Infrastructure/Standards Working Group continues to do a tremendous amount of work in the area of XML and has released a Justice XML Data Dictionary. Mr. Wethington noted that a CD containing the Dictionary was distributed to the Membership. He stated that non-justice, recreational, and environmental protection agencies have begun to adopt the standards as well.

Mr. Wethington reported that a Global Executive Steering Committee meeting is scheduled for August 2004 and a full Global meeting will be held in October 2004. He stated that another set of products will be released at that meeting.

Mr. Renninger discussed activities related to the Mid-Atlantic Justice Information Consortium (MAJIC), a regional approach for discussing information sharing initiatives. Initially, Pennsylvania’s Justice Network (J-NET) office volunteered to take the lead in this initiative. A symposium was held in October 2002, and the mid-Atlantic states discussed common areas of concern and issues regarding information sharing. SEARCH and the National Governors Association were involved in the facilitation, planning, and development of the agenda. Mr. Renninger identified participants who attended the symposium. Participants were asked to give a presentation on what their state was doing in terms of integration, information, and data sharing efforts. The states soon concluded that driver’s license, warrant, professional licensing, and crime-mapping information could be shared by all states.
MAJIC met again in December 2002, and began building a business case and discussed funding issues. MAJIC established subcommittees and decided to move forward on pilot projects involving Pennsylvania and New Jersey. New Jersey provided an electronic listing of state parolees and, in return, Pennsylvania provided arrest information of those parolees that occurred in the state. Pennsylvania also provided Ohio law enforcement agencies with access to J-NET so that Ohio could review drivers’ license records and photos.

MAJIC met in May 2003 and focused on a governance structure for the consortium. A steering committee was established to guide and oversee the project. MAJIC confirmed that the subcommittee structure was very important and appointed a project manager to oversee the day-to-day activities. Ohio volunteered to conduct a survey of the participating states to identify what kind of information each state collected, what information was available electronically, and what information could be disseminated. The end result of the survey was to produce a matrix to identify what kind of information MAJIC had and what information could be shared.

MAJIC met recently in June 2003 and is continuing to select the steering committee members. Ohio is continuing to work on developing the matrix of information contained in the survey.

Mr. Trail discussed information sharing initiatives that NASCIO is involved in. Mr. Trail stated that NASCIO’s vision is to be the primary organizational resource for state CIOs and their efforts. Its mission is to shape national information technology policy through collaborative partnerships, information sharing, and knowledge transfer across jurisdictional and functional boundaries. NASCIO has a number of committees focused on cybersecurity, enterprise architecture, homeland security, and privacy. A network management committee will be developed in the near future.

Mr. Trail identified a number of federal and state partners that NASCIO continues to work with. He stated that NASCIO has a very active enterprise architecture program and discussed the most current deliverables of the program, including: 1) an enterprise architecture maturity model; 2) the Concept for Operations for Integrated Justice Information Sharing; and 3) enterprise architecture outreach videos.

Future deliverables of the architecture program will be to expand the tool-kit content, conduct readiness assessments, develop marketing and awareness, develop an on-line clearinghouse with best practices, update the NASCIO Justice Report, Toward National Sharing of Governmental Information, and explore further opportunities for linking ConOps to the Justice Information Exchange Model (JIEM) and Justice XML registry.

Mr. Lowe discussed activities within FEMA. Mr. Lowe noted that huge coordination challenges are occurring at the Department of Homeland Security, and the Department is beginning to witness the merger of emergency managers in the states and law enforcement arena to create a first-responder community.
Mr. Lowe stated that the Mitigation Division is working on the development of flood maps for the National Flood Insurance Program. The states are figuring out how to develop a business plan for the production of maps and how to disseminate the data that is going to be produced for security, law enforcement, or taxing purposes. Mr. Lowe stated that the Division is developing the Geographic Information System distribution channel that will be translated to federal, state, and local communities.

The Membership Group noted that privacy and security are critical elements in an enterprise architecture, and that the justice field has not figured out a way to utilize the very best information infrastructure in the world for issues related to public safety and homeland security, yet still protect privacy. The Membership agreed that there is a resurgence in the area of privacy. SEARCH has played an integral part in developing rules and policies relative to privacy issues in the past and needs to identify the role that the organization should have in the issues related to privacy today.

**BOARD OF DIRECTORS ELECTION**

**Directors (At-Large Appointees)**

Chair Wethington turned to the Board of Directors election for At-Large Members. He stated that Prof. Kent Markus and Mr. Robert Wessels currently have a one-year term remaining and all At-Large appointees are automatically nominated for election to fill the remaining two Director positions. Brief biographical sketches were given on each At-Large appointee. Ballots were completed and tallied. Elected as At-Large appointees to the Board for two-year terms were Dr. Hugh M. Collins and Dr. Charles M. Friel.

**Directors (State-appointed Members)**

Chair Wethington opened the nominations for the four Board of Directors positions to be chosen from State-appointed Members. He stated that Mr. Theron Schnure (Connecticut) has served two consecutive two-year terms and is ineligible to run for an additional term. He also noted that Mr. Francis X. Aumand III (Vermont), Col. Kenneth A. Bouche (Illinois), Mr. Charles Sexson (Kansas), Lt. Thomas W. Turner (Virginia), and Ms. Donna Uzzell (Florida) have terms of office remaining. Chair Wethington noted that the four individuals receiving the highest number of votes would become Board members and that the remaining candidates would become alternates in the order of votes received. Nominated to the Board were: Capt. Jimmie Durnil (Indiana), Mr. Daniel Foro (New York), Mr. Paul C. Heppner (Georgia), Maj. Mark W. Huguley (South Carolina), Mr. Barry LaCroix (Massachusetts), Ms. Liane Moriyama (Hawaii), Mr. Wilbur Rehmann (Montana), Ms. Diane Sherman (Michigan), Ms. Alecia Webb-Edgington (Kentucky), and Mr. James Wilson (Wyoming).
It was moved, seconded, and unanimously carried,

“That nominations for the State-appointed members to the Board of Directors be, and they are hereby closed.”

Each candidate presented a brief biographical sketch. Ballots were completed and tallied. State-appointed members elected to the Board of Directors were: Mr. Paul C. Heppner (re-elected), Maj. Mark W. Huguley (re-elected), Mr. Barry LaCroix, and Mr. Wilbur Rehmann. Elected as alternates (in order of ascension) were: Ms. Diane Sherman, Ms. Liane Moriyama, Ms. Alecia Webb Edgington, Capt. Jimmie Durnil, Mr. Daniel Foro, and Mr. James Wilson.

The meeting adjourned for the day at 5:30 p.m.

**Sunday, July 27, 2003**

Chair Wethington reconvened the meeting at 8:30 a.m. on Sunday, July 27, 2003.

**SEARCH MENTORING PROGRAM**

Member Emeritus Prof. George Trubow asked the Membership to provide comments relative to the mentoring program that was recently put in place for new Members. Mentors expressed the need for earlier notification of their mentoring assignments in order to allow adequate time to prepare and contact the new Member they are mentoring.

A majority of the Members agreed that the mentoring program is worthwhile, although a suggestion was made that the program be strictly voluntary and optional for new Members to participate in. Members agreed that the program needs to be more structured and assignments must be made in advance to provide ample time for Mentors to contact respective new Members. The Membership suggested that an outline of Mentors’ responsibilities and pertinent topics and activities be provided in a “Fact Sheet” that can be made available to new Members by their Mentors or over the Members-only Web site. Topics should include: 1) the structure of the organization; 2) a description of the Program Advisory Committees; 3) an outline of SEARCH priorities; and 4) a description of significant relationships that SEARCH has with other governmental entities.

**NATIONAL LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM**

Mr. Gerry Coleman, 2nd Vice President of the National Law Enforcement Telecommunications System (NLETS), discussed current NLETS activities. On behalf of NLETS, Mr. Coleman thanked Executive Director Cooper for his years of service to the justice community.

Mr. Coleman noted that NLETS continues to upgrade its network to include new routers with built-in encryption to ensure security. NLETS activities include: 1) working with the Government Services Agency to hold registrations on federally registered vehicles; 2) defining a way to use NLETS to pass Amber Alert requests from one state to another; 3) developing a new administrative message targeted to law enforcement; and 4) creating a
homeland security message used by the FBI to send out homeland security advisories and information messages to law enforcement.

NLETS has formed a relationship with Datamaxx and other vendors to provide wireless, handheld equipment that would be sold to police departments in the various states that choose to participate. Police officers will be able to contact a central server to put messages on NLETS that will go back to the message switch within a state.

Mr. Coleman stated that the National Weather Service will be making a connection to NLETS to provide a feed for its teletype weather messages. NLETS will be connecting with the FBI’s Law Enforcement Online and the Regional Information Sharing Systems and is looking at the possibility of being able to host various databases, such as the vehicle impound file, at its central site to provide more information to NLETS users. NLETS continues to be actively involved in working on a standardized rap sheet and is currently working with AAMVA on a standardized drivers license and vehicle registration record. Mr. Coleman reported that Maine and Wisconsin are now using the new standardized rap sheet format within the states. These two states are close to having the ability to transfer these rap sheets to NLETS and to testing the ability of sending the new rap sheet across NLETS from state to state. Mr. Coleman referenced NLETS User and Technical Guide, which includes specifications on upgrading message switches.

Mr. Coleman stated that NLETS vision is to provide a network and system that will support and encourage a totally standardized integrated nationwide justice system, acting primarily as a network provider, and, to the degree required, a data warehouse. NLETS will endeavor to serve every portion of the justice community. NLETS will be looking at expanding its membership to include law enforcement and related public safety agencies that can use or take advantage of the services of a nationwide network.

PROGRAM ADVISORY COMMITTEE REPORTS

Law and Policy

Mr. Francis X. Aumand III, Chair of the Law and Policy PAC, reported on the activities that took place at the PAC meeting held on July 26, 2003. He stated that Ms. Carol Kaplan, Chief, Criminal History Improvement Programs for BJS, updated the PAC on activities of BJS. Ms. Kaplan stated that 2003 NCHIP grant funds were being awarded on schedule. She advised that the 2004 guidelines will be released and the focus of these funds will be to look for and to articulate bottlenecks within criminal history record systems and to direct those funds to help in solving those areas.

SEARCH General Counsel Mr. Robert Belair reported on the activities of the National Task Force on the Role of the Private Sector in the Use and Management of Justice Information. Mr. Belair credited the task force—which has met three times, most recently in April 2003—for being able to reach remarkable levels of consensus despite the sometimes-conflicting views of its members. He said the task force report was nearing completion. Mr. Belair said the report should serve as the predominant reference work on this issue for some time.
SEARCH Justice Information Services Specialist Mr. Owen Greenspan reported on the Workshop on the Court-Criminal History Repository Partnership Amid Heightened Homeland Security Concerns, which SEARCH held in San Francisco, California, in May 2003. Mr. Greenspan said 48 states and Puerto Rico were represented among the event’s 150 participants. He said the workshop examined the evolving relationship between courts and criminal history repositories in light of the development of new information delivery technologies.

Mr. Greenspan moderated a discussion on the devastating financial problems in many states and their impact on criminal history repository operations. Layoffs, early-retirement options, hiring freezes, and fee hikes are some of the actions states have taken in response to budget problems, PAC members said, adding that automation has lessened some of the impact of staff reductions. Others said that fees from civil applicant checks are being used to replace financing lost to the budget cuts, although fears were expressed that the potential contracting of these checks to privately run clearinghouses could deprive repositories of this critical funding source. Mr. Aumand stated that the PAC directed SEARCH staff to prepare a best practices guide covering various strategies states have adopted to survive tough economic times, and to present it to members at the next PAC meeting.

Mr. Aumand reported that the PAC discussed concerns about certain job-related criminal history checks in which applicants are given blank fingerprint cards, are instructed to take the cards to local police departments or private centers for fingerprinting, and then are required to return the cards to the hiring entities, which then mail them to criminal history repositories. This process allows unqualified individuals to circumvent criminal history checks by substituting someone else’s prints for his or her own or by using a stand-in when the prints are taken. The integrity of criminal history checks is threatened. PAC members discussed the prevalence of state statutes that permit this process, and reported on instances during which concerns were raised about the potential for abuse. Mr. Aumand reported that the PAC directed SEARCH staff to investigate the extent to which this practice occurs and to report back to the PAC at its next meeting. Staff was also instructed to provide a list of best practices and solutions to prevent abuse of this process for the PAC’s consideration.

The PAC also considered whether the Membership Group was adequately prepared to respond and to give staff direction when controversial issues arise, such as the pending criminal history checks for hazardous materials endorsements for commercial driver licensees. In the ensuing discussions, PAC Members agreed that, in light of the growing number of criminal history checks for homeland security and other concerns, instances requiring a quick and effective SEARCH response are sure to grow. PAC Members added that these situations provide enormous opportunities for SEARCH to assert itself and provide assistance if it can respond in a productive and timely manner. The PAC felt that, at this time, the current organizational structure of SEARCH was adequate to respond to these emerging issues.

Research and Statistics
Mr. Theron A. Schnure, Chair of the Research and Statistics PAC, reported on the activities of the PAC meeting that was held on July 26, 2003.

Mr. William Lueckenhoff, Chief, Information Sharing Team, CJIS Division, FBI, expanded upon his presentation that he provided to the Membership Group on July 25, 2003, relating to the FBI’s Information Sharing Initiative. Mr. Lueckenhoff has been involved in two different committees—the Global Advisory Committee and the FBI CJIS Advisory Policy Board. The focus of his involvement with these committees is to determine what they should do to avoid duplication of efforts in the area of information sharing for law enforcement agencies. Mr. Lueckenhoff assured Members that the FBI is participating with as many forums as they can (i.e., NGA, IACP, Global) in this effort.

Mr. Lueckenhoff presented an overview of the FBI’s pilot process for information sharing, which is using West Virginia as one of its initial prototypes. The study will look at business practices and also the data content and the ability to share that data. Other states that will begin to participate include Colorado, Missouri, and Vermont.

Mr. Lueckenhoff discussed his four-step proposal: Step 1 incorporates UCR data input and correlation; Step 2 provides correlation to other criminal history record repositories, such as the NCIC files, III, Joint Arrest Booking System (JABS), and NICS; Step 3 provides correlation with criminal justice intelligence systems; and Step 4 provides for correlation with the National Security Intelligence Data System.

SEARCH Member Mr. Phillip J. Renninger (Pennsylvania) provided the PAC with a report on the Georgia State University (GSU) Project, “Improving Crime Data.” The project’s purpose is to identify and create statistical indicators of criminal activity and to develop an improved record management system. The project will be conducted over a period of three years and is funded for $6 million by the National Institute of Justice. The multi-agency partnership includes selected urban public research institutions in the Great Cities’ Universities (GCU) coalition along with the University of Missouri at St. Louis and GCU. The approach involves the development of a model for data collection analysis and standards, with a focus on urban areas. Atlanta, Georgia, and St. Louis, Missouri, are the pilot sites.

The project has research components that address the current state of crime data reporting, i.e. UCR and NIBRS. The GCU will collaborate to develop and deploy dissemination models and technologies that can be applied directly to crime issues in the urban areas, as well as offer technical assistance to effectively use them. The intended result is to enhance the capacity of urban communities to better understand crime and improve criminal justice and anti-crime efforts.

Mr. Renninger stated that an objective of the project is to develop an accounting system for law enforcement agencies, which will enable them to avoid purchasing costly systems from vendors. It is an agency-enhancement project for developing and implementing a data analysis platform that will enable agencies to better understand how to use data. Mr. Renninger noted that Project Director, Mr. Robbie Friedmann, GSU, stressed the fact that the project will not have a negative impact on the efforts to implement NIBRS, but will actually assist agencies in implementing and using NIBRS on a national level.
Mr. Renninger pointed out that the project will focus on data sharing, and that there is a need to develop better crime indicators for areas such as white-collar crime, identity theft, etc. By focusing on 20 major cities, they will collect, analyze, and publicize UCR data (like reporting homicide counts) by city. He noted that it will be UCR—not NIBRS—data. Members agreed that it would be beneficial for SEARCH to remain involved with the project.

Mr. Schnure stated that the PAC discussed the issue of NIBRS and how to define it. The justice community has always looked at NIBRS as a statistical abstract of data that exists on an incident report. It was pointed out that many people view NIBRS as being the incident report, but in reality it is not.

Members discussed the issue of a “makeover” of NIBRS that would involve changing its name. It was agreed that the name NIBRS was misused and misunderstood. At Large Member Dr. Charles Friel commented that several people can say “NIBRS” and mean entirely different things. Chair Schnure noted that traditional databases are much more adept and perhaps SEARCH is in a position to propose a new opportunity for a national incident-based reporting (IBR) system from which operational, managerial, and statistical data could be extracted and shared.

SEARCH Chief of Staff Mr. Ronald P. Hawley presented the PAC with a diagram of his interpretation of IBR systems, noting that law enforcement agencies are currently capturing all the data, but the focus should be on why the agencies are extracting certain pieces and for what purpose.

The PAC members concluded that there is a need to develop an IBR system for which an agency can develop statistical extracts, and that can standardize the data input, whether it is summary-based or for a full range of data elements. The PAC suggested that agencies build upon the existing approach and focus on IBR. The PAC members agreed that it may not be in the best interest to change the name of NIBRS—it is still national incident-based reporting, and not necessarily summary-based UCR. While IBR is assembled at a national, state, and regional level, it becomes an incident-based system used for a variety of purposes.

Chair Wethington asked SEARCH’s Global representative, Col. Kenneth Bouche, to relay SEARCH’s position on consistent, quality records management practices to Global’s Infrastructure/Standards Working Group.

**Systems and Technology**

Col. Kenneth Bouche, Chair of the Systems and Technology PAC, reported on the activities of the PAC meeting that was held on July 26, 2003.

Mr. Matt Trail, Associate Executive Director of NASCIO, reviewed the organization’s project to validate the concept of operations for integrated justice. The validation was conducted in two states: Illinois and Maryland. Mr. Trail indicated that the ConOps was an important element of architecture for integrated justice. The conclusion of the
validation project was that the document should be published without significant changes. A number of recommendations are included to expand future versions of the document, as well as to conduct additional research into future related topics.

Mr. Trail indicated that next steps for the project include distribution of the publication, obtaining endorsements from national organizations, continued partnering with SEARCH, further enhancements to the ConOps, implementation workshops, and expansion into other business disciplines.

Chair Bouche described the benefits of participation in the validation project for Illinois, which included helping to build the integration team and getting buy-in from other justice organizations around the state that did not participate directly in building the integrated justice scenario. After some discussion it was determined that the Systems and Technology PAC would consider endorsement of the ConOps document at the next meeting.

The PAC received an update from SEARCH Deputy Executive Director Kelly Harris on SEARCH activities, and offered some highlights identified in Tab 3 of the meeting packet. Ms. Harris also reviewed the structure and layout of the SEARCH Symposium, which will be held March 22-24, 2004, at the Hyatt Regency Crystal City, in Washington, D.C. The Symposium will include three days of plenary sessions, with breakout into several tracks. She mentioned two full-day workshops to precede and follow the Symposium, the first on strategic planning for integrated justice, and the second on justice XML. PAC members expressed interest in having a series of sessions on selected topics, reflecting an increasingly advanced coverage. This will ensure that the needs of beginner and advanced participants will be met. Ms. Harris indicated that staff will work out the details of how to ensure that this is done. Ms. Harris asked for feedback about the tie-in to homeland security, and if the case studies used in previous programs should be continued. She also indicated that the Justice XML Data Dictionary (JXDD) and JIEM will be part of the program. There was a discussion of using the SEARCH Justice IT Brief, “Measuring Progress: A Summary of Key Milestones in Support of Justice Integration,” as an outline for the Symposium program. Col. Bouche noted that the PAC will continue to work on building a solid agenda for the Symposium and hopes to forward that to the full Membership for review and comments.

The PAC ran out of time to discuss the major themes of the PAC. Col. Bouche stated that the Systems and Technology PAC will continue to focus on the major themes of integrated justice, tying in homeland security, and will also continue to look at the tools that SEARCH can continue to develop to help practitioners better do their job.
ADJOURNMENT

There being no further business, the meeting adjourned at 10:30 a.m.

Gerald E. Wethington
Chair

Sheila J. Barton
Secretary/Treasurer