

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

April 30, 2014

California Highway Patrol Headquarters, Sacramento

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

Members: Marc Shaw (California Peace Officers' Association)  
Scott Marshall (California State Sheriffs' Association)  
Cynthia Renaud (California Police Chiefs Association)  
Evert Palmer (League of California Cities)  
Cuong Nguyen (Department of Justice)  
Scott Silsbee (California Highway Patrol)  
Larry Spikes (California State Association of Counties)

**Absent:** Steve Westerman (Department of Motor Vehicles)  
Karen Wong (California Technology Agency)

**CALL TO ORDER**

Chair Spiegel called the meeting to order at 1:03 p.m.

**ROLL CALL**

Bureau of Criminal Information and Analysis (BCIA) Chief Julie Basco called roll; a quorum was present.

**APPROVAL OF MINUTES**

A motion was made to approve the minutes from the meeting of November 21, 2013.

Motion: Cynthia Renaud  
Second: Scott Marshall  
Discussion: None  
Vote: Approved unanimously

**EXECUTIVE SECRETARY'S REPORT (BCIA Chief Basco)**

a. Action Item

1. Chief Renaud to contact the Vacaville Police Department chief regarding password compliance requirements. *Result: Chief Renaud spoke with the Vacaville Police Department and the agency is now compliant.*

b. CLETS System Misuse Statistics

Possible cases of CLETS misuse processed by the Department of Justice (DOJ) from November 2013 through March 2014:

|  |     |
|--|-----|
| • Journal search requests                            | 74  |
| • Total searches conducted                           | 200 |
| • Searches for possible misuse within own agency     | 37  |
| • Searches for possible misuse within another agency | 32  |
| • Searches for other purposes                        | 131 |

c. CLETS Traffic Statistics (January through March 2014)

|                   | <u>Inbound</u> | <u>Outbound</u> |
|-------------------|----------------|-----------------|
| • Total messages  | 245,272,234    | 246,139,677     |
| • Monthly average | 81,757,411     | 82,046,559      |
| • Daily average   | 2,725,247      | 2,734,885       |
| • Peak day        | 3,278,850      | 3,292,320       |
| • Peak hour       | 219,206        | 220,263         |

## LEGISLATIVE REPORT

a. **Office of Legislative Affairs**

Director Thomas Lawson spoke briefly about current CLETS related legislation and gave a detailed biography. He noted the DOJ's history of being experts in the areas of bill concepts revolving around background checks, firearms, gambling and other law enforcement issues. There are approximately 10 bills sponsored by the Attorney General (AG) currently before the legislature, but none has an impact on CLETS; instead, they are part of AG Kamala D. Harris' broader agenda, focusing on absenteeism or truancy.

b. **CA Justice Information Services Division (CJIS)**

CJIS Operations Support Program manager Sylvia Siu provided an update of three current CLETS related bills.

1. Senate Bill (SB) 1461 – SB 1461 was introduced as a public safety omnibus bill with recommendations from the DOJ regarding the CAC member designees. The context changes the language in Government Code section 15155, which delineates CAC member designees, from the Department of General Services to the Office of Emergency Services, a necessity resulting from the Executive branch reorganization that went into effect July 1, 2013.
2. Assembly Bill (AB) 1960 – AB 1960 would require the director or clinician of a state hospital to obtain state criminal offender record information (CORI) for any patient committed to the Department of State Hospitals (DSH). The bill also would stipulate how the CORI would be used, how and when it shall be destroyed

and would also allow CORI to be obtained through CLETS from the DSH's law enforcement personnel and other law enforcement personnel. Law enforcement would be mandated to cooperate with requests resulting from this bill and would be required to provide CORI in a timely manner.

3. AB 1511 – As written, AB 1511 would authorize the DOJ and local agencies, upon showing a compelling need, to provide state and local CORI to an animal control officer as defined in the bill. The DOJ has been in discussions with the bill's author and the intent is to authorize the animal control officers to receive CORI via CLETS from a law enforcement agency. The DOJ has supplied some possible amendments to the bill, though the language has yet to be introduced.

BCIA Chief Basco indicated that in the cases of AB 1960 and AB 1511, both of the agencies' authors and sponsors reached out to the DOJ in an attempt to accomplish the CLETS access appropriately and expeditiously. In both cases, access was modeled similarly to that of social workers operating in emergency relative child placement situations, which has been in statute since about 1998. As such, CLETS access is not provided to a non-law enforcement agency, but rather allows a public safety partner to contact law enforcement to determine the necessary information and CORI.

#### **STANDING STRATEGIC PLANNING SUBCOMMITTEE (SSPS) (BCIA Chief Basco)**

The SSPS met before the CAC meeting to review the 2009 CLETS Strategic Plan goals. Eight goals were identified originally and three goals were added at the November SSPS meeting. Between those meetings, subcommittee members were asked whether the original goals would be beneficial in a revised CLETS Strategic Plan. The subcommittee expects to bring its revised goals to the next CAC meeting. At the SSPS meeting, in discussion surrounding state criminal record repository completeness, the subcommittee made a motion, asking the CAC to advise the California District Attorneys Association (CDAA) about the importance of reporting its dispositions. Though voluntary, such reporting is necessary and highly beneficial toward state criminal record repository completeness. Chair Spiegel said such communication would be made with the CDAA.

#### **CALIFORNIA PAWN AND SECONDHAND DEALER SYSTEM (CAPSS) (Arwen Flint)**

Changes in the statewide, tangible property system were mandated by AG sponsored AB 391 in 2012, requiring pawnbrokers and secondhand dealers to electronically report information to law enforcement agencies. A CAPSS project vendor was chosen in late 2013 and the first beta version of the system was released in January 2014. Working groups, composed of law enforcement, pawn dealers and secondhand dealers, are providing feedback on the JUS 123 web-enabled form as the system is being developed. Simultaneously, a limited search capability, known as Beta 1.0, was developed and tested. The Beta 1.1 release is scheduled for May 2014. Refinements from the Beta 1.0 version and other functionality will be included, comprising bulk uploading information into the system from business partners and additional search capability.

The production system should be released this summer. In subsequent releases, analytics would be added for law enforcement agencies. Chair Spiegel informed the CAC of an upcoming stakeholders meeting to discuss the preference of pawnbrokers entering items in a free-flowing text format, while law enforcement insists it needs to be consistent with the Automated Property System format.

#### **JUSTICEMOBILE UPDATE (Chris Chambers, Tim Whitfield, Howard Ballin)**

JusticeMobile's goal is to combine several technologies and provide compensating controls and delivery mechanisms for applications including CLETS. The DOJ is embracing the revolution of smart phones, tablets and mobile devices, with tablet sales this year more than tripling any type of computer product. The JusticeMobile solution is a mobile portal that provides many applications. Making this possible is Justice Mobile Device Management (MDM), the DOJ's \$24-a-year per device platform that provides many of the Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) Security Policy required compensating controls.

JusticeMobile was developed in-house for the DOJ's Bureau of Firearms, which requested the ability to have immediate, in-field Armed and Prohibited Persons System searches via a mobile device. During the first weekend of deployment, several devices were deployed to 10 Bureau of Firearms' agents working in two teams at gun shows looking for people who should not have possession of firearms or ammunition. Typically, agents would contact the DOJ's Command Center, which routinely responded in 10 to 20 minutes. Within the first two days, four felony arrests were made and consequently, the Bureau of Firearms Chief made the devices standard equipment for all sworn agency personnel.

DOJ's mobility services include the JusticeMobile platform, a multi-tiered solution, an application that is a mobilized version of a messaging switch client, a security solution (Justice MDM), Virtual Private Network services and two-factor authentication. Though the platform is open to all mobile phone users, each operating system user needs approval from the CAC. JusticeMobile and MDM improve tactical and officer safety and puts information in the field. Users can add additional security requirements above those mandated by the DOJ, but they cannot be minimized. JusticeMobile does not preclude agencies from using their own or web-enabled systems or other data warehouse access to their back-end systems. The platform was developed to leverage as many existing commitments or purchases already made.

Many agencies have had trouble purchasing smart phones or tablets, but DOJ has some devices available for testing. Chair Spiegel recommended that the \$24 cost be reexamined since increasing the cost would allow some funds to be returned to the project for additional research and development. *The JusticeMobile power point presentation is attached.*

## **UPGRADE APPLICATIONS APPROVED BY THE DOJ**

The following 26 applications were not voted on and were presented as information only because they were previously approved by the DOJ:

- a. Arcata Police Department (Humboldt County)
- b. Barstow Police Department (San Bernardino County)
- c. CA Department of Consumer Affairs, Division of Investigations (statewide)
- d. CA Department of Health Care Services, Audits and Investigations Unit (Sacramento County)
- e. CA Department of Parks and Recreation, Law Enforcement and Emergency Services Division (Riverside and Sacramento Counties)
- f. Campbell Police Department (Santa Clara County)
- g. California State University San Jose Police Department (Santa Clara County)
- h. El Cajon Police Department (San Diego County)
- i. La Habra Police Department (Orange County)
- j. Marin County Sheriff's Department (Marin County)
- k. Mono County Sheriff's Department (Mono County)
- l. Mountain View Police Department (Santa Clara County)
- m. Ontario Police Department (San Bernardino County)
- n. Pismo Beach Police Department (San Luis Obispo County)
- o. Redwood City Police Department (San Mateo County)
- p. San Diego County Sheriff's Department (San Diego County)
- q. San Joaquin Delta Community College Police Department (San Joaquin County)
- r. Solano County Sheriff's Department (Solano County)
- s. Sonoma County Sheriff's Department (Sonoma County)
- t. Tracy Police Department (San Joaquin County)
- u. U.S. Department of State, Diplomatic Security (Los Angeles County)
- v. U.S. Department of Veterans Affairs Police, Long Beach (Los Angeles County)
- w. U.S. Drug Enforcement Agency (Sacramento County)
- x. U.S. Pretrial Services, Southern District of CA (San Diego County)
- y. Vallejo Police Department (Solano County)
- z. Yosemite National Park Service (Mariposa County)

## **NEW SERVICE APPLICATIONS CALENDAR (Chair Spiegel)**

- a. CN-01 – U.S. Army Corps of Engineers, Security and Law Enforcement Division, Los Angeles District – CLETS Administration Section (CAS) Analyst Teresa Mora reported the agency qualifies for CLETS based on California Penal Code Section 830.8 (a) and a Department of Defense (DOD) Executive Order (12968, Directive 5200.2 DOD 5200.2 R). The agency's primary function is to ensure all military, civilian and DOD contractor personnel are determined eligible to access classified information or be assigned sensitive duties. The agency is requesting access behind the Los Angeles County Sheriff Department's message switch. There is no connection to the DOD Network. The message switching computer (MSC) host and the DOJ recommended approval. A motion was made to approve the application.

Motion: Larry Spikes  
Second: Scott Silsbee  
Discussion: None  
Vote: Approved unanimously

- b. CN-02 – U.S. Marine Corps Police Department, Mountain Warfare Training Center, Mono County – CAS Analyst Wendy Welenofsky reported the agency qualifies for CLETS access based on California Penal Code Section 830.8 (a)(2), U.S. Marine Corps Order 5580.2B and DOD Executive Order 5200.8 (Security of DOJ Installations). The agency's primary function is to perform law enforcement and security duties within the boundaries of the U.S. Marine Corps facility in Mono County. The agency is requesting access to CLETS behind the DOJ's LEAWEB MSC via the Mono County Sheriff's Department LEAWEB router. The MSC host and the DOJ recommended approval. A motion was made to approve the application.

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

- c. CN-03 – U.S. Department of Interior, Bureau of Indian Affairs, Office of Justice Services) – This CLETS application was withdrawn from the agenda at the CAC meeting.

#### **UPGRADE APPLICATION (New Technology)**

- a. CU-01 – Shafter Police Department (Apple IOS devices) – CAS Analyst Teresa Mora noted the upgrade application was submitted via CLETS MSC host Kern County Sheriff's Department, with the recommendation to approve. This upgrade request includes the expansion of mobile access using the agency's existing computer aided dispatch (CAD) and includes the use of handheld devices outside the mobile unit. Since an iPad tablet is proposed and will use the Apple IOS operating system, this upgrade application must be approved by the CAC. The solution is compliant with the FBI CJIS Security Policy. The MSC host and DOJ recommended approval. Shafter Deputy Police Chief Brian Smith was present and thanked Ms. Mora for her assistance. A motion was made to approve the application.

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

## **CLIENT REPORTS (Chair Spiegel & CLETS Administration Section staff)**

The first five agencies are now compliant and will be removed from future agendas.

- a. Carlsbad Police Department
- b. Los Angeles County Sheriff's Department
- c. Modesto Police Department
- d. San Francisco County Sheriff's Department
- e. Vacaville Police Department
  
- f. Solano County Sheriff's Department  
CAS Analyst Teresa Mora reported that during a review of the client's 2013 application, the DOJ identified the agency was not compliant with security awareness training requirements. The client is reporting for the first time on this noncompliance issue and has provided an implementation plan with expectation of full compliance by June 30, 2014.
  
- g. South Bay Regional Public Communications Authority  
CAS Analyst Teresa Mora reported that during a review of the client's 2009 application, the DOJ identified the agency does not employ antivirus software or firewalls on its mobile computers. The client is currently undergoing a network infrastructure redesign to replace all existing systems and equipment to build a solid network foundation that will resolve noncompliance issues. An upgrade CLETS application has been received and is in the DOJ application review process. The client has projected compliance by December 31, 2014.
  
- h. California Administrative Office of the Courts  
CAS Analyst Michelle Mitchell reported that a 2013 CLETS mail audit revealed the agency was noncompliant with password requirements. The client is reporting for the first time on this noncompliance issue, but has made progress through upgrading security-related software for the computing environments and expects full compliance by June 30, 2014.
  
- i. Coronado Police Department  
CAS analyst Michelle D. Mitchell reported that in 2013, a discussion with the Coronado City's information technology representative determined the client was not compliant with the FBI's CJIS Security Policy on advanced authentication for its mobile data computers. The client has selected a solution vendor, purchased the products and remains on target for full compliance by June 30, 2014.
  
- j. Orange County Sheriff's Department  
CAS Analyst Michelle Mitchell reported that a DOJ review of a 2013 CLETS New Service Application determined the client was not compliant with password requirements for itself or its downstream agencies. The application included a letter from the Sheriff's Department notifying the DOJ of noncompliance with password policies based on an audit given to the client. At the last CAC meeting, the client reported it could not implement the solution by the original target date of December 13, 2013 and the agency was granted an extension to July 1, 2014. The client has completed implementing the

solution internally and announced the availability of software to external client agencies in January 2014. The client has provided demonstrations to the client agencies and sent written notification to police chiefs, informing them they must be in compliance with the new software by July 1, 2014. Clients not meeting that date will begin reporting individually to the Committee.

k. California Highway Patrol

CAS Analyst Wendy Welenofsky reported that a review of the client's 2011 application determined the client did not meet the personal firewall and auditing of successful/unsuccessful log-in attempts requirements. Additionally, a 2013 DOJ mail audit found the client was not compliant with password requirements. The auditing of successful/ unsuccessful log-in attempts has been resolved. CHP expects the firewall requirement to be met by August 1, 2014 and the password requirements to be met by June 1, 2014. Committee member Scott Silsbee said password modification has begun.

l. Humboldt County Sheriff's Department

CAS Analyst Wendy Welenofsky reported a 2012 DOJ mail audit revealed the agency was noncompliant with the FBI-CJIS password requirements. The issue will be resolved with the implementation of its new CAD system. Compliance was expected by March 31, 2014; however, the client, reporting on this issue for a second time, is requesting an extension to September 1, 2014. A motion was made to approve the extension.

|             |  |
|-------------|--|
| Motion:     | Larry Spikes   |
| Second:     | Scott Silsbee  |
| Discussion: | Chair Spiegel reminded staff that upgrade applications should not proceed without the host county being compliant. |
| Vote:       | Approved unanimously   |

## **MEMBERS' REPORTS**

- CJIS Director Cuong Nguyen stated that Los Angeles County Sheriff's Department data has been fully integrated into California SmartJustice, previously known as the Statewide Data Sharing Initiative. The DOJ is currently working with San Bernardino and Stanislaus counties regarding incorporating their data and expects full integration in May. The DOJ is awaiting a feasibility study with the CURES 2.0 project and also is looking at establishing the infrastructure necessary to provide digital forensic services to law enforcement.
- Committee member Larry Spikes indicated counties are continuing to struggle with the impacts of realignment and jail overcrowding. As one of nine members of the California State Association of Counties Finance Corporation, he and colleagues are attempting to find a more permanent county allocation and are participating on the SB 1022 committee for allocation of jail funds, focusing on beds for mental health services and other services in an effort to reduce recidivism.



- Committee member Scott Silsbee stated he is transitioning to a different CHP division and consequently, this is his last CAC meeting.
- Chair Spiegel informed the Committee of three pending legislative bills:
  - a. AB 1717 does not involve the AG's office, but does concern public safety and the 9-1-1 State Emergency Telephone Number Account funds and local utility user taxes. AB 1717 would enact the Prepaid Mobile Telephony Service (MTS) Surcharge Collection Act and establish a prepaid MTS surcharge, as defined, based upon a percentage of the sales price of each retail transaction that occurs in this state for prepaid mobile telephony services. Cities and counties have been requested to become engaged and every non-labor law enforcement agency has formally opposed the bill as written, the California State Sheriffs' Association may be following suit shortly.

MTS carriers would like to see the model changed because it would reduce the oversight the California Public Utility Commission (CPUC) and the State 9-1-1 would have over the carriers. The bill requires that prepaid cellular phones and phone cards be handled at the retail level, with merchants collecting the fees thus limiting the oversight capabilities of the CPUC and the State 9-1-1 office. Currently there are 452 carriers in the state, most of which are third-party and do resale. Consequently, if AB 1717 chapters, the State 9-1-1 office would deal with tens of thousands of retailers. Law enforcement is working with the author and governor's office to revise language in order to address public safety concerns.

- b. SB 962 would permit the deleting of data in cellular phones. Cellular phone and tablet robberies have increased exponentially, as evidenced by 70 percent of Oakland's reported robberies involving such devices. The bill would force manufacturers to create the ability to disable a device so that it cannot operate unless the rightful owner relinquished it. After initial resistance, public complaints resulted in manufacturers agreeing to install kill switches.
- c. SB 1211 would require the Office of Emergency Services to develop a plan and timeline of target dates for testing, implementing and operating a Next Generation 911 emergency communication system, including text to 911 services throughout California. Cellular carriers recently announced texts to 911 will be available by the end of May 2014. Five state agencies are piloting 911 systems, but currently there are no applications capable of receiving texts to 911, partially because Next Generation 911 has not been clearly defined in California and there is no funding to purchase equipment. SB 1211 seeks a funding plan in the next legislative session.

## **CAC DISCUSSION/OPEN FORUM/PUBLIC COMMENT**

BCIA Chief Basco noted the DOJ is in the midst of its triennial audit cycle with the FBI.

**NEXT CAC MEETING/ADJOURN**

The next meeting is tentatively scheduled for August 2014. A motion was made to adjourn the meeting at 2:20 p.m.

|             |                      |
|-------------|----------------------|
| Motion:     | Scott Marshall       |
| Second:     | Evert Palmer         |
| Discussion: | None                 |
| Vote:       | Approved unanimously |

**ACTION ITEM**

1. Communication will be made with the CDAA regarding the benefit of reporting dispositions.